

**MORAL
AND SOCIO-LEGAL DIMENSIONS
OF *SŪRAT AL-NŪR*
(CHAPTER 24 OF THE *QUR'ĀN*)**

by

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Dedicated to

Professor Syed Salman Nadvi

and

Professor Abul Fadl Mohsin Ebrahim

under whom I studied Islam for the past 17 years at
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INTRODUCTION

Sūrat al-Nūr, the 24th Chapter of the *Holy Qur'ān*, is included amongst the Madanī revelations.¹ It was revealed to the Prophet Muḥammad (s.a.w.s.) in the beginning of 6AH/628² by which time the first Islamic State with al-Madīnah as its capital had already been firmly established and the Divine Laws were being revealed and promulgated by the Prophet Muḥammad (s.a.w.s.).

Sūrat al-Nūr deals primarily with some specific socio-legal aspects of Islam which have a direct bearing on the life of an individual in particular and the Islamic community as a whole.

It is necessary to point out that in Islam, Divine Law and morality are inextricably bound and cannot be viewed as independent entities and both are in effect inviolable. Hence, it is imperative that the social, moral and legal code as prescribed by the *Holy Qur'ān* and *Sunnah* (practice) of the

¹. *The Holy Qur'ān* consists of 114 chapters of which 85 are Makkan revelations and the other 29 are Madanī revelations. The Makkan revelations are those chapters which were revealed while the Prophet Muḥammad (s.a.w.s.) was residing in Makkah and the Madanī revelations are those that were revealed to him after his *hijrah* (migration) from *Makkah al-Mukarramah* to *al-Madīnat al-Munawwarah*.

². Pirzada, Shams. *Dawatul Quran – Arabic Text, Translation and Commentary*. Eng. Trans. by Abdul Karim Shaikh. Bombay. Idara-Dawatul Quran. 2nd Edition. 1996, p. 1167.

Prophet Muḥammad (s.a.w.s.) be upheld and followed by Muslims at all times.

Some of the issues discussed in *Sūrat al-Nūr* pertain to sexual ethics and morality, mutual relations of the sexes and ethical rules in the context of this relationship, the sanctity of human privacy, condemnation of false testimony against chaste women, and the gravity of infringing upon human rights.

The major part of this chapter lays down the ethical, moral and social norms that are to be upheld in any given Islamic society. The subject matter of the *Sūrat al-Nūr* is as relevant to contemporary Muslim society as it was during the Prophetic era (610-623 C.E.).

Thus the objectives for the study of this particular Qur'anic chapter are to:

- a) identify the moral and socio-legal issues;
- b) analyse and discuss some of the major issues separately, and to
- c) explain the moral, social and legal implications of these issues .

However, it may be appropriate, at this juncture, to discuss the significance of the title of this Qur'anic chapter, namely, *al-Nūr* (*The Light*).

SIGNIFICANCE OF THE TITLE AL-NŪR

The title, *al-Nūr*, is derived from the following *āyah* (verse) no. 35:

“Allāh is the light of the Heavens and the Earth.”

Since this dissertation specifically deals with the socio-legal dimensions of *Sūrat al-Nūr*, it is essential to interpret the word *Nūr* in its relevant context.

Literally, the word *Nūr* means light, ray of light, light beam, brightness, gleam, glow, illumination, etc.³ However, the word *Nūr* as revealed in this particular chapter has a different connotation and is used in a metaphorical sense. *Al-Nūr* (*The Light*) is an attribute of *Allāh* (SWT)

³. Wehr, Hans. *A Dictionary of Modern Written Arabic*. Edited by J Milton Cowan. Wiesbaden. Otto Harrassowitz. 1961, p, 1009.

and it denotes the fact that *Allāh* (SWT) is the Ultimate Source of all light and illumination. In other words, *Allāh* (SWT) is the Ultimate Truth and Reality and He (SWT) is the One Who illuminates the minds and feelings of all those who willfully submit to His (SWT) Guidance.

The reality of *Allāh* (SWT) is inconceivable to the human mind and since *Allāh* (SWT) is the Absolute, even the application of figures of speech such as metaphors, personifications, or similes cannot define the Reality of *Allāh* (SWT). As such, even the parable of the “Light of *Allāh*” cannot be comprehended by the human mind as is evident from the following Qur’anic citations:

*“There is nothing like unto Him.”*⁴

*“And there is none like unto Him.”*⁵

The above citations are meant to impress upon humankind that *Allāh* (SWT) cannot be deified, nor can any form of human impersonation of the Divine explain the True Reality and Essence of *Allāh* (SWT). It is

⁴. *Holy Qur’ān*, 42:11.

⁵. *Holy Qur’ān*, 112:4.

thus evident that *Allāh* (SWT) is Unique and as such cannot be compared to human beings or to any of the natural phenomenon. This forms the cornerstone of the Islamic belief in *al-tawḥīd*, i.e., the Oneness of *Allāh* (SWT) which denounces *al-shirk*, i.e., ascribing or associating partners to *Allāh* (SWT). The *Holy Qur'ān* also strongly refutes the Christian concept of Trinity⁶, as well as the concept of anthropomorphism⁷ as perceived by the pagan Arabs and the Jews of Madīnah:

*“Invent not similitudes for Allāh: for Allāh knows, and you know not.”*⁸

“The Jews call ‘Uzair a son of God, and the Christians call Christ the Son of God. That is a saying from their mouth; (in this) they but imitate what the unbelievers of old used to say, God’s curse be upon them: How they are deluded away from the Truth.

⁶. Certain Christian denominations, especially the Catholics, believe in the existence of one God in three persons, i.e., God the Father, God the Son and God the Holy Spirit.

⁷. A deity or God with human features or characteristics.

⁸. *Holy Qur'ān*, 16:74.

They take their priests and their anchorites to be lords in derogation of God and (they take as their Lord) Christ the son of Mary; yet they were commanded to worship but One God: There is no god but He. Praise and glory to Him (far is He) from having the partners they associate (with Him).”⁹

Hence, the Creator ought not be confused with, diffused or infused into the creature; nor may the creature ever rise or be transfigured to become in any sense part of the Creator. Each is ontologically distinct, ultimately disparate from the other. God is eternal, absolutely One and never changes.¹⁰ The following Qur’anic citations reinforce this as follows:

“Yet they make The Jinns equals With Allāh, though Allāh did create the Jinns and they falsely, having no knowledge, attribute to Him sons and daughters. Praise and glory be to Him! (For He is) above what they attribute to Him!

⁹. *Holy Qur’ān*, 9:30-31.

¹⁰. Al-Farūqī, Ismā‘īl R. *Islam as Culture and Civilization: Islam and Contemporary Society*. London. Longman Group. 1982, p .148.

To Him is due the primal origin of the heavens and earth: How can He have a son when He has no consort? He created all things and He has full knowledge of all things. That is Allāh, your Lord! There is no god but He, The Creator of all things: Then worship you Him: And He has power to dispose of all affairs. No vision can grasp Him, but His grasp is over all vision: He is above all comprehension, yet is acquainted with all things."¹¹

The above citations clearly stipulate that there is a distinction between the Creator and His (SWT) creation. Creation came into existence and is subject to destruction, whereas the Creator is an Ever-Living Force. In other words, *Allāh* (SWT) has no origin, but is the Originator of all creation and hence, humankind should not confuse the distinction between the Creator and creation in view of the fact that all creation is sustained by *Allāh* (SWT) and is subservient to the Divine Will. The late Professor Ismā'īl Rājī al-Fārūqī elucidates this point as follows:¹²

¹¹. *Holy Qur'an*, 6:100-103.

¹². *Islam as Culture and Civilization*, op . cit., p. 148 .

Everything in the universe functions in accordance to the Will of *Allāh* (SWT). From the movement of protons and electrons in an atom to that of the galaxies, from the growth and development of amoeba to the physic processes of man – every event happens by His knowledge, His design, His efficiency, and does so in fulfillment of His purpose.

Moreover, the existence of creation should serve as proof for the existence of the Creator as is evident from the following Qur’anic citations:

*“He created the Heavens that Without any pillars that ye can see; He set on the earth mountains Standing firm, lest it should shake with you; and he scattered through it beasts of all kinds. We send down rain from the sky, and produce on the earth every kind of noble creature, in pairs. Such is the Creation of Allah: Now show me what is there that others besides Him have created: nay, but the transgressors are in manifest error.”*¹³

¹³. *Holy Qur’ān*, 31:10-11.

*“See you not that Allāh merges night into day and He merges day into night; that He has subjected the sun, and the moon (to His Law), each running its course for a term appointed; and that Allāh is acquainted with all that ye do? That is because Allāh is the only Reality, and because whatever else they invoke Besides Him is falsehood; and because Allāh, - He is the Most High, Most Great.”*¹⁴

From the above citations we gather that the cosmic sciences and natural phenomena are all the manifestations of the Supreme Being and they point to the Omnipotence of *Allāh* (SWT). Furthermore, the *Holy Qur’ān* enjoins upon humankind to undertake an exploration of nature and to meditate over the signs of *Allāh* (SWT) that are manifest in the universe so that they may most definitely come to realize that *Allāh* (SWT) is Omniscient and from this it is axiomatic that *Allāh* (SWT) is the Bestower of knowledge, understanding, moral and spiritual light. In order to substantiate this fact, the *Holy Qur’ān* categorically declares:

¹⁴. *Holy Qur’ān*, 31:29-31.

“On the earth Are Signs for those Of assured Faith, as also in your own selves: will ye not then see.”¹⁵

The word *al-Nūr* (*The Light*) appears at least 24 times in the entire text of the *Holy Qur’ān*. In what follows, an attempt is made to shed light on the *mufassirūn*’s (exegetists of the *Holy Qur’ān*) multi-dimensional definitions of the word *al-Nūr*. This will entail substantiating the views of some of the *mufassirūn vis-à-vis* their understanding of the meaning and import of the word *al-Nūr* in relation to the various contexts in which it has been used in the Qur’anic text by making reference to various passages of the *Holy Qur’ān* and *Ḥadīth* (sayings of the Prophet Muḥammad – s.a.w.s.) literature.

INTERPRETATION OF THE WORD AL-NŪR

It may be important to note here that the *Nūr* of *Allāh* (*The Light of Allāh*) as portrayed in the *Holy Qur’ān* does not aim at defining the Reality of *Allāh* in essence, but alludes to the illumination which *Allāh* (SWT) bestows upon His (SWT) chosen servants, e.g. the *anbiyā’* (a.s.)

¹⁵. *Holy Qur’ān*, 51:20-21.

i.e, the Prophets, including the final Prophet, namely, the Prophet Muḥammad (s.a.w.s.), through whose medium humankind came to receive the final Divine Guidance, i.e. the *Holy Qur'ān*.

Al-Ṭabarī, the renown *mufasssir*, explains that *Allāh* (SWT) is the Ultimate Source of all light and that *Allāh* (SWT) bestows the *nūr* of *īmān* (Faith) and the *Holy Qur'ān* in the heart of a *mu'min* (believer). Moreover, he points out that it is through the medium of the Prophet Muḥammad (s.a.w.s.) that Allah (SWT) provides light, guidance and knowledge of the *dīn* (religion) to the believers.¹⁶ In order to lend support to his view, al-Ṭabarī cites the following *Hadīth*:

My *Nur* is my Guidance.¹⁷

Muftī Aḥmad Yār Khān Naṣīmi explains that the *Holy Qur'ān* is *al-Hidāyah* (True Guidance) to those who sincerely establish a strong relationship with the Prophet Muḥammad (s.a.w.s.) and hold him (s.a.w.s.) in high esteem. It thus follows that without the Prophet

¹⁶. Al-Ṭabarī, Abū Ja'far Muḥammad Ibn Jarīr. *Jāmi' al-Bayān fī Tafṣīr al-Qur'ān*. Beirut. Dār al-Ma'rifah, 1328 AH . Vol . 6, p 105.

¹⁷. *Ibid*, p. 105.

Muḥammad (s.a.w.s.), humankind would not have been able to receive the Divine Message and Guidance.¹⁸ The *Holy Qur'ān* affirms this in the following passage:

*“He is the One Who Sends to His servant manifest Signs, that He may lead you from the depths of darkness into the light .”*¹⁹

Furthermore, *Allāh* (SWT) describes the attributes and the role of the Prophet (s.a.w.s.) in following Qur'anic passage:

“O Prophet! Truly We have sent thee as A Witness, a Bearer Of Glad Tidings, And a Warner, And as a Lamp Spreading Light.

„20

From the above citation, Allah (SWT) describes the Prophet Muhammad (s.a.w.s.) as *Sirājan Munīran* (Lamp Spreading Light). This term is used in a metaphorical sense. *Sirāj* means the sun and is qualified by the word *Nūr*. It is a known scientific fact that the sun is not only luminous, but also has the power to illuminate, i.e., the sun is also a light giving energy.

¹⁸. Na'imī, Muftī Aḥmad Yār Khān. *Tafsīr Nūr al-Irfān*. Karachi. Peerbhai Company.1990, p. 565.

¹⁹. *Holy Qur'ān*, 57:9.

²⁰. *Holy Qur'ān*, 33:45.

Thus, the sun is referred to as an embodiment of light and radiant energy. All forms of life on earth depend on the sun as a source of energy for the process of survival and development. Similarly humankind's spiritual development and elevation of their souls are dependant on the luminous personality of the Prophet (s.a.w.s.). In other words, the Prophet Muḥammad (s.a.w.s.) is an embodiment of light and wisdom which he (s.a.w.s.) received through revelation directly from *Allāh* (SWT), the Ultimate Divine Source. From this we may infer that since the Prophet Muḥammad (s.a.w.s.) is an embodiment of light, *Allāh* (SWT) has bestowed him (s.a.w.s.) with the transcendental knowledge and power of illuminating the lives of humankind in order to salvage them from the depths of the darkness of idolatry, superstition and ignorance and direct them to the light of wisdom, knowledge and the path of righteousness as desired by *Allāh* (SWT).

Hence, the Prophet Muḥammad (s.a.w.s.) is luminescent and has been entrusted with the task of illuminating humankind through the propagation and implementation of the final Divine Message, i.e., the

Holy Qur'ān, which is the Final Testament of *Allāh* (SWT). In this regard, the *Holy Qur'ān* states:

“..... *A Book Which We have revealed Unto thee , in order that Thou mightest lead mankind Out of the depths of darkness Into light – by the leave Of their Lord – to the Way Of (Him) the Exalted in Power , Worthy of all Praise .*”²¹

‘*Allāmah Alūsī*, commenting on the meaning of *al-Nūr*, explains that belief in *al-Tawḥīd* (Oneness of *Allāh* – SWT) and adherence to the *Sharī‘ah* (Islamic Law) are manifestations of the Light of *Allāh* (SWT).²² In other words, *al-Tawḥīd* and the *Sharī‘ah* are interlinked. With the *Nūr* of the *Holy Qur'ān*, the *Mu‘min* gets the Light of spiritual and moral guidance. In order to lend support to his interpretation, ‘*Allāmah Alūsī* cites the following *Hadīth*:

The meaning of *Nūr* is the *Holy Qur'ān*.

²¹. *Holy Qur'ān*, 14:1.

²². Alūsī, ‘*Allāmah Shāhbuddīn al-Sayyid Maḥmūd al-Bagḍādī. Ruh al-Ma‘āni*. Beirut. Idarāt li al-Tibā‘at al-Muniriyyah, n.d ., p. 165.

It may be appropriate to add that strict obedience to *Allāh*'s (SWT) Commandments and the example of the Prophet Muḥammad (s.a.w.s.) will most definitely enlighten the hearts of believers. The *Holy Qur'ān* reassures the believers of prosperity in the following passage:

*“So it is those who believe in him, honour him, help him, and follow the Light Which is sent down with him, it is they who will prosper.”*²³

From the above, it is absolutely clear that the believers ought to establish a sincere and strong relationship with *Allāh* (SWT) and the Prophet Muḥammad (s.a.w.s.). Once *īmān* (Faith) has been firmly entrenched in the heart of the believer, then that faith ought to be translated into action by implementation of the Divine Commandments in the day-to-day life. As *īmān* becomes stronger in the hearts of the believers, their character will also be enhanced by the Light of *Allāh* (SWT), and they will uphold moral uprightness which is a manifestation of the Light of *Allāh* (SWT).

²³. *Holy Qur'ān*, 7:157.

Mawlānā Amīn Islāhī adds another dimension to the meaning of the word *al-Nūr* by stating that in whosever's heart the light of *īmān* penetrates, the light of his/her own nature will be augmented.²⁴ This means that whoever adheres strictly to the Divine Commandments will attain a higher level of spirituality, thereby becoming conscious of the Reality of the Creator. Hence, the possessor of the Light of *Allāh* is most definitely on the path of righteousness and is distinct from the rest of humankind and as such becomes a medium of guidance to others, leading them on to the straight path. This view may be substantiated from the following Qur'anic passage:

*“Allāh is the Protector of those who have faith: From the depths of darkness, He will lead them forth into light .”*²⁵

Al-Shahīd Sayyid Quṭb presents the view that the word *al-Nūr* as it appears in Chapter 24 of the *Holy Qur'ān* is closely associated with the *Dhāt* (Essence) of *Allāh* (SWT) that penetrates the hearts and souls of

²⁴ Islāhī, Amīn Aḥsan . Taddabur -i- Qur'ān . Lahore . Farān Foundations. 1991. Vol . 5, p . 409.
²⁵ . *Holy Qur'ān*, 2:157.

humankind, thereby illuminating their lives and character with the Light of Divine Guidance.²⁶

In essence, *Sūrat al-Nūr* lays down the norms for the code of conduct that ought to be upheld, both at the individual and collective levels, for the restoration of law and social order in any given society. From Sayyid Quṭb's interpretation, it may be safely deduced that while the physical light illuminates the physical sphere, the spiritual light illuminates the heart and soul and purifies them from all defects and inequities. Since morals and ethics form an integral part of *īmān*, they issue forth from the *Nūr* of *Allāh* (SWT).

‘*Allāmah* Shabbīr Aḥmad ‘Uthmānī in his interpretation of the word *al-Nūr*, points out that all creation receives their light of existence from *Allāh* (SWT) and that the external or internal light of the sun, moon, stars, Angels (a.s.), Prophets (a.s.) and *awliyā’* (*Ṣūfīs*) emanate from *Allāh* (SWT), the Fountain of all lights. Moreover, he holds the view that all celestial and terrestrial creations are enlightened by the Qur’anic Revelation and that Guidance and recognition comes from that

²⁶. Quṭb, Sayyid. *Fī Zilāl al-Qur’ān*. Beirut. Maṭābi‘ al-Shurūq. 1976. Vol. 4, p. 2485.

Transcendent Source which is a reflection of His (SWT) Bright Countenance and Blessed Self.²⁷

From the above interpretations of the word *Nūr*, it is evident that the word *Nūr* as is used in the *Holy Qur'ān* has a symbolic connotation and that all forms of light do in fact emanate from the Light of *Allāh* (SWT) which is eternal, infinite and is not bound nor confined to space and time. *Al-Nūr* may further be defined as the Truth and adherence to the Truth is the manifestation of the Light of *Allāh* (SWT).

This dissertation comprises three chapters. Chapter one gives an insight into the historical background of *Sūrat al-Nūr*, chapter two deals with its subject matter, and chapter three addresses its major moral and social-legal issues and their implications on Muslims individuals and society.

²⁷. Usmani, Allamah Shabbir Ahmed. *The Noble Qur'an – Tafseer-e-Usmani*. Eng. Trans. by Mawlana Mohammed Ashfaq Ahmed. Lahore. Alameen Publications, n.d. Vol. 2, p. 1577.

Chapter One

HISTORICAL BACKGROUND

INTRODUCTION

Sūrat al-Nūr predominantly embodies guidance and discourses on the specific socio-legal aspects of Islam which are relevant for moral and spiritual evolution, beginning at the micro level (an individual level) and extending to the macro level (the community and the state as a whole). It may be appropriate, therefore, to briefly discuss the peculiar characteristics of Arab society in order that we may be acquainted with what was in vogue prior to the advent of Islam. Thereafter, the historical background of *Sūrat al-Nūr* will be discussed, which will include when it was revealed to the Prophet Muḥammad (s.a.w.s.) and *asbāb al-muzūl* (the reasons for or circumstances under which certain of its verses were revealed).

1.1 CHARACTERISTICS OF ARAB SOCIETY

Under this section, the role of the tribal chief, the judicial system and

social norms that prevailed in pre-Islamic Arabia will be addressed.

1.1.1 ROLE OF THE TRIBAL CHIEF

History bears testimony to the fact that tribal affiliation and solidarity was the predominant factor in the Arab society. Great significance was attached to the institution of tribal chiefs and they were held in high esteem and enjoyed paramount recognition in society. Hence it is evident that the chief of a tribe was seen as a symbol of sovereignty and legislation.

Each tribe was subservient to its own *Shaykh* (Chief), who was generally elected on the basis of age, seniority and wisdom. Although the authority bestowed upon the Chief was not seen as a hereditary right, the tribe gave consideration for leadership to an individual who hailed from the house of a Chief. In addition to the supreme chief, each tribe had an appointed judge to settle cases or disputes in accordance with the traditions of the tribe.

1.1.2 THE JUDICIAL SYSTEM

Personal experience, wisdom and public opinions were the criteria applied by the judges when reaching a verdict. Hence, the administration of justice was meted out in accordance with the traditions and customs of the tribe which were influenced by beliefs and superstitions inherited from their predecessors. However, it must be noted that it was not binding on any member of the tribe to refer a case to the judge, because this system of jurisdiction did not have any rigid rules, nor did it have any executive authority. In cases of numerous conflicts between the chiefs of the different tribes pertaining to a judicial matter, then a third person was appointed as a an arbitrator in order to settle the matter in question.¹ The maintenance of justice was also entrusted to ten leading men who formed an alliance known as *Hilf al-Fudūl* (The Confederation). Such an alliance signified the agreement between a number of sub-tribes of the Quraysh. The function of *Hilf al-Fudūl* was to secure justice, decide cases and settle disputes among the Arabs. Since every tribe was independent and since *Hilf al-Fudūl* did not possess any legal or executive authority in the truest sense, the contending parties

¹. Afzal Iqbal . Culture of Islam . Lahore . Institute of Islamic Culture. 1974 . 2nd edition pp 151 – 153.

were not obliged to refer cases of any nature to the Confederation for judgment.²

The salient features of the judicial system in the Arab society were as follows:³

- i. administration of justice did not function at an organized or universal level, but differed from tribe to tribe;
- ii. loyalty to the customs/traditions of a tribe was given the highest priority;
- iii. there was an absence of an advisory council and mutual consultation with regard to the legal, moral and social issues.
- iv. penal codes were not defined, and as a result there was no application of fixed prescribed punishments for specific crimes;
- v. application of justice was exercised solely by a judge in accordance to his own discretion;

². *Culture of Islam*, op . cit ., p. 153.

³. Imamuddin, S.M. *A Political History of the Muslims*. Karachi. Kurshid Imam Najmahsons. 1968. 2nd Edition, p . xx .

- vi. in any given case , more than one ruling emerged; and
- vii. the moral and social conduct of an individual and the society at large were not governed by an established legal system.

At this juncture, it is pertinent to point out that since paganism was rife in the pre-Islamic era, the judicial system did not function in conformity to any written constitution nor to any of the Divinely revealed Scriptures and this resulted in moral degeneration to such an extent that morals and ethics did not feature as an integral part of human life. Immoral practices were regarded as customs or traditions of the tribes.

1.1.3 SOCIAL NORMS

Historians describe the Arab as a born democrat, individualistic and freedom loving. Being a pragmatist, the Arab took pride in his nomadic existence for it generated in him his passionate urge for freedom. The concept of *murū'ah* (manliness), as depicted in the poems, comprised courage, generosity, hospitality, loyalty to tribes and traditions. Through

the medium of elegant literary compositions in both prose and poetry, the social norms of the Arabs were forcefully pronounced.⁴

1.1.3.1 STATUS OF THE POETS

It may be worth noting here that the Arab poet in the pre-Islamic age was regarded as a person with supernatural knowledge, and therefore held an influential position in society. The reason why the Arab poet was seen as a celebrity in society was because his compositions defended the honour of the Arabs, and “immortalized” their glorious deeds which resulted in making them famous and raising their fame and social status.⁵ Another point to be noted is that the poets were not at all reluctant to publicly divulge their indulgence in the drinking of wine, preoccupation in adulterous relations and love affairs as is evident from this composition:

Roast meat and wine: the swinging ride

On a camel sure and tried,

Which her master speeds amain

⁴. Abul Hasan, ‘ Ali Nadwi. Muhammad Rasulullah – The Apostle of Mercy. Lucknow. Lucknow Publishing House. 1982 . 2nd Edition, p. 55.

⁵. Hassan Ibrahim Hassan. Islam, A Religious, Political, Social, an Economic Study. Baghdad. The Times Printing and Publishing. First Edition, 1967. p. 22.

O'er low dale and level plane:
Women marble – white and fair
Trailing gold – fringed raiment rare:
Opulence, luxurious ease,
With the lute's soft melodies –
Such delights had our brief span;
Time is Change, Time's fool is Man .
Wealth or want, great store or small,
All is one since Death's all. ⁶

From the above extract, it is explicit that demographics determined the social milieu of the nomadic Arab tribes. Much of their lifestyle was dominated by widespread activity which was generally sensual and hedonistic. Such behaviour patterns influenced poets of that time to place tremendous emphasis on themes dealing with sensuality, illusions of life and passionate freedom.

⁶. Nicholson , R . A . A Literary History of the Arabs , Cambridge , Cambridge Press , 1953 . p . 136.

Let us now analyse some of the verses in the above composition: “Roast meat and wine” elucidates the pride possessed by the pagan Arab in his association with the aristocratic class. The use of the words “her master ” reveals that women of that era were subjected to oppression and were regarded as instruments of pleasure. Reference to “the swinging ride” in the poem has a sexual connotation. Hence, the poem enunciates that the sanctity of sexual relations did not exist in the pagan Arab society.

The use of “our brief span” in the poem denotes that the pagan Arabs believed that pleasures were short lived and that time ridicules man. This brings to our understanding that the pagan Arabs believed in the philosophy of annihilation, i.e., everything terminates with death and that there is no life beyond death. Hence, belief in the Hereafter and accountability to the Creator for deeds committed on earth did not feature in their belief system. The *Holy Qur’ān* confirms their disbelief in the Hereafter as follows:

*“And they say: What is there but our life in this world?
We shall die and we live, and nothing but Time can
destroy us. ”*⁷

1.1.3.2 STATUS OF WOMEN

An incisive study of the history of the Arabs reveals that the status of women in the pre-Islamic era was undefined. The *Holy Qur’ān* expostulates the fact that even the birth of a female was seen as a calamity, and as such some of the Arabs tribes practised female infanticide. With reference to this, the *Holy Qur’ān* states:

*“When news is brought to one of them, of the birth (of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust. Ah! What an evil (choice) they decide on? ”*⁸

⁷. *Holy Qur’ān* , 45:24.

⁸. *Holy Qur’ān* , 16: 58–59.

The above Qur'anic citation testifies that the pagan Arab culture and tradition deprived the female individual of the right to life since the birth of a female was viewed as a liability. Hence, it is apparent that the lives and honour of women were subjected to deprivation and degradation.

1.1.3.3 SEXUAL PROMISCUITY

Life was viewed by the nomadic Arabs as being thoroughly hedonistic. Unlimited personal freedom, love, gambling, hunting, song and romance were the moral and social characteristics of the Bedouin Arabs.⁹ Wine drinking was a predominant factor in such a society. Women and wine were linked, and as a result of licentious drinking, fornication/adultery was rampant. The Makkans, while trading in merchandise with the Byzantine Empire, Syria, Persia, and India inherited some of their vices of social evils and also imported slave girls from Syria and Iraq so that opportunities of sensual pleasures were provided to the aristocrats by way of singing, dancing and liberal sexual relations.¹⁰

⁹ Culture of Islam . op . cit . p . 62.

¹⁰ . Siddiqui , Abdul Hameed. The Life of Muhammad. Lahore. Kazi Publications. 2nd Edition. 1975, p.17.

It is indicative that in such a society women were the targets of abuse. Due to an absence of social discipline and an established code of ethics, decency and modesty did not feature as an integral part of life. The free intermingling of sexes sanctioned the indulgence in unlawful sexual relations. Since the relationship between the sexes was not censored by specific legislation, sexual relations were not regarded as sacred. Hence, deductions may be made that sex slavery was at its climax in such a society, and as such the sanctity of matrimonial relations was totally discarded.

In view of the fact that the institution of marriage was not regarded as sacred, sexual morality did not feature in Arab society. Hence, even married women, at the beckoning of their husbands, had to consent to sexually gratify their husbands' guests.¹¹

1.3 THE QUR'ANIC REVELATIONS IN PERSPECTIVE

The *Holy Qur'ān* was revealed over a period of 23 years. Most of the verses which embody correct beliefs and rules of law were revealed to

¹¹. A Political History of the Muslims . op . cit . p . XXVII .

censure objectionable customs like infanticide, gambling, sexual promiscuity, usury, etc. They were revealed to effect social reforms such as the establishment of the legal status of women, settling the question of inheritance, providing protection for the rights of women, minors, orphans, etc., or they were revealed to lay down various forms of punishment to secure peace and order in society.¹²

1.3.1 THE *MAKKĪ* AND *MADANĪ* REVELATIONS

The revelation of the *Holy Qur'ān* is divided into two phases. The first phase is the Makkan phase which is from 610 C.E. to 622 C.E., the period when the Prophet Muḥammad (s.a.w.s.) received the first revelation and subsequent revelations until his (s.a.w.s.) *hijrah* (migration) to Madīnah in 622 C.E.; and the second phase is the *Madanī* phase which is post *hijrah* and until the revelation came to an end with his (s.a.w.s.) departure from this mundane world in 633 C.E. In other words, the revelations that came to the Prophet Muhammad (s.a.w.s.) prior to the *hijrah* are known as the *Makkī* revelations and the post *hijrah* ones are known as the *Madanī* revelations.

¹². Culture of Islam, op. cit., pp. 160.

A thorough study of the *Holy Qur'ān* reveals that the main themes that the Makkan revelations address pertain to the basic Islamic beliefs emphasising *al-tawḥīd* (the Oneness of *Allāh* – SWT); condemnation of *al-shirk* (associating partners with *Allāh* – SWT); reality of the Day of Resurrection; exhortation for the upholding of morality; and declaration of what constitutes the fundamental beliefs. The *Madanī* revelations, on the other hand, deal with laws, social issues and their legal implications, such as marriage, divorce, inheritance, *ḥudūd* (Divinely prescribed punishments for certain crimes), etc.¹³

It was but logical for the *Makkī* revelations to be devoid of any legal injunction since at that point in time Makkah was under the jurisdiction of the tribal chiefs. A scrutiny of early Islamic history brings to light that in Makkah, the Prophet Muḥammad (s.a.w.s.) concentrated mostly on imparting teachings on morals and ethics and fundamental beliefs. It was in Madīnah in 622 C.E. that the Prophet Muḥammad (s.a.w.s.) established the first Islamic State, wherein he (s.a.w.s.) was both the spiritual head as well as the head of the state. During that period, the

¹³. *Culture of Islam*, op. cit. pp. 160-161.

Prophet Muḥammad (s.a.w.s.) executed his duties and carried out the administration of state in accordance to Divine Law.

1.4 REVELATION OF *SŪRAT AL-NŪR*

Sūrat al-Nūr provides the Prophet Muḥammad (s.a.w.s.) with the necessary guidance which pertain to social etiquette, *ḥadd* punishment for those who violate the sanctity of sexual morality, criteria for marriage, sanctity of human privacy, etc. This *Sūrah* directs the believers towards a life of purity, and clearly pronounces that in Islam morality and Divine injunctions are inextricably bound and are inseparable entities.

The pre-Islamic era, pointed out above, was an era of social and moral decadence and there was a dire need for a rigid code of conduct to be put in place so as to purify the society and preserve the dignity and sanctity of human life. A thorough study of the Qur'anic revelations confirms that there exists a relationship between the *Makkī* revelations and the *Madanī* revelations. In order to illustrate this, it is vital to quote a few examples of the Makkan revelations which echo the themes of moral and

social conduct and to show how they are linked to *Sūrat al-Nūr* in which some of the legislations are laid down to extirpate immoral human behaviour and interaction.

In Makkah, the circumstances did not allow for the creation of a defined social order and it was only after the establishment of the Islamic State in Madīnah that the conditions became conducive for the implementation of the injunctions embodied in *Sūrat al-Nūr* so as to curtail once and for all the moral and social ills that existed in the pre-Islamic era.¹⁴

The growth of the Islamic State in Madīnah meant the growth of the moral, spiritual and social conscience of its inhabitants. The major part of *Sūrat al-Nūr* concerns deportment which is an essential ingredient for one's moral, social, and spiritual evolution. The legal injunctions that are found in *Sūrat al-Nūr* are meant to protect human dignity.

As for the year in which *Sūrat al-Nūr* was revealed, the vast majority of the *mufasssirūn* are of the view that its revelation took place in the year 6 AH/628 C.E. It was in that very year that the Prophet Muhammad

¹⁴. *Taddabur-i-Qur'ān*, op . cit., p. 355.

(s.a.w.s.) learnt that Banū ā Muṣṭaliq tribe was preparing to attack Madīnah. Thus, he (s.a.w.s.) led the Muslim army on an expedition against Banū ā Muṣṭaliq in the month of *Sha‘bān* in the year 6 AH/628 C.E. No battle took place and upon his (s.a.w.s.) return to Madīnah from that expedition, the *munāfiqūn* (hypocrites) made a serious false allegation (*ifk*) against *Sayyidatunā Umm al-Mu‘minīn ‘Ā’ishah* (r.a.) which is discussed in this chapter under the section *Asbāb al-Nuzūl* (Causes of the Revelation). It is in *Sūrat al-Nūr* that *Allāh* (SWT) revealed to the Prophet Muḥammad (s.a.w.s.) the innocence of *Sayyidatunā Umm al-Mu‘minīn ‘Ā’ishah* (r.a.) from the false allegations that were levelled against her by the *munāfiqūn*.¹⁵

1.5 ASBĀB AL-NUZŪL (REASONS FOR THE REVELATION)

Under this section, a discussion will ensue on the circumstances that led to the revelation of the *āyāt* (verses) of *Sūrat al-Nūr* .

¹⁵. Nadvi, Abul Hasan Ali. *Muhammad Rasullulah – The Apostle of Mercy*. Eng. Trans. By Mohiuddin Ahmad. 2nd Ed. Lucknow. Academy of Islamic Science. 1982, p. 253.

1.5.1 ABSENCE OF DIVINE ORDINANCE

Earlier in this chapter, it was pointed out that in the pre-Islamic Arabia there was no fixed judicial system and that the moral and social norms were governed by the existing customs and traditions. It was also pointed out that with the advent of Islam, Islamic Law could not be instituted at the State level in view of the fact that at that stage Makkah was not under the political administration of the Prophet Muḥammad (s.a.w.s.). It was only when he (s.a.w.s.) assumed the role of head of the Islamic State in Madīnah that he (s.a.w.s.) was able to enact the Divine Injunctions into law. It is to be noted here that within the Islamic State *Allāh* (SWT) is the Absolute Sovereign. It was thus pertinent that the very first *āyah* of *Sūrat al-Nūr* should declare the sovereignty of *Allāh* (SWT):

*“A Sūrah which We have sent down and which We have ordained: In it have We sent down Clear Signs, in order that you may receive admonition.”*¹⁶

¹⁶. *Holy Qur’an*, 24:1.

This verse impresses upon the fact that whatever *Allāh* (SWT) ordains must be accepted and implemented without any reservation.

1.5.2 PREVALENCE OF SEXUAL IMMORALITY

Sanctity of marriage did not feature in the pre-Islamic era and as such sexual immorality prevailed and in order to rectify this, *Allāh* (SWT) in the second *āyah* of *Sūrat al-Nūr* lays down the punishment for indulging in fornication and adultery. This injunction is meant to rid the society from engaging in illicit sexual relations and to restore the sanctity of marriage and the sacredness of sex.

1.5.3 THE INCIDENT RELATING TO THE SLANDER OF SAYYIDATUNĀ UMM AL-MU'MINĪN 'Ā'ISHAH (R.A.)

There is a general consensus of opinion amongst the *mufasssirūn* that a large portion of *Sūrat al-Nūr* deals with the incident relating to the slander of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) by the *munaḥfiqūn* (hypocrites). Specific mention is made in this particular

chapter of the *Holy Qur'an* of the Divine exoneration of *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) from the false allegations made against her.

It is appropriate, at this juncture, to delve into the problems that the *munāfiqūn* posed to the Prophet Muḥammad (s.a.w.s.) at the time when the people were entering the fold of Islam in large numbers. History bears testimony to the fact that when the Prophet Muḥammad (s.a.w.s.) embarked on his (s.a.w.s.) mission in Makkah, he (s.a.w.s.) faced open opposition from one quarter only, i.e. the *mushrikūn* (polytheists). Since there were two distinct communities, namely, the believers and disbelievers, it was not a difficult task for Muslims to identify their enemies. However, in Madīnah the Prophet Muḥammad (s.a.w.s.) experienced problems with a new group that began to emerge from within the rank of the Muslim community, who became known as the *munāfiqūn* (hypocrites). They claimed to be within the Muslim camp and yet were always engaged in developing strategies to cause sedition and discord amongst Muslims. Thus, the *Holy Qur'ān*, in various passages,

clearly reveals the identity of the *munāfiqūn* and spells out their real intentions and notorious characteristics. For example, it states:

“Of the people there are some who say: ‘We believe in Allāh and the Last Day.’ But they do not really believe. Fain would they deceive Allāh and those who believe but they only deceive themselves and realize it not. In their hearts is a disease; and Allāh has increased their disease: and grievous is the penalty they (incur). Because they are false to themselves.”¹⁷

“The hypocrites, men and women, (have an understanding) with each other: They enjoin evil and forbid what is just, and are close with their hands. They have forgotten Allāh; so He has forgotten them. Verily the hypocrites are rebellious and perverse.”¹⁸

‘Abd Allāh Ibn Ubayy was the leader of the *munāfiqūn* in Madīnah, and he along with his followers were always involved in nefarious activities to discredit the innocent Muslims. Their primary objective was to create

¹⁷. *Holy Qur’ān*, 2:8-10.

¹⁸. *Holy Qur’ān*, 9:67.

discord and dissension within the Muslim rank. The two most formidable voices against *munāfiqūn* were *Sayyidunā* Abū Bakr (r.a.) and *Sayyidunā Amīr al-Mu'minīn* 'Umar (r.a.). Since both of them enjoyed a very close relationship with the Prophet Muḥammad (s.a.w.s.) in the sense that *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) was the daughter of *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.) and *Sayyidatunā Umm al-Mu'minīn* Ḥafsā (r.a.) was the daughter of *Sayyidunā Amīr al-Mu'minīn* Umar (r.a.) and they were the noble and dedicated wives of the Prophet Muḥammad (s.a.w.s.), the *munāfiqūn* endeavoured, from every conceivable angle, to harm the respect and integrity of *Ahl al-Bayt* (members of the household of the Prophet Muḥammad - s.a.w.s.). In reality they always aimed at bringing the Prophet Muḥammad (s.a.w.s.) into disrepute. However, their strategies failed because of the mercy and benediction of *Allāh* (SWT) upon the Prophet Muḥammad (s.a.w.s.) and the true believers.¹⁹ The *Holy Qur'ān* further elaborates on the malevolence shown by the *munāfiqūn* towards the Prophet Muḥammad (s.a.w.s.) and instructs him (s.a.w.s.) to adopt drastic measures against them:

¹⁹. Nadvi, Sayyid Sulaiman. *Sīrat-i-'Ā'ishah*. Dār al-Muṣannifin. Aḥḥamādīyah. 1977. 4th Edition, pp. 73-74.

“Will ye not fight people who violated their oaths , plotted to expel the Apostle, and took the aggressive by being the first (to assault) you? Do you fear them? Nay, it is Allāh Whom you should more justly fear, if you believe! Fight them and Allāh will punish them by your hands, cover them with shame, help you (to victory) over them, heal the breasts of the Believers, and still the indignation of their hearts. For Allāh will turn (in mercy) to whom He will ; and Allāh is All-Knowing , All-Wise.”²⁰

It is now essential to deliberate upon the circumstances under which the *āyāt* contained in *Sūrat al- Nūr* which pertain to the Divine declaration of the innocence of *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.) were revealed when the *munāfiqūn* brought about false allegations and propaganda against her (r.a.) after the Prophet Muḥammad (s,a,w,s.) had returned from the expedition against the Banū Muṣṭaliq.

²⁰. *Holy Qur’ān*, 9:13.

It was a common practice of the Prophet Muḥammad (s.a.w.s.) to draw lots whenever an expedition was to be undertaken and the wife whose lot happened to be drawn would accompany him (s.a.w.s.). It was during the month of *Sha‘bān* in the year 6 AH/628 C.E. that the Prophet Muḥammad (s.a.w.s.), upon learning that the Banū Muṣṭaliq tribe was planning an attack on Madīnah, decided to lead an expedition against them. The name of *Sayyidatunā Umm al-Mu‘minīn ‘Ā’ishah* (r.a.) was drawn out to be the wife who would accompany the Prophet Muḥammad (s.a.w.s.) on that expedition.²¹

The *munāfiqūn* sensing that there would be no serious consequences nor bloodshed during that particular expedition decided to join the Muslim army under the leadership of the Prophet Muḥammad (s.a.w.s.) in large numbers, and their overwhelming participation in any such previous military expeditions had never occurred before. Previously, they were reluctant to strive in the cause of *dīn* (religion) and always looked for excuses to evade the instructions to engage in *jihād* (fighting in the Cause of *Allāh* – SWT). ‘Abd Allāh Ibn Ubayy, who was their leader, constantly intimidated them to work towards the destabilization of the

²¹. Al-Ismail, Tahia. *The Life of Muhammad (SAWS)*. London. Ta-ha Publishers Ltd. 1988, p .154.

Ummah (Islamic community).²² The *Holy Qur'ān* elucidates this fact as follows:

*“When the hypocrites come to you, they say, ‘We bear witness that you are indeed the Apostle Of God.’ Yea, Allāh Knows that you are indeed His Apostle, and Allāh bears witness that the hypocrites are indeed liars. They have made their oaths a screen (for their misdeeds): Thus they obstruct (men) from the path of Allāh: Truly evil are their deeds .”*²³

When the Prophet Muḥammad (s.a.w.s.) and his (s.a.w.s.) army returned from the expedition against the Banū al-Muṣṭaliq tribe, the *munāfiqūn* along with their leader created problems amongst the *Anṣār* (Helpers) who were the residents of Madīnah and the *Muhājirūn* (those who had migrated from Makkah to Madīnah). They succeeded in fostering dissension amongst them to such an extent that both groups were on the verge of taking up arms against each other. Through the intervention of the Prophet Muḥammad (s.a.w.s.) peace was restored between these two groups. Upon investigation, the Prophet Muhammad (s.a.w.s.) discovered that the dispute arose between these two groups because ‘Abd Allāh Ibn

²². *Sīrat-i-‘Ā’ishah*, op. cit., p. 74.

²³. *Holy Qur’ān*, 63:1-2.

Ubayy intimidated the Anṣār not to assist the *Muhājirūn* financially. The Prophet Muḥammad (s.a.w.s.) called up an assembly and restored the bonds of unity and brotherhood between them. Since ‘Abd Allāh Ibn Ubayy was found guilty of this grievous misconduct, his hatred for the Muslims intensified.²⁴ The *Holy Qur’ān* exposes the uncouth behaviour of the *munāfiqūn* in the following passage:

*“They are the ones who say, ‘Spend nothing on those who are with Allāh’s Apostle, to the end that they may disperse (and quit) Madīnah.’ But to Allāh belong the treasures of the heavens and the earth; but the hypocrites understand not. They say, ‘If we Return to Madīnah, surely the more honourable (element) will expel therefrom the meaner,’ but honour belongs to Allāh and His Apostle and to the Believers; but the hypocrites know not.”*²⁵

It was mentioned above that the objective of the *munāfiqūn* was to bring the Prophet Muḥammad (s.a.w.s.) to disrepute whenever they found an opportunity to do so. When the Prophet Muḥammad (s.a.w.s.) undertook the expedition against the Banū al-Muṣṭaliq tribe, *Sayyidatunā Umm al-*

²⁴. *Sīrat-i-‘Ā’ishah*, op. cit., p. 74.

²⁵. *Holy Qur’ān*, 63:7-8.

Mu'minīn 'Ā'ishah (r.a.) was at a very tender age of 14 when she accompanied the Prophet Muḥammad (s.a.w.s.). Before embarking on that particular expedition, she (r.a.) had borrowed a necklace from her sister, *Sayyidatunā* Asmā (r.a.), wife of Zubayr Ibn al-ʿAwwām and the mother of ʿAbd Allāh Ibn al-Zubayr. At that tender age, it was a novelty for her (r.a.) to use jewellery and as such she wore the necklace which was weak at its joins with great care and concern.²⁶

Sayyidatunā Umm al-Mu'minīn 'Ā'ishah (r.a.) was very small in stature and was very light in weight and as a result her (r.a.) presence inside the palanquin in which she (r.a.) rode was hardly noticeable by the men who would lift it for placement on camelback.²⁷

As the Prophet Muḥammad (s.a.w.s.) and his (s.a.w.s.) army were returning to Madīnah from their long and exhausting expedition against the Banū al-Muṣṭaliq tribe, they camped not far from Madīnah in order to spend the night and recoup their energies. During the last hours of the night, the Muslim army made preparations to pursue their journey to Madīnah. Meanwhile, *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) had

²⁶. *Sīrat-i-ʿĀ'ishah*, op. cit., p. 75.

²⁷. Haykal, Muḥammad Ḥusayn. *The Life of Muḥammad*. Eng. Trans. from the 8th Edition by Ismāʿīl Rāji A. al-Fārūqī. Indiana. American Trust Publications. 1976, pp. 331-332.

left the group to be in a place of privacy so as to answer the call of nature. When she (r.a.) returned to the place where the Muslim army had retired for the night, she realized that the necklace, which she had borrowed from her sister, was missing from her neck. The realization of responsibility for the borrowed necklace and her inexperience in travelling on such journeys resulted in her going into a state of panic. Being in such a frantic state, she did not inform anybody to wait for her for she was certain that she would be back to join the Muslim army on time after finding the necklace.²⁸

When *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) returned to the place where the Muslim army had retired, after finding the necklace, she discovered that the army had already left. Those that assisted in mounting the palanquin on camelback did not realize her absence since she was so tender and light in weight and that her absence made no difference to the weight of the palanquin.²⁹

²⁸. *Sīrat-i-'Ā'ishah*, op. cit., p. 75.

²⁹. *The Life of Muḥammad*, op. cit., p. 332.

Being helpless after the departure of the Muslim army, *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) covered her entire self with a sheet and decided to remain on that very spot with the hope that when the group would realize her absence, some help would be sent in search of her. During that expedition, Ṣafwān Ibn Mu'attal al-Sulamī (r.a.) who was in charge of the possessions of the Muslim army returned once more at the break of dawn to the place where the army had retired for the night in order to check if any possessions of the Muslim army was left behind. He (r.a.) identified *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.), who was wrapped in a black sheet. She (r.a.) was awakened and astonished by the recitation of the Qur'anic verse: "*To Allāh we belong and to Him we shall return.*"³⁰ Showing reverence to the noble wife of the Prophet Muḥammad (s.a.w.s.), he (r.a.) brought his camel to a sitting position closer to her (r.a.) so that she could easily mount herself onto the camel.³¹ Thereafter, Ṣafwān Ibn Mu'attal al-Sulamī (r.a.) held onto the reins of the camel and walked briskly, escorting *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) back to Madīnah. However, he was unable to catch up with the Muslim army and arrived in Madīnah with *Sayyidatunā Umm al-*

³⁰. *Holy Qur'an*, 2:156.

³¹. *Ibid.*

Mu'minīn 'Ā'ishah (r.a.) a little later than the army and delivered her at her house. The *munāfiqūn* in Madīnah, seeing her (r.a.) return on the camel of Ṣafwān Ibn Mu'attal al-Sulamī, began to gossip about the possibility of an adulterous relationship may have taken place between the two of them. That gossip led to an intense form of propaganda.³² The fact is that Ṣafwān Ibn Mu'attal al-Sulamī (r.a.) had performed a meritorious act by safely escorting *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) to her home. Such a virtuous deed cannot be seen as a criminal offence nor could it be seen as a violation of any the fundamental principles of Islam. Occurrences of that nature takes place daily in the world of travel, e.g., people travelling by rail may miss the train and experience difficulty in finding direction and as such assistance must be given to ensure the safety of travellers.³³ This may very well apply to any other mode of travelling, and to numerous other difficulties which may be experienced whereby assistance becomes essential. Particularly in the case of women, when such difficulties are experienced, there is a tendency to panic owing to their soft natured-character. Such was the case of *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) who was

³². *Sīrat-i-'Ā'ishah*, op. cit., p. 76.

³³. *Ibid.*

in dire need of assistance and Ṣafwān Ibn Mu‘aṭṭal al-Sulamī (r.a.) discharged his responsibility with nobility by ensuring her (r.a.) safe return to her (r.a.) home.

At this juncture, attention may be drawn to the fact that throughout the annals of history, pious women were subject to blame and false allegations. For example, the Israelites brought about false allegations against *Sayyidatunā* Maryam (a.s.), the mother of the Prophet ‘Īsā (Jesus –a.s.); in Hinduism blame was also cast upon Sita; and then came the slander against *Sayyidatunā Umm al-Mu‘minīn* ‘Ā’ishah (r.a.).³⁴

‘Abd Allāh Ibn Ubayy who bore a grudge against the Prophet Muḥammad (s.a.w.s.) and the Muslims initiated a vicious propaganda against *Sayyidatunā Umm al-Mu‘minīn* ‘Ā’ishah (r.a.), falsely alleging that she (r.a.) had committed adultery. In fact, the main objective behind such a devastating act was to insult the integrity of the Prophet Muḥammad (s.a.w.s.). The *munāfiqūn* brought about false accusation against the chaste wife of the Prophet Muḥammad (s.a.w.s.) with the aim that that would make him (s.a.w.s.) succumb to psychological dejection.

³⁴. *Strat-i-‘Ā’ishah*, op. cit., p. 76.

At the same time, their aim was to create doubts in the minds of the Muslims about the purity of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). Some sensible Muslims refuted the false allegation, while there were some Muslims who were swayed away by this rumour. Sadly, three people from amongst the Muslims became components of the rumour propagated by 'Abd Allāh Ibn Ubayy against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) and they were Ḥassān Ibn Thābit, the poet (r.a.), Ḥannah bint Jahsh (r.a.), the sister of *Sayyidatunā Umm al-Mu'minīn Zaynab* (r.a.), and Mistah bin Athāthah (r.a.).³⁵

Ḥassān Ibn Thabit (r.a.) did not bother to verify the false allegation against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). He was more concerned to focus on the defamation of the character of Ṣafwān ibn Mu'attal al-Sulamī (r.a.) in view of the fact that Ṣafwān ibn Mu'attal al-Sulamī (r.a.) was a *Muhājir* and had won the respect of the Prophet Muḥammad (s.a.w.s.). Ḥannah bint Jahsh's (r.a.) participation in the scandal against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) was to create a climate conducive for her sister *Sayyidatunā Umm al-Mu'minīn Zaynab* (r.a.) to gain greater love and respect in the eyes of the Prophet

³⁵. *Life of Muḥammad*, op. cit., p. 338.

Muhammad (s.a.w.s.). As for Mistah bin Athāthah's (r.a.) (an indigent relative of *Sayyidunā* Abū Bakr – r.a.), role in spreading the scandal against *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) no specific reason is available.³⁶

However, it must be borne in mind that such reactions in times of crisis are part of natural human behaviour, but they ought to be regulated. The attitude of Ḥassān Ibn Thābit (r.a.) towards Ṣafwān ibn Mu'attal al-Sulamī (r.a.) may be compared to present day situation whereby local citizens of in a state display a negative attitude towards foreigners, i.e., xenophobia. Local citizens of a particular state may view foreigners as a threat to their social standing in society as well as deprivation of job opportunities. The reaction of Ḥammah bint Jahsh (r.a.) displays the bond between blood relations. It is reminiscent of the concern for the well-being that blood relations have for each other. However, Islam does not prohibit a person from protecting his own interests nor from seeing to the welfare of blood relations, but strongly condemns actions which have a detrimental effect on the life of an individual or the society as whole.

³⁶. *Sīrat-i- 'Ā'ishah*, op. cit., p. 77.

At that stage, although there were widespread rumours about *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.), she herself was totally ignorant of the fact that the *munāfiqūn* had publicly undermined her integrity and dignity.³⁷

The false allegations against her (r.a.) finally reached her (r.a.) from Mistah's mother, who, in the presence of *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.), cursed her son, Mistah. *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) intervened by stating that Mistah was a Ṣaḥābī (Companion of the Prophet Muḥammad – s.a.w.s.) and a true follower of the Prophet Muḥammad (s.a.w.s.). When she (r.a.) enquired from Mistah's mother about the reason for cursing her son, she disclosed to her about his role in spreading the false allegations against *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.). When she (r.a.) learnt of it she almost collapsed in alarm. The information provided by Mistah's mother left her (r.a.) despondent and dejected³⁸ which had an adverse effect on her health, with the result that she (r.a.) had to be nursed by her mother. During this difficult period, the Prophet Muḥammad (s.a.w.s.) adopted a

³⁷. *Sīrat-i-'Ā'ishah*, op. cit., p. 77.

³⁸. Ibid.

very formal attitude towards *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) and enquired about her health from outside the house. It was then that she (r.a.) sought the permission of the Prophet Muḥammad (s.a.w.s.) to return to her paternal home where she could be more tenderly treated and permission was granted.³⁹

The change in attitude of the Prophet Muḥammad (s.a.w.s.) towards *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) in no way demonstrated that he (s.a.w.s.) was suspicious of *her* (r.a.) nor did he harbour any sort of rejection for her, but the whole incident brought to light the methods to be employed when one is placed in such a predicament. Certain measures must be adopted when trying to deal with a sensitive issue so as to ensure that no blame be cast upon any individual which could intensify the existing problem. The *modus operandi* adopted by Prophet Muḥammad (s.a.w.s.) in order to get to the core of the problem was threefold.

The first step undertaken by the Prophet Muḥammad (s.a.w.s.) was to consult *Sayyidunā Amīr al-Mu'minīn* 'Alī (r.a.) and *Sayyidunā Usāmah Ibn Ziyād* (r.a.) about the alleged incident. *Sayyidunā Usāmah Ibn Ziyād*

³⁹. *Life of Muḥammad*, op. cit., p. 335.

consoled him (s.a.w.s.) by declaring his absolute trust in *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). On the other hand, although *Sayyidunā Amīr al-Mu'minīn 'Alī* (r.a.) did not have any doubts nor any negative comments about her (r.a.), he nevertheless requested that the Prophet Muḥammad (s.a.w.s.) should resort to question the servant of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) since the servant was very close to her (r.a.). The servant was called in and she affirmed the piety and purity of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). The Prophet Muhammad (s.a.w.s.) also sought character reference on *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) from *Sayyidatunā Umm al-Mu'minīn Zaynab* (r.a.) since her sister Ḥannah bint Jahsh was involved in spreading the scandal against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). She (r.a.) also confirmed *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah's* (r.a.) purity and integrity. Hence, the investigation which resulted in confirming the innocence of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) pacified the Prophet Muḥammad (s.a.w.s.). He (s.a.w.s.) was then fully aware of the true opinions of the various people pertaining to the noble status of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.).

Nobody ever doubted the decency and upright character of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.).⁴⁰

The second step executed by the Prophet Muḥammad (s.a.w.s.) was to call up the people to assemble in the *Masjid* (Muslim's place of worship) and he (s.a.w.s.) ascended the *mimbar* (pulpit) and addressed them as follows:

O men, why are some of you staining the reputation of my family by accusing them falsely? By *Allāh*, the members of my family have always been good. Why are you staining the reputation of one of my companions whom I know to be good and who has never entered my house except in my company.⁴¹

After the Prophet Muhammad (s.a.w.s.) had concluded his (s.a.w.s.) address, Usayd Ibn Ḥudayr (r.a.) rose and said:

⁴⁰. *Sīrat-i-'Ā'ishah*, op. cit., p. 79.

⁴¹. *Life of Muḥammad*, op. cit., p. 335.

O Prophet of *Allāh*, if the false accusers are our own fellows of al-Aws tribe, we promise that we shall put a quick stop to them. But if they are of the tribe of al-Khazraj, then command us and we shall obey. By *Allāh*, to whichever tribe they belong, they are worthy of having their heads struck off.⁴²

Since it was common knowledge that the false accusers were from al-Khazraj tribe, and there had been perpetual rivalry between these tribes that existed ever since the pre-Islamic era, the leader of the Khazraj tribe, namely Sa‘d Ibn ‘Ubādah (r.a.) opposed the proposition made by Usayd Ibn Ḥudayr (r.a.) and as a result, the Prophet Muḥammad (s.a.w.s.) had to intervene to dissipate the volatile situation, thus averting a civil war.⁴³

The third step undertaken by the Prophet (s.a.w.s.) was to approach *Sayyidatunā Umm al-Mu‘minīn ‘Ā’ishah* (r.a.) and address her (r.a.) personally. She (r.a.) at that time was suffering from ill-health, traumatized by the vicious propaganda of the *munāfiqūn* and was residing

⁴². Ibid.

⁴³. *Sīrat-i-‘Ā’ishah*, op. cit., pp. 79-80.

in her parents' home. By that time, a month had already elapsed. The Prophet Muḥammad (s.a.w.s.) addressed her (r.a.) saying:

O 'Ā'ishah, you have heard what the people are saying about you. Fear *Allāh*. If you have done an evil such as they say you did, repent to *Allāh* for *Allāh* accepts the repentance of His servants.⁴⁴

Here is it appropriate to quote what *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) herself reported:

When *Allāh*'s Apostle (s.a.w.s.) finished his speech, my tears ceased flowing completely that I no longer felt a single drop of tear flowing. I said to my father: "Talk to *Allāh*'s Apostle (s.a.w.s.)." My father said: "By *Allāh*, I do not know what to say to *Allāh*'s Apostle." Then I said to my mother: "Talk to *Allāh*'s Apostle (s.a.w.s.) on my behalf concerning what he has said." She said: "By *Allāh*, I do not know what to say to *Allāh*'s Apostle (s.a.w.s.)." In spite of the fact that I was a young girl

⁴⁴. *The Life of Muḥammad*, op. cit., p. 337.

and had a little knowledge of the *Holy Qur'ān*, I said: “By *Allāh*, I will not repent to *Allāh*, because I do not have anything to repent for. If I were to agree with what the people are saying, *Allāh* knows that I am innocent and that I would be admitting that which is not true. And yet if I persist in my denial, you do not seem to believe me.... Rather, I shall say to myself as did the father of Yūsuf (Joseph – a.s.) of his lying sons: ‘*Patience and more patience. Allāh is my refuge against what you describe.*’⁴⁵

Then I turned to the other side and lay on my bed; and *Allāh* knew then I was innocent and hoped that *Allāh* would reveal my innocence. But by *Allāh*, I never thought that *Allāh* would reveal about my case such Divine inspiration, for I am myself so humble that I did not expect *Allāh* to talk in my concern, but I hoped that *Allāh*'s Apostle (s.a.w.s.) might have a dream in which *Allāh* would prove my innocence. But, by *Allāh*, before *Allāh*'s Apostle (s.a.w.s.) left his seat and before any of the

⁴⁵. *The Life of Muḥammad*, op. cit., p. 337.

household left, the Divine inspiration came to *Allāh*'s Apostle (s.a.w.s.). He then was afflicted with a severe fever he used to have (when he was Divinely inspired). The sweat was dropping from his body like pearls though it was a wintry day and that was because of the weighty statement which was being revealed to him. When the state of *Allāh*'s Apostle (s.a.w.s.) was over, he got up smiling and the first word he said was: “ O ‘Ā’ishah! *Allāh* has declared your innocence.”⁴⁶

Hence, Divine intervention established the innocence and acquittal of *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.) with the revelation of the following:

“Those who brought forward the lie are a body among yourselves: Think it not to be an evil to you; on the contrary it is good for you: To every man among them (will come the punishment) of the sin that he earned, and to him who took on himself the lead among them will be a penalty grievous.”

⁴⁶. *Sahih al-Bukhari* . op . cit . pp. 326-328.

“Why did not the believers – man and woman – when you of the affair, put the best construction on it in their own minds and say: ‘This charge is an obvious lie.’”

“Why did you not, when you heard it, say: ‘It is not right of us to speak of this: Glory to Allāh! This is a most serious slander.’”

“Allāh admonishes you that you may never repeat such (conduct), if you are true believers.”

“And Allāh makes His Signs plain to you for Allah is full of knowledge and wisdom.”⁴⁷

It was on this occasion that the punishment for false accusation of adultery was promulgated through the following *āyah*:

“Those who falsely accuse chaste women of adultery and do not bring forth four witnesses shall be flogged with eighty stripes

⁴⁷. *Holy Qur’ān*, 24:11 and 16-18.

*and their witness shall never be admitted as evidence in any matter. These are the decadent, the immoral.*⁴⁸

As a result of the revelation of this *āyah*, Ḥassān Ibn Thābit (r.a.), Ḥammah bint Jahsh (r.a) and Mistah bin Athāthah (r.a.) who were found guilty of spreading the false accusation of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) in the marketplace were flogged eighty stripes each, and *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) reoccupied her rightful place in the houses as well as in the heart of the Prophet Muḥammad (s.a.w.s.).⁴⁹

A survey of the circumstances under which the above-mentioned verses were revealed elucidates the fact that *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) endured her sufferings with patience and placed her trust in *Allāh* (SWT) to vindicate her. Believers must also take cognizance of the fact that in times of adversity and psychological dejection, the Prophet Muḥammad (s.a.w.s.) exercised great composure in securing peace amongst Muslims. The message contained in the above-stated revelations brings forth a logical conclusion that destiny had ordained the

⁴⁸. *Holy Qur'ān*, 24:4.

⁴⁹. *Life of Muḥammad*, op. cit., p. 338.

occurrence of such a detrimental event so as to provide the Prophet Muḥammad (s.a.w.s.) with a greater insight into the members of his (s.a.w.s.) community. Hence, the nefarious activities of the *munāfiqūn* were brought to the surface and the Prophet Muḥammad (s.a.w.s.) became informed of a clear distinction that ought to be made between the *mu'minūn* (believers) and the *munāfiqūn* (hypocrites). *Sūrat al-Nūr*, therefore, affirms that the *Nūr* (Light) of *Allāh* (SWT) is manifested in a true believer and as such *Allāh* (SWT) gives confirmation of the purity and chastity of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). *Allāh* (SWT) goes a step further and issues a stern warning about the punishment that would be meted out to the *munāfiqūn* who inflict harm to the Prophet (s.a.w.s.) and the believers. *Allāh* (SWT) also stipulates the punishment that should be meted out to those who had participated in the slander against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) and who wrongfully accuse any other individual of adultery. The revelation lays down the serious consequences that transgressors would have to face in every era and generation if they indulge in any such activity which brings about disrepute to virtuous individuals.

A thorough scrutiny of the structure of *Sūrat al-Nūr* establishes the chronological sequence from verses 11 to 25. After the pronouncement of the innocence of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) and the exposition of the ploy of the *munāfiqūn*, *Allāh* (SWT) poses provocative questions to the believers so as to place believers in a position to evaluate their faith in the Prophet Muḥammad (s.a.w.s.) and the noble personalities linked to him (s.a.w.s.). Moreover, *Allāh* (SWT) also questions the intellect of the believers for gullibly accepting the false allegations against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) who was a person of sublime moral and spiritual standing. Furthermore, the believers are reprimanded by *Allāh* (SWT) for adopting a negative attitude towards *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). Had believers carefully considered the charges levelled against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.), they would have found them to be false and that would not have led to her (r.a.) suffering from such severe mental torture and the ulterior motives of the *munāfiqūn* could have been easily suppressed.

In addition, the believers are questioned as to why they did not follow the appropriate procedures as already decreed by Divine Law in dealing with a case of that nature, especially when the legal system was already placed in perspective within the Islamic State. Hence, those who do not present witnesses for an alleged crime are termed as liars by *Allāh* (SWT).

The injunctions enunciated above are followed by injunctions laid down in *āyat* 14 to 20 of *Sūrat al-Nūr* wherein *Allāh* (SWT) proclaims His (SWT) attributes of Mercy and Grace are essential for the salvation of the transgressors from calamity befalling them in this world as well as from the mighty chastisement which awaits them on the Day of Judgement. This is meant to make the believers realise that *Allāh* (SWT) is not vindictive and as such sincere repentance on their part would guarantee the forgiveness of *Allāh* (SWT). *Allāh* (SWT) reprimanded the Believers for having acted upon the speculation of the *munāfiqūn* without authentic knowledge of what had actually transpired. Divine Authority decrees that expression of suspicion and propaganda that involves degradation of the honour and reputation of pious women is viewed in a serious light.

The conclusion drawn from *āyah* 16 is that *Allāh* (SWT) demands unconditional *imān* (faith) in the integrity of the Prophet Muḥammad (s.a.w.s.) and the members of his (s.a.w.s) family. It is thus imperative that believers should safeguard themselves against forces that will lead them to doubt the exalted status of the Prophet Muḥammad (s.a.w.s.) as well as the members of his (s.a.w.s.) household. Hence, *Allāh* (SWT) questions the faith of the believers who were involved in the propagation of the false allegations against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) by the revelation of the following:

*“And why did ye not, when ye heard of it, say? – “It is not right of us to speak of this: Glory to Allāh! this is a most serious slander.”*⁵⁰

After severely reprimanding the transgressors, *Allāh* (SWT) resorts to the admonition of believers by the revelation of the following:

⁵⁰. *Holy Qur'ān*, 24:16.

“O ye who believe! Follow not Satan’s footsteps: If any will follow the footsteps of Satan, he will (but) command what is shameful and wrong: and were it not for the grace and mercy of Allāh on you, not one of you would ever have been pure: but Allāh does purify whom He pleases And Allāh is the One Who hears and knows (all things).”⁵¹

The above citation exhorts believers to inculcate *taqwā* (God-consciousness) within themselves and to refrain from indulging in vices that would have a detrimental effect on their *īmān*. At this point, it is appropriate to mention that there were some Muslims who strongly condemned the false allegations made against *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.). They were convinced of her (r.a.) purity and as such held her in high esteem. One specific example is *Sayyidunā Ayyūb al-Anṣārī* (r.a.) who refuted the false allegations against *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.) when his wife informed him of the propaganda which was being spread. He (r.a.) reacted by stating that *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.) was the daughter of *Sayyidunā Amīr al-Mu’minīn Abū Bakr al-Ṣiddīq* (r.a.), the pious

⁵¹. *Holy Qur’ān*, 24:21.

Companion of the Prophet Muḥammad (sa.w.s.), and also the faithful wife of the Prophet Muḥammad (s.a.w.s.) and as such those who spoke out against her (r.a.) were indeed liars.⁵²

The incident relating to the scandal which was spread by the *munāfiqūn* about *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) is referred to in *Sūrat al-Nūr* as *al-ifk* (falsehood; or lie; or fabrication). It is evident that the slanderous attack launched on her (r.a.) was in reality an attack launched on the dignity of the Prophet Muḥammad (s.a.w.s.) and as a result *Allāh* (SWT) revealed *āyat* 11 to 25 in strong refutation to the false allegations made by the *munāfiqūn* against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.). This ought to serve as an eye-opener for the believers in that *Allāh* (SWT) is the One Who protects the Prophet Muḥammad (s.a.w.s.) from being subjected to any form of abuse and would take drastic measures against those who endeavour to annoy him (s.a.w.s.) in any manner. Elsewhere in the *Holy Qur'ān*, *Allāh* (SWT) distinctly spells out the consequences for blasphemy as follows:

⁵². *The Noble Qur'an . Tafseer-e-USmani . op . cit . p . 1566.*

*“Those who annoy Allāh and His Apostle – Allāh has cursed them in this world and in Hereafter, and has prepared for them a humiliating punishment.”*⁵³

Having elaborately discussed the injunctions which pertain to the Divine acquittal of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.), it is now significant to outline other events that immediately followed. Ṣafwān ibn Mu'attal al-Sulamī (r.a.) contemplated the killing of Ḥassān Ibn Thābit (r.a.) who fallen prey to the propaganda against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) and launched an attack against him and Ḥassān Ibn Thābit (r.a.) was rescued by the members of the community. Finally the Prophet Muḥammad (s.a.w.s.) arbitrated in the matter and he (s.a.w.s.) instructed Ṣafwān Ibn Mu'attal al-Sulamī (r.a.) to forgive Ḥassān Ibn Thābit (r.a.). Moreover, Ḥassan Ibn Thābit (r.a.) was compelled to compose poetry which dealt with the purity of *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.).⁵⁴

⁵³. *Holy Qur'an*, 33:57.

⁵⁴. Daryabadi, Mawlana Abdul Majid. *Tafsir-ul- Qur'an - Translation and Commentary of the Holy Qur'an*. Lucknow . Academy of Islamic Research and Publications. 1983. Vol. 3, p. 219.

Insofar as Mistah Ibn Athathah (r.a.) is concerned, he was an indigent relative of *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.), and was receiving financial assistance from *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.). His participation in the scandal against *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) naturally warranted a decision to be taken by *Sayyidunā* Abū Bakr (r.a.) to withdraw his financial support for him.⁵⁵ He took an oath to that effect as reported by *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.):

Allāh revealed those Qur'anic verses to declare my innocence. Abū Bakr *al-Ṣiddīq* who used to disburse money for Mistah bin Uthathah because of his relationship to him and his poverty, said: “By *Allāh*, I will never give to Mistah bin Uthathah anything after what he has said about ‘A’ishah.” Then *Allāh* revealed the following:⁵⁶

“Let those among you who are endowed with grace and amplitude of means resolve by oath against helping their

⁵⁵. Ibid, p. 219.

⁵⁶. *Ṣaḥīḥ al-Bukhārī* . op . cit . 328.

kinsmen, those in want, and those who have left their homes in Allāh's Cause: Let them forgive and overlook. Do you not wish that Allāh should forgive you? For Allāh is Oft-Forgiving, Most Merciful."⁵⁷

In the above *āyah*, *Allāh* (SWT) refers to the elevated moral and spiritual status of *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.) and admonishes him to forgive *Mistaḥ Ibn Athāthah* (r.a.) and to continue to financially support him. Therefore, it may be safely deduced that the revelation of the above *āyah* which appears in *Sūrat al-Nūr*, provides specific Divine Guidance to *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.) to maintain his exalted standard of Islamic ethics and to continue exercising his benevolence. In other words, *Allāh* (SWT) advises him (r.a.) not to make any irrational decisions, but to forgive defaulters who sincerely repent if he desires to be the recipient of the forgiveness of *Allāh* (SWT). This revelation prevented *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.) from inflicting punishment on *Mistaḥ Ibn Athāthah* for his unruly conduct. At the same time it may be established that *Allāh* (SWT) protected

⁵⁷. *Holy Qur'ān*, 24:22.

Sayyidunā Abū Bakr (r.a.) from being target of reproach and blame in the eyes of the community.

From the *Ḥadīth* literature, we learn that upon becoming aware of the above revelation *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.) proclaimed, “Yes, by *Allāh*, I would like that *Allāh* forgives me,” and went on giving Mistah the money he used to give him before. He also added, “By *Allāh*, I will never deprive him of it at all.”⁵⁸

Sayyidunā Amīr al-Mu'minīn Abū Bakr (r.a.) gave moral and material support towards promoting the cause of Islam and enjoyed a particular close relationship with the Prophet Muḥammad (s.a.w.s.). He (r.a.) even had the unique privilege of accompanying the Prophet Muḥammad (s.a.w.s.) on the *hijrah* journey to Madīnah. The *Holy Qur'ān* testifies to this fact in the following passage:

“...*When the unbelievers drove him out: he had no more than one companion: they were two in the Cave, and he said to his*

⁵⁸. *Sahih al-Bukhari* . op . cit . p . 328.

*companion, 'Have no fear, for Allāh is with us': then Allāh sent down His peace upon him.....*⁵⁹

Sayyidunā Amīr al-Mu'minīn Abū Bakr's (r.a.) dedication to the cause of Islam and unswerving allegiance to the Prophet Muḥammad (s.a.w.s.) resulted in him (r.a.) being conferred with the honorific title of *al-Ṣiddīq* (the truthful).

However, it is important to point out that although the above *āyah* (22) may have been specifically referred to *Sayyidunā Amīr al-Mu'minīn* Abū Bakr (r.a.), this Divine injunction is equally binding for general application in the daily lives of individuals in every age and era.

The concept "to forgive and forget" ought to be implemented and the suppression of anger must be given priority. People are considered to be noble if they do not allow vengeance to supersede their nobility and remain constant in their good deeds and as such do not subject delinquents to total condemnation, but to rectify their faults and direct

⁵⁹. *Holy Qur'ān*, 9:40.

them to the path of righteousness. In our inter-personal relationships we should always stand up for each other and we should not withhold extension of kindness towards our fellow human beings who may have hurt us in one way or another.

Thus far, all the relevant injunctions which pertain to the slandering *Sayyidatunā Umm al-Mu'minīn 'Ā'ishah* (r.a.) and the Divine intervention to acquit her of the alleged misdemeanor and other related Divine Commandments have been critically assessed. It is now relevant to examine the circumstances under which various other *āyāt* of *Sūrat al-Nūr* were revealed. These *āyāt* address certain issues which have relevance in contemporary times and will still be of relevance in times to come.

1.5.4 MARRIAGE WITH ADULTERER AND ADULTERESS

According to *Imām Abū Ja'far Muḥammad Ibn Jarīr al-Ṭabarī*, the renown *mufasssir* (commentator on the *Holy Qur'ān*), there are various

Hadīth reports which address the circumstances which led to the revelation of *āyah* 3 of *Sūrat al-Nūr* which is as follows:

“A man who has fornicated (or committed adultery) may only marry a woman who has fornicated (or committed adultery) or an idolatress. A woman who has fornicated (or committed adultery) may only marry a man who has fornicated (or committed adultery). To the Believers such a thing is forbidden.”

In Islam, adultery or fornication is morally as impure as *shirk* (associating partners with *Allāh* –SWT) is impure in terms of belief. That is why the term *zānī* and *mushrik* appear together in the above Qur’anic verse. Unlike in the Western culture, the word *zinā* in the *Holy Qur’ān* covers both adultery and fornication just as the word *ribā* covers both interest and usury. Moral purity has the highest priority in Islam. Hence, marriage with an adulterer or adulteress will be allowed only when such a person has made sincerely *tawbah* (repentance) and ameliorated his/her behaviour.

In order to clarify this issue, it will suffice to refer to two *Hadīth* reports. In one report, it is mentioned that some *Ṣahābah* (r.a.) of the Prophet Muḥammad (s.a.w.s.) sought permission from him (s.a.w.s.) for them to marry unbelieving women (idol worshippers) who were known to have committed adultery and hence, *āyah* 3 was revealed to forbid Muslims to marry any adulterous idolatress. Another report cites that a poor Muslim man wanted to marry a certain adulterous idolatress who was known as *Umm Mahzūl* so that she would take care of his financial needs. Thus, *Allāh* (SWT), through the revelation of this *āyah*, censured that practice which used to be in vogue during the pre-Islamic era whereby indigent men used to seek the hand of wealthy adulterous women so that they could, by virtue of marrying them, receive financial support from them.⁶⁰

It must be noted that *Sūrat al-Nūr* first lays down the prohibition to contract such marriages that are not based on legitimate grounds and then proceeds on to lay down some specific conditions for contracting legitimate marriages in *āyāt* 32 and 33:

⁶⁰. Al-Ṭabarī Abū Jaʿfar Muḥammad Ibn Jarīr. *Jāmiʿ al-Bayān Fī Tafsīr al-Qurʾān*. Beirut. Dar al-Maʿrifah. N.D. Vol. 9, pp. 55-56.

“Marry those among you who are single or the virtuous ones among your slaves, male or female: If they are in poverty Allāh will give them means out of His grace: For Allāh encompasses all , and knows all things. Let those who find not the wherewithal for marriage keep themselves chaste, until Allāh gives them means out of His grace. And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if you know any good in them; yea give them something yourselves out of the means which Allāh has given you... ..”

1.5.5 PREVALENCE OF PROSTITUTION

The latter part of *āyah* 33 denounces the institution of prostitution:

“But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allāh Oft-Forgiving, Most Merciful (to them).”

The cause for the revelation of the above is provided in the following *Hadīth* report:

“Jābir (r.a.) reported that ‘Abd Allāh Ibn Ubayy Ibn Salūl had two slave-girls; one was called Musaika and the other one was called Umaima and he compelled them to prostitution. They made a complaint about this to *Allāh*’s Messenger (may peace be upon him) and it was upon this that this verse was revealed.”⁶¹

Here, a question arises: Is there punishment for the one who compels someone to commit adultery/fornication? The answer will obviously be in the affirmative and that would be in the form of *ta‘zīr* (discretionary punishment) which is imposed by the *qāḍī* (judge) in an Islamic State.

⁶¹ . *Sahih Muslim* . Rendered into English by Abdul Hamid Siddiq. Kitab al-Tafsir. Lahore. Ashraf Islamic Publishers. 1990 . Vol. IV B, p . 403.

1.5.6 DISREGARD FOR HUMAN PRIVACY

In the pre-Islamic era, there was no respect for human privacy in view of the fact that there was no code of conduct which governed the etiquette for entering into the private dwellings. The pre-Islamic Arabs used to enter these dwellings unauthorized and having done so would then announce their arrival. This intrusion resulted in the exposure of the private affairs and other domestic problems of people which were not meant to be disclosed to outsiders. Likewise, there were times when the inmates of a private dwelling were undressed, or semi-clad, or were in a sexually compromising position and thus revelation of *āyah* 27 provides a comprehensive code of conduct for the manner in which they should enter people's homes. In this context *Allāh* (SWT) commands:

“O you who believe! Enter not houses other than your own, until you have asked permission and saluted those in them: that is best for you, in order that you may heed (what is seemly).”

Verses 28 and 29 further specify the places which can be entered without any restriction as well as the places where restrictions are imposed. Hence, the revelation of these Qur'anic injunctions serve to regulate social interaction among people so as to safeguard the individual's and family's right to personal privacy.

1.5.7 FREE DISPLAY OF WOMEN'S 'AWRAH (PRIVATE PARTS)

Decency and modesty did not feature as an integral part of life in the pre-Islamic era and as such sexual immorality was rampant in the absence of an undefined code of moral and social conduct.

It was a common practice in the pre-Islamic era for women to move around freely exposing their breasts, displaying their adornments and to attach bells or other ornaments to their feet and stamping their feet while walking. which resulted in flaring sexual arousal in men. This type of behaviour pattern lured people to indulge in illicit sexual relations.⁶²

⁶². *Fī Zilāl al-Qur'ān*, op. cit. Vol. 4, p. 450.

Hence, the revelation of *āyāt* 30 to 31 enjoins upon believing men and women to safeguard their chastity and to uphold modesty which is an integral part of faith as depicted in the following Qur'anic passages:

“Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allāh is acquainted with all that they do.

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily appear thereof); that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husband's sons, or their brother's sons, or their sister's sons, or their women, or the slaves whom their right hand possess or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O you

believers! Turn you all together towards Allāh, that ye may attain Bliss.”

Since the attire of the women in the pre-Islamic era was not guided by any specific ethical principle, women freely displayed their ‘*awrah*⁶³ (private parts) thus stimulating the attraction of sensual desire of men. Hence, the revelation of the above-mentioned injunctions provides both men and women with socio-ethical norms to prevent them from indulging in shameful illicit sexual relations which have a detrimental effect on the individual and the society as a whole.

CONCLUSION

This chapter, which addressed the historical background of *Surāt al-Nūr*, depicted how, with the advent of Islam and the establishment of a fully-fledged Islamic State in Madīnah, moral and social reforms were gradually effected. The social characteristics of the pre-Islamic Arabs

⁶³. The ‘*awrah* of a Muslim woman in accordance with the dictates of the *Shari‘ah* constitutes her entire body with the exception of her hands and face and for men from the navel to the knee.

were also discussed in order to show how the revelation of *Sūrat al-Nūr* censured the vices that prevailed in the pre-Islamic society.

It may be reinforced here that the injunctions in *Sūrat al-Nūr* lay down strict legislation for the protection of the honour and dignity of both men and women. ‘Allāmah Sayyid Sulaiman Nadvi (d. 1953) states that a mirror is broken by throwing a stone at it, and not by intending to throw a stone at it, but the mere intention of bringing one into disrepute, confirms the commission of the deed.⁶⁴ Self respect is the most valuable asset of an individual and if lost cannot be re-compensated. Thus, when character assassination of an innocent and reputable person becomes evident, verbally, physically or in writing, then there is tendency for such a victim to undergo severe mental turmoil and to be placed into an embarrassing situation, as was the case in the slanderous attack launched against *Sayyidatunā Umm al-Mu’minīn ‘Ā’ishah* (r.a.). It is precisely in order to curtail such accusations being levelled against chaste persons that strict punishment has been laid down in *Sūrat al-Nūr* for those guilty of *qadhf* (false accusation - especially of fornication) without producing witnesses as decreed by Divine Law.

⁶⁴. *Sūrat-i-‘Ā’ishah*, op. cit., p. 77.

The socio-ethical norms laid down in *Sūrat al-Nūr* are relevant for the maintenance of law and order in the society and for moral and spiritual upliftment of community.

The second chapter of this dissertation concentrates on the subject matter of *Sūrat al-Nūr* which aims at eradicating immoral practices which were prevalent in society, thereby ensuring the maintenance of peace and prosperity as well as moral and spiritual advancement.

Chapter Two

A SURVEY OF THE SUBJECT MATTER

INTRODUCTION

Sūrat al-Nūr has a unique preamble in comparison to other chapters of the *Holy Qur'ān*. The *Holy Qur'ān* comprises 114 chapters and some of them begin with an address to the believers while others begin with an address to humankind at large. Moreover, some chapters are introduced with an alphabetical construction, for example *الم*, etc., of which its real implication cannot be grasped by humankind and is only known to *Allāh* (SWT) and the Prophet Muḥammad (s.a.w.s.), and some other chapters begin with a declaration of Divine Oath, for example, *والعصر* (By the Token of Time), etc..

Sūrat al-Nūr is distinct from all the other chapters of the *Holy Qur'ān*, in the sense that it is the only chapter which is singled out by Divine Proclamation as “a *Sūrah*” in the opening lines which appear as follows:

“A *Sūrah* which We have sent down and which We have ordained: In it have We sent down Clear Signs, in order that you may receive admonition.”¹

From this, one may conclude that the structure of *Sūrat al-Nūr* is quite different to that of all other chapters of the *Holy Qur’ān* and this brings to the realization of the reader that *Allāh* (SWT) introduces this particular chapter in an authoritative tone, thereby signifying that Divine Authority cannot be compromised under any circumstances. It is apparent that the syntax of the opening statement in *Sūrat al-Nūr* reverberates in the mind of the believer the need to accept the fact that the Divine Commandments ought to be accepted unconditionally.

Sūrat al-Nūr pronounces the supremacy of the injunctions of *Allāh* (SWT) and emphasises the exalted status of the Prophet Muḥammad (s.a.w.s.). This is an important factor since the Prophet Muḥammad (s.a.w.s.) is the medium through whom the *Kalām* (Word) and Will of *Allāh* (SWT) were conveyed for the guidance of entire humankind.

¹. *Holy Qur’ān*, 24:1.

The acceptance of Divine Authority impels the believers to act upon Divine Orders without any hesitation or doubt. Moreover, believers are expected to seek guidance from the *Holy Qur'ān* and *Sunnah* (the precepts of the Prophet Muḥammad – s.a.w.s.) in all matters, whether religious or secular, as is evident from the following Qur'anic passage:

If you differ in anything among yourselves, refer it to Allāh and His Apostle.”²

2.1 SIGNIFICANCE OF THE OPENING STATEMENT

The tone, diction and construction of the opening statement of *Sūrat al-Nūr*, namely:

“A Sūrah which We have sent down and which We have ordained: In it have We sent down Clear Signs, in order that you may receive admonition,”

². *The Holy Qur'ān*, 4:59.

distinctly draw one's attention to the Sovereignty of *Allāh* (SWT) and hence, it is necessary to be heedful in applying the Divine Law. Any statement, legislation or verdict that contradicts the categorical Divine Injunctions and the rulings of the Prophet Muhammad (s.a.w.s.) will have a detrimental effect on one's moral and spiritual evolution. It may even result in leading people astray and out of the fold of Islam as is explicitly declared in the following Qur'anic passage:

“It is not fitting for a Believer, man or woman, when a matter has been decided by Allāh and His Apostle, to have any option about their decision: If anyone disobeys Allāh and His Apostle, he is indeed on a clearly wrong path.”³

Mawlāna Abū al-A‘lā Mawdūdī (d. 1979) presents the following insight into the opening statement of *Sūrat al-Nūr* :

The instructions given in this chapter are not given in an advisory capacity, but they are mandatory Commandments which have to be obeyed, followed and implemented by true

³. *The Holy Qur'ān*, 33:26.

believers. The subject matter of this particular *Sūrah* which were meant to eradicate immoral practices which were prevalent in society, and thereafter the Divine Commandments which followed aimed at providing preventative measures against the very birth of evil. Thereafter, the Divine Commandments progress to obliterate the causes responsible for the inception and propagation of evil, thereby ensuring the maintenance of peace and prosperity as well as moral and spiritual advancement. The *Sūrah* then advances to lay down the rules as to how believers ought to approach *Allāh* (SWT) and the Prophet Muḥammad (s.a.w.s.).⁴

Commenting on the grammatical construction of *āyah* 1 of *Sūrat al-Nūr*, ‘*Allāmah* Alūsī brings out the significance of the the statement *anzalnā hā* (We revealed it) by stating that it emphasizes the fact that there is a clear distinction between man-made laws and the Divine Law.

⁴. Madudi, S. Abul A’la. *Text, Translation and Brief Notes of The Holy Qur’an*. Eg. Trans. by Murad Puri. Lahore Ripon Printing Press Limited. 3rd Edition. 1974, pp. 28–29.

In other words, *Allāh* (SWT) is the Absolute Law–Giver and as such a rigorous warning is given to believers to fear *Allāh* (SWT) and that fear should serve as an impetus for them to ensure that the society in which they abide is governed by the Laws prescribed by *Allāh* (SWT).

As for the phrase *wa faradnā hā* (We have made it obligatory) enjoins upon believers that the contents of this particular chapter has to be assimilated and the Divine Injunctions ought to be implemented without any alteration. Besides the laws pertaining to *Ṣalāh* (compulsory five times daily prayer), *Ṣawm* (compulsory fasting in the holy month of *Ramaḍān*) etc., and other obligatory Divine Commandments have also been revealed to govern the moral and social life of humankind.⁵

Al-Ṭabarī, in his commentary on the statement *wa anzalnā fī hā āyāt bayyīnah* (We revealed in it clear Signs of Truth), points out that it implies a solemn warning against any attempt at widening or re-defining the injunctions contained in this particular chapter by means of deductions, inferences or any other means which are in contradiction to the plain wording of the text. Moreover, he expresses the view that the

⁵. *Ruhul Mani*, op . cit . pp . 74 –75.

above statement also has the connotation that indulgence in any of the acts that have been explicitly prohibited in this chapter is viewed in a serious light in that the *ḥadd* (Divinely prescribed punishment) must be imposed on the *fāsiq* (transgressor) who contravenes the moral and socio-ethical imperatives that are explicitly defined by Divine Decree.⁶ In other words, it can be inferred from the view of al-Ṭabarī that there can be no fusion of *īmān* (faith) with *fisq* (transgression).

Ibn Kathīr reinforces al-Tabarī's view that the *ḥadd* punishment should be imposed on the transgressor by pointing out that *Allāh* (SWT) makes a clear distinction between that which is *ḥalāl* (permissible) and that which is *ḥarām* (impermissible) and there is no excuse for one to indulge in that which is *ḥarām*. The *ḥadd* punishment, therefore, must be implemented in every era and generation and its application has been made incumbent upon the offenders, without any concession.

Ibn Kathīr goes further and explains that the statement *wa anzalnā fī hā āyāt bayyinah* affirms that the Commandments of *Allāh* (SWT):

⁶. *Jami ' al-Bayan fi Tafsir al-Qur'an* . op . cit . Vol.9, pp . 51 – 52.

- i. are uncomplicated and are comprehensible to any believer;
- ii. need no further explanation, meaning that the stipulated injunctions must be accepted in its exact phraseology;
- iii. are specifically directed to those who indulge in *zinā* (adultery and fornication) and other vices which have a detrimental effect on the individual and also result in creating dissension in a virtuous society.⁷

Having discussed the significance of the opening statement in *Sūrat al-Nūr*, it is now pertinent to delve into the subject matter.

2.2 THE SUBJECT MATTER

In this section some of the issues addressed in *Sūrat al-Nūr* are individually discussed. It is to be noted that these themes are hereunder randomly expounded upon without following the chronological sequence as they appear in *Sūrat al-Nūr*.

⁷. Ibn Kathīr, 'Imād al-Dīn Abū al-Fidā' Ismā'īl. *Tafsīr al-Qur'ān al-'Aẓīm*. Beirut. Dār Ihyā; al-Turāth al-'Arabī, 1969, Vol. 3, p. 260.

The subject matter of *Sūrat al-Nūr* may be summed up as follows:

- i. it stipulates that reverence ought to be accorded to the Prophet Muḥammad (s.a.w.s.);
- ii. it embodies the Divine Commandments which aim at eradicating the immoral practices;
- iii. it spells out preventative measures that ought to be implemented in order to deter people from indulging in evil;
- iv. it gives guidance for the reformation of an individual in particular and the entire society in general;
- v. it advocates the eradication of evil in order to ensure the maintenance of peace and prosperity as well as moral and spiritual advancement;
- vi. it encourages reflection on the natural phenomena which are manifestations of the Omnipotence of *Allāh* (SWT).

The main thrust of the message in *Sūrat al-Nūr* is to exhort the believers to inculcate *taqwā* (*Allāh*-Consciousness) and to embark on the path for self-discipline, purification and spiritual evolution which would pave the way for the Light of *Allāh* (SWT) to engulf and

penetrate their hearts so that they would be in a position to display the character of true believers at all times.

2.2.1 RESPECT FOR THE PROPHET MUḤAMMAD (S.A.W.S.)

To show respect for the Prophet Muḥammad (s.a.w.s.) implies according him (s.a.w.s.) all the reverence, veneration and obedience that he (s.a.w.s.) deserves. *Allāh* (SWT) warns the Muslims that respect should be displayed even in the manner in which they address the Prophet Muḥamamad (s.a.w.s.) as is evident in revelation of *āyah* 63 of *Sūrat al-Nūr*:

“Deem not the summons of the Apostle among yourselves like the summons of one of you to another: Allāh does know those of you who slip away under shelter of some excuse: then let those beware who, withstand the Apostle’s order lest a trial befall them, or a grievous penalty be inflicted on them.”

Ibn Kathīr furnishes two major reasons for the cause of the revelation of the above quoted Qur’anic Injunction which as are follows:⁸

⁸. *Tafsīr al-Qur’ān al-‘Azīm*, op. cit. Vol. 3, pp. 299-300.

- i) The people used to address the Prophet Muḥammad (s.a.w.s.) in an uncouth manner such as: “O Muḥammad and O Abū al-Qāsim” and since *Allāh* (SWT) holds the Prophet Muḥammad (s.a.w.s.) in high esteem and confers upon him (s.a.w.s.) an elevated status, it was, therefore, deemed unbecoming of them, by the revelation of the above *āyah* (24:63), to address the Prophet Muḥammad (s.a.w.s.) directly by name. It is, therefore, incumbent upon every person to show respect to the Prophet Muḥammad (s.a.w.s.) by addressing him by the honorific titles bestowed upon him in the *Holy Qur’ān* by *Allāh* (SWT) when directly conversing with him or when referring to him in his presence.
- ii) The protocol of the *Jumu‘ah Khuṭbah* (Friday Sermon) deems that every person ought to sit attentively and listen to the sermon of the *Imām* (the one who leads Muslims in prayer). It is also not permitted for any person to leave the *Masjid* while the sermon is being delivered. The *munaḥiqūn* used to slip away stealthily from the company of the Prophet

Muḥammad (s.a.w.s.) and used to be inattentive to his (sermon). They used to find the flimsiest of excuses to leave the *Masjid* because they could not withstand the Truth that the Prophet (s.a.w.s.) was propagating. That was tantamount to displaying a negative attitude towards the Prophet Muḥammad (s.a.w.s.). Hence, by the revelation of the above *āyah* (24:65) *Allāh* (SWT) stipulates that the Prophet (s.a.w.s.) must be accorded the highest respect.

Throughout the *Holy Qur'ān*, *Allāh* (SWT) distinctly commands mankind to fear Him (SWT) and to hold the Prophet (s.a.w.s.) in high esteem. Besides commanding mankind to adhere to the code of respect and reverence for the Prophet (s.a.w.s.), *Allah* (SWT) provides a practical demonstration as to how the Prophet (s.a.w.s.) is to be approached and addressed. Scanning through the text of the *Holy Qur'ān*, one can easily note that whenever *Allah* (SWT) addresses the Prophet (s.a. w .s.) directly, He (SWT) never addresses him (s.a.w.s.) by name, but in the most honorific terms, e.g., “*O Apostle/O Prophet*”⁹; “*O Messenger*”¹⁰; “*O*

⁹. *Holy Qur'ān*, 8:64.

¹⁰. *Holy Qur'ān*, 8:70.

you folded in garments”¹¹; “O you wrapped up in a mantle”¹² This reinforces that when a believer utters the name of the Prophet Muḥammad (s.a.w.s.) in his daily speech or engages in discussions related to the life of the Prophet (s.a.w.s.), or when imparting knowledge where mention is made of the name of the Prophet (s.a.w.s.), then a believer must add “Peace and Blessings of *Allāh* be upon him.” The response of the hearer of the sacred name of the Prophet (s.a.w.s.) should also be the same. It is this mark of reverence which enables a believer to perceive the high status that ought to be accorded to the Prophet Muḥammad (s.a.w.s.).

In yet another passage, *Allah* (SWT) prohibits humankind to address or describe the Prophet Muḥammad (s.a.w.s.) by using such words which are derogatory and ambiguous for that may result in degrading the unique status that *Allāh* (SWT) has bestowed upon him (s.a.w.s.):

¹¹. *Holy Qur’ān*, 73:1.

¹². *Holy Qur’ān*, 74:1.

“O you of Faith! Say not (to the Apostle) words of ambiguous import, but words of respect; and harken (to him). To those without Faith is a grievous punishment.”¹³

In reference to the above passage, some scholars hold the view that even the slightest disrespect shown when addressing the Prophet (s.a.w.s.) will be detrimental to one's *īmān* (faith) and *a‘māl* (deeds). The reason for the revelation of above passage of the *Holy Qur‘ān* is that whenever the Jews came to see the Prophet Muḥammad (s.a.w.s.), they would use ambiguous words or twist the words in such a manner so as to insult him (s.a.w.s.). For example, when they wanted to draw his attention, they would use the expression *rā‘inā*, which means “Pay attention to us.” But this expression has other meanings also. In Hebrew, there is a word which has a similar sound and it means, "Listen, may you become deaf." In colloquial Arabic it meant "If you listen to us, then we will listen to you." Then with a little twist of the tongue it could be turned into *rā‘iyanā*, which means "our shepherd." Thus, *Allāh* (SWT) commands the believers to avoid the use of that word when desiring the attention of

¹³. *Holy Qur‘ān*, 2:104.

the Prophet Muḥammad (s.a.w.s.). They should rather use another term i.e. *unzur nā* (look at us).¹⁴

In every era and generation, scholars and learned men will always engage in discourses on the life of the Prophet Muḥammad (s.a.w.s.), either in the form of speeches or in written works. They should thus heed the fact that they ought to accord due reverence and respect to the Prophet (s.a.w.s.). They should carefully consider the choice of words and phrases when describing the Prophet (s.a.w.s.). In other words, they ought to refrain from using such a word in describing the Prophet (s.a.w.s.) that may be honorific in meaning in one language and yet derogatory in another. Likewise they should not use such words that are ambiguous. Moreover, if a word implies respect and reverence, but varies slightly in its pronunciation to imply disrespect, then such a word should not be used in reference to the Prophet Muḥammad (s.a.w.s.).

Dr. *Mawlānā* Faḍl al-Raḥmān Anṣārī summarizes our duties to the Prophet (s.a.w.s.) as follows:¹⁵

¹⁴. *The Meaning of the Quran*, op. cit. Vol. 1, p. 102.

¹⁵. Ansari, Muhammad Fazl-ur-Rahman. *The Qur'anic Foundations and Structure of Muslim Society*. Karachi. Trade and Industry Publications Ltd. 1977. Vol. 2, p. 22.

- a) To respect him above all created-beings.
- b) To love him above all created-beings.
- c) To obey him without demur.
- d) To be absolutely loyal to him.

Moreover, from the *Qur'anic* citation which appears hereunder, Muslims are made aware that a strong bond should exist between them and the Prophet (s.a.w.s.):

*“So it is those who believe in him, honour him, help him, and follow the Light which is sent down to him, it is they who will prosper.”*¹⁶

Thus, it follows that in no way must believers be disloyal to the Prophet Muḥammad (s.a.w.s.) because disloyalty to him (s.a.w.s.) is in effect disloyalty to *Allāh* (SWT). If believers are disloyal to the Prophet Muḥammad (s.a.w.s.), it means that there is a defect within their innermost self, and as such their *īmān* would be in question. *Allāh* (SWT) strongly condemns any form of disloyalty by declaring:

¹⁶. *Holy Qur'ān*, 7:157.

“O ye that believe! Betray not the trust of Allah and the Apostle.”¹⁷

Furthermore, from the above, one gathers that any form of deviation from the precepts laid down by the Prophet Muḥammad (s.a.w.s.) is viewed in a serious light. In addition to the consequences for superseding the authority of the Prophet (s.a.w.s.) as portrayed in *āyah* 63 of *Sūrat al-Nūr*, the following injunction is another example wherein *Allāh* (SWT) warns humankind of the serious consequences of showing disrespect to the Prophet Muḥammad (s.a.w.s.):

“Those who annoy Allāh and His Apostle, Allāh has cursed them in this world and in the Hereafter, and has prepared for them a humiliating punishment.”¹⁸

Praising the Prophet Muḥammad (s.a.w.s.) and holding him (s.a.w.s.) in high esteem above all the creations of *Allāh* (SWT) is classified as *Sunnat Ilāhiyah* (the Way of Allah). In Chapter 94 of the *Holy Qur’ān*,

¹⁷. *Holy Qur’ān*, 8:27.

¹⁸. *Holy Qur’ān*, 33:57.

Allāh (SWT) specifically states: *wa rafa' nā laka dhikrak*¹⁹ (i.e. and We (*Allāh*) has given you the esteem in which you are held) to demonstrate the great honour which He (SWT) has conferred upon the Prophet (s.a.w.s.) in this world. This statement has a very deep connotation and has a world of glad tidings concealed in it. *Allāh* (SWT) assures him (s.a.w.s.) that however vehement his (s.a.w.s.) opponents might be in rejecting his (s.a.w.s.) call, and however insulting they might be in taunting him (s.a.w.s.), He (SWT) has exalted his (s.a.w.s.) honour and has granted him (s.a.w.s.) the highest position amongst all created beings. Therefore, the whole universe reverberates with the sound of his (s.a.w.s.) praise. In other words, *Allāh* (SWT) guarantees that none of the opponents can inflict any harm on the Prophet Muhammad (s.a.w.s.) or his (s.a.w.s.) mission.

It is a matter of fundamental belief that the Prophet Muhammad (s.a.w.s.) is the only source of true guidance pertaining to success in this life and the next, believers are, therefore, obliged to maintain a close relationship with him (s.a.w.s.) by cultivating love for him within the innermost recesses of their hearts.

¹⁹. *Holy Qur'ān*, 94:4.

It is thus evident that the love for the Prophet Muḥammad (s.a. w .s.) must transcend the love for any other created being, and that a close spiritual relationship should always exist between a believer and the Prophet Muḥammad (s.a.w.s.) This point is further stressed by the following Qur'anic citation:

“The Prophet is closer to the Believers than their own selves.”²⁰

This Qur’anic verse points out that the Prophet Muḥammad (s.a.w.s.) has a higher claim upon the believers and allegiance to him (s.a.w.s.) ought to be given preference over others.

Closely related to the above Qur’anic passage is a *Hadīth* which depicts the true meaning of having love for the Prophet Muḥammad (s.a.w.s.):

“A person cannot have perfect or complete īmān if his love for his parents, family members and other people transcends his love for me.”²¹

²⁰. Holy Qur’ān, 33:6.

Respect in general refers to the treating of someone with reverence. However, in the case of reverence for the Prophet Muḥammad (s.a.w.s.), showing respect to him (s.a.w.s.) should be restricted to lip-service, but must be demonstrated by obeying him (s.a.w.s.) in all actions and deeds. Treating him (s.a.w.s.) with reverence means to obey what he (s.a.w.s.) commands and hence obeying him (s.a.w.s.) would be proof of showing respect and reverence towards him (s.a.w.s.). According to Divine Law, respect for the Prophet (s.a.w.s.) differs from that of other human beings which is defined by verse 62 of *Sūrat al-Nūr*. Hence, respect for the Prophet (s.a.w.s.) would mean to treat the Prophet (s.a.w.s.) with great reverence, veneration and honour. Respect for the Prophet (s .a. w. s.) is the reverence which a follower shows to the Prophet (s.a.w.s.) and his teachings, thereby displaying an integrated spiritual awareness that the Divine Message requires both commitment and humility which are significant ideals in a noble mind. Hence, respect for the Prophet (s.a.w.s.) must be sustained and perpetuated so that future generations would adopt his (s.a.w.s.) teachings and thus make his (s.a.w.s.) followers conscious of his (s.a.w.s.) everlasting message.

²¹. *Ṣaḥīḥ al-Bukhārī*, op. cit. *Kitāb al-Īmān*. Vol.1, p. 10.

2.2.2 CONSEQUENCES OF ZINĀ (ADULTERY/FORNICATION)

In the introduction of *āyah* 1 of *Sūrat al-Nūr*, *Allāh* (SWT) stresses on His (SWT) Absolute Authority and concludes this *āyah* by admonishing the believers to adhere to His (SWT) strict Legislations that are to follow for the moral well-being of the individual as well as members of a society in general. *Zinā* (illicit sexual relations) undermines marital fidelity and is bound to have a devastating effect on family life which may lead to other social evils. Thus, we find that *āyah* 2 of *Sūrat al-Nūr* explicitly lays down the *ḥadd* for those guilty of this offence. The *ḥadd* for *zinā* will be discussed in detail in chapter 3 of this dissertation. After stipulating the prescribed punishment for adultery and fornication, *āyah* 3 of *Sūrat al-Nūr* imposes certain restrictions when choosing a marriage partner.

2.2.3 RESTRICTIONS IN MARRIAGE

The Divine Commandment revealed in *āyah* 3 of *Sūrat al-Nūr* restricts chaste believers from marrying sexually promiscuous people. The commandment appears in the Qur'anic text as follows:

“Let no man guilty of adultery or fornication marry any but a woman similarly guilty, or an unbeliever, nor let any woman guilty of adultery marry but a man similarly guilty, or an unbeliever: to the Believers such a thing is forbidden.”

Marriage is viewed as a sacred institution in Islam and as such true believers in *Allāh* (SWT) are exhorted to lay down the foundations for spiritually and morally sound family units by refraining from entering into matrimony with such people who do not have any regard and respect for sexual morality. *Āyah* 26 of *Sūrat al-Nūr* also reinforces the Divine Commandment laid down in *āyah* 3 above:

“Women impure for men impure, and men impure for women impure; and women of purity are for men of purity: These are not affected by what people say: For them there is forgiveness, and a provision honourable.”

Ibn Kathīr points out that since indulging in *zinā* is *ḥarām* and repulsive according to Divine Law, it is unbecoming for a *mu'min* (true believer) to

even consider marrying any person who has indulged in such an offence. Moreover, contracting *nikāḥ* (marriage) with such people is *ḥarām* in view of the fact that their persistence indulgence in sexual immorality indicates that they do not view *zinā* as a major sin and hence are devoid of spiritual light and moral guidance. However, Ibn Kathīr propounds the view that if that person sincerely repents and totally refrains from *zinā*, then that restriction would be lifted upon a believer to marry that person.²²

Mawlānā Amīn Islāḥī, in his commentary on the above two *āyāt* 3 and 26 of *Sūrat al-Nūr*, states that there is a similarity between the act of committing *zinā* and *shirk* (ascribing partners to *Allāh* - SWT). He points out that just as *shirk* is the highest form of evil and has a detrimental effect on one's *īmān*, similarly *zinā* is the worst form of immorality. It is precisely for this reason that *Allāh* (SWT) stresses upon the believers not to marry those who consistently and intentionally violate the Divine Law, and conduct their social lives in accordance to their own desires.²³ From the foregoing discussion, it is thus evident that *Allāh* (SWT) brings to the

²². *Tafsīr al-Qur'ān al-'Azīm*, op. cit. Vol. 3, p. 262.

²³. *Taddabur-i-Qur'ān*, op. cit. Vol. 5, p. 374.

understanding of believers about the seriousness of the crime of *zinā* and the consequences thereof. Therefore, *Allāh* (SWT) prohibits Muslims from allowing their daughters and sons to be given in marriage to adulterers and fornicators.

In the following *Ḥadīth*, the Prophet Muḥammad (s.a.w.s.) concurs with the above Divine Commandments and states:

The adulterer who has been flogged shall not marry save the one like him.²⁴

The Prophet Muḥammad (s.a.w.s.) insisted upon Muslims to marry such women who are loving and prolific.²⁵ If a woman is loving, peace and tranquility will prevail in the home environment, and if she is prolific, she will most definitely be an asset to contributing towards providing the manpower for the Muslim community. On the other hand, it is an established fact that a sexually corrupt unrepentant person will always be inclined towards a habitual adulterer or fornicator and hence believers

²⁴. *Sunan Abī Dāwūd*. Kitāb al-Nikah, op. cit. Vol. 2. p. 546.

²⁵. *Ibid*.

should be cautious not to marry such persons so as to safeguard their dignity, peace of mind and harmony within their homes.

2.2.4 SANCTITY OF MARRIAGE AND FAMILY INSTITUTION

The prohibition of marriages between decent individuals and those who are inclined towards *zinā* confirms that marriage in Islam is not only the union of two individuals, but it is also the union of two family units on the basis of harmonious co-existence. Since Islam views the family institution as the nucleus of society, *āyah* 32 of *Sūrat al-Nūr* exhorts the believers to enter in matrimony and guides them in their choice of marriage partners:

“Marry those among you who are single, or the virtuous ones among your slaves, male or female: If they are in poverty, Allah will give them means out of His Grace: For Allah is Ample-giving, and He knows all things.”

From the above, it can be deduced that Islam views marriage as a Divinely Ordained Institution and hence the institution of celibacy or monasticism is totally alien to Islam. It should also be noted that there is a difference between a civil marriage and an Islamic marriage. Civil marriage is based on man-made laws while Divine Law governs the Islamic marriage. The *Holy Qur'ān* and *Sunnah* of the Prophet Muḥammad (s.a.w.s.) clearly define the choice of a marriage partner, the conditions to be adhered to when contracting a marriage, the husband-wife relationship, their rights and obligations towards each other, parent-child relationship and laws governing the institution of the family, for example, the laws of inheritance, divorce, etc.

The imperative to marry “those of your who are single” in *āyah* 32 is specifically directed to the widowers, widows, divorcees, bachelors and spinsters so as to safeguard people from yielding to all forms of sexual perversions such as adultery, fornication, homosexuality, lesbianism and prostitution. Furthermore, if widows and divorcees remain unmarried, a sense of insecurity will prevail, and although they may be leading morally upright and spiritually sound lives, they may become victims of

scandal mongers. The institution of marriage will most definitely protect them from becoming targets of reproach and blame.

Pīr Muḥammad Karamshāh al-Azharī, in his *Ḍiyā' al-Qur'ān*, while expounding upon the significance of *Sūrat al-Nūr* remarks:

Divine Law forbids humankind from indulging in acts of immorality so that there can be prosperity and peace within the family system. If a family functions effectively in accordance to the moral and spiritual norms laid down by Divine Law, then such a family will certainly serve as a role model to the entire social structure of a society. Hence, *Allāh* (SWT) has entitled this particular chapter as *Sūrat al-Nūr* so as to impress upon the fact that those individuals and families who uphold the Commandments of *Allāh* (SWT) and the Prophet Muḥammad (s.a.w.s.) will experience the Light of *Allāh* (SWT) in their lives as well as in the World of Eternity. Therefore Islam advocates

the institution of marriage as a preventative measure against shameful deeds such as adultery and fornication.²⁶

Besides being exhorted to marry those who are single, the early Muslims were also commanded to marry the virtuous ones amongst their slaves. Although the institution of slavery may not exist today, it may safely be deduced that in the choice of a marriage partner the element of belief, virtue and piety should take precedent over consideration for status, wealth, colour, language, creed or caste. If an individual compromises on the issue of belief, virtue or piety of his/her marriage partner, then there is the likelihood that that couple would not be in a position to resolve any marital problem that may surface and this could result in a messy divorce.

Therefore, it is now of vital importance to define the meaning of marriage. Islam views it as *mithāq ghalīz* (a strong bond), a challenging commitment in the fullest sense of the word. It is a commitment that the married couples make to each other as well as to *Allāh* (SWT), to society, and to the dignified meaningful survival of the human race. It is a kind

²⁶. *Diya' al-Qur'an*, op. cit., pp. 279-280.

of commitment in which they find mutual fulfillment and self-realization, love and peace, compassion and serenity, comfort and hope. Marriage in Islam is regarded as a righteous act and an act of responsible devotion.²⁷

The *Holy Qur'ān* categorically proclaims that *Allāh* (SWT) has created men and women to bond themselves together as partners in wedlock for the purpose of procreation and to live in peace and harmony and in accordance to the dictates of *Allāh* (SWT) and the *Sunnah* of the Prophet Muḥammad (s.a.w.s.) as depicted in the following Qur'anic passages:

*“And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your hearts. Undoubtedly in these are signs for those who reflect.”*²⁸

“And Allāh has made for your made for you your mates of your own nature, an made for you, out of them, sons and daughters

²⁷. Abdalati, Hammudah. *Islam in Focus*. U.S.A. American Trust Publications. 975, p.114.

²⁸. *Holy Qur'ān*, 30:21.

and grandchildren, and provided for you sustenance of the best.”²⁹

The Prophet Muḥammad (s.a.w.s.), in reference to the institution of marriage, declares:

“Marriage is my *Sunnah*. Whosoever refrains from it, is not from me.”³⁰

The institution of marriage in Islam fulfils two objectives of the *dīn* (religion), namely, *‘ibādah* (worship) and *mu‘āmalah* (human interaction). As a form of *‘ibādah* (worship), marriage results in obeying the Commandment of *Allāh* (SWT) to engage in sexual relations for the purpose of perpetuation of the human race. Their offspring are born on legitimate grounds and are reared to be the servants of *Allāh* (SWT).

Professor ‘Abd al-Raḥmān Doi (d. 1999), commenting on the dimension of *mu‘āmalah* (social interaction) of marriage, states:

²⁹. *Holy Qur’ān*, 16:72.

³⁰. *The Translations of the meanings of Sahih al-Bukhari*. Dr. Muhammad Muhsin Khan. Arabic – English. The Book of Nikah. Vol. 7. p.2.

In its *mu'āmalah* aspect, marriage being a lawful response to the basic biological instinct to have sexual intercourse and to procreate children, the *Shari'ah* has prescribed detailed rules for translating this response into a living human institution reinforced by a whole framework of legally enforceable rights and duties, not only of the spouses but also of their offspring.³¹

The Prophet Muhammad (s.a.w.s.) in the following *Hadīth* reinforces that marriage teaches one to be responsible:

When a man marries, he has fulfilled half of his religion, so let him fear *Allāh* regarding the remaining half.³²

It can be inferred from the above *Hadīth* that marriage precludes one from indulgence in promiscuity, adultery, fornication, homosexuality and other inter-related evils which may lead to the disintegration of the family unit. Hence, the life of the individual after marriage demands a greater spiritual, moral and social responsibility. The man, being the head

³¹. *Women in Shari'ah. op. cit.* pp. 31-32.

³². Karim, Fazlul. *Al-Hadis: An English translation and commentary of Mishkat-ul-Masabih*. New Delhi. Islamic Book Service. 1989. Book II, pp.619-620.

of the family has to possess *taqwā* in order to lead his family on the path of righteousness in all facets of life as decreed by Divine Law. Not only is the head of the family responsible for his own actions, but is also responsible for those under his care and guidance. The *Holy Qur'ān* affirms that every believer has both an individual and a collective responsibility as enunciated in the following Qur'anic citation:

*“O you who believe! Save yourselves and your families from the Fire of Hell.”*³³

Closely related to the above Qur'anic citation is the following *Ḥadīth*:

Everyone of you is a shepherd and in charge of his flock.³⁴

Hence, parents are not only responsible for guiding and making provision for their children for survival in this mundane world only, but are equally responsible for educating and disciplining them morally, spiritually and socially in accordance to the Commandments of *Allāh* (SWT) and the

³³. *Holy Qur'ān*, 66:6.

³⁴. *Nuzhat al-Muttaqīn Sharḥ Riyād al-Ṣāliḥīn. Riyād al-Ṣāliḥīn, op.cit.* Vol. 1, p.248.

Sunnah of the Prophet Muḥammad (s.a.w.s.), thereby preparing them to attain felicity in the Hereafter. It is for this reason that Islam has prescribed certain measures to make the marital bond permanent as far as is humanly possible. That is why the Prophet Muḥammad (s.a.w.s.) viewed the institution of divorce with contempt as declared in the following *Hadīth*:

Of all the acts the most detestable to *Allāh* is divorce.³⁵

When marriage ends up in divorce children become the innocent victims and as such Islam attaches great importance in trying to keep the family institution intact, so that children would not be deprived of spiritual, moral and social guidance. In contemporary times, case studies have shown that teenagers who indulge in prostitution and other social ills are those whose parents have been divorced and/or belong to poor families and their parents are in no position to impart spiritual, moral and social values to them.

³⁵. *Sunan Abī Dawūd*, op. cit. Kitāb al-Ṭalāq, Vol. 2, pp. 586.

As for those who are not in a position to marry, *āyah* 33 issues a warning to them that they should keep themselves chaste and not indulge in illicit sexual relations:

“Let those who find not the wherewithal for marriage keep themselves chaste, until Allah gives them means out of His Grace.....”

Allāmah ‘Abd Allāh Yūsuf ‘Alī explains the above *āyah* as follows:

A Muslim marriage requires some sort of dower for the wife. If the man cannot afford that, he must wait and keep himself chaste. It is no excuse for him to say that he must satisfy his natural cravings within or outside marriage. It must be within marriage.³⁶

³⁶. *The Holy Qur’an – Text, Translation and Commentary*, op. cit., p. 906.

2.2.5 EMANCIPATION OF SLAVES

The middle part of *āyah* 33 addresses the issue of emancipation of slaves as follows:

“And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed, if ye know any good in them; yea give them something yourselves out of the means which Allāh has given to you.”

The institution of slavery existed during the pre-Islamic era as well as during the advent of Islam. With the advent of Islam, Divine Law prescribed the rights of slaves. A slave, male or female, could ask for conditional manumission by a written deed fixing the amount required for manumission and allowing the slave meanwhile to earn money by lawful means and perhaps marry and bring up a family. Such a deed was not to be refused if the request was genuine and if the slave was of good character. The master of the slave is also directed to help with money out

of his own resources in order to enable the slave to earn his or her own liberty.³⁷

History bears testimony to the fact that the Prophet Muhammad (s.a.w.s.) introduced rigid reforms to accord “rights” to the slaves, thereby paving the way for their eventual emancipation. The objective of the Prophet Muḥammad (s.a.w.s.) was to impress upon the people that their slaves are human beings like themselves and hence they are entitled to receive good treatment from them. In his (s.a.w.s.) *Khuṭbat al-Wadāʿ* (Farewell Sermon) he addressed the people saying:

And your slaves! See that you feed them with such food as you eat yourselves; and clothe them with the clothes that you yourselves wear. And if they commit a fault which you are not inclined to forgive, then part with them for they are the servants of *Allāh* and are not to be chastised.³⁸

³⁷. *The Holy Qur'an – Text, Translation and Commentary*, op. cit., p. 906.

³⁸. Siddiqui, Abdul Hameed. *The Life of Muhammad*. Lahore. Kazi Publications. 2nd Edition. 1975, p. 288.

The Prophet Muḥammad (s.a.w.s.) led by example. He (s,a.w.s.) married *Sayyidatunā Umm al-Mu'minīn Ṣafīyyah* (r.a.) and made her manumission her dower.³⁹

The Prophet Muhammad (s.a.w.s.) also pointed out that anyone who were to set his slave- girl free, and then marry her, would entitled for a double reward,⁴⁰ i.e., one reward for manumission of the slave and the other for marrying her.

2.2.6 DENOUNCEMENT OF PROSTITUTION

The latter part of *āyah* 33 denounces the enforcement of prostitution as follows:

“But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life, but if anyone compels them, yet after such compulsion, is Allah Oft-Forgiving, Most Merciful (to them).”

³⁹. *Sunan Abī Dawūd*, op. cit. Vol. 2 , Kitāb al-Nikāh, p. 547.

⁴⁰. *Ibid.*

Since Islam lays down great emphasis on sexual morality, the above citation censures prostitution altogether, whether in the form of consent or circumstances which may force someone to earn one's living through prostitution or even when young girls are abducted and forced into prostitution by immoral and irresponsible adults.

In the pre-Islamic era, women were regarded as the embodiment of depravity, shame and sin. With the advent of Islam, their honour and dignity were restored. The Prophet Muḥammad (s.a.w.s.) elevated their status and succeeded in bringing about a change in the social attitude towards women who came to be accepted as an integral part of the family as well as the society. He (s.a.w.s.) exhorted men to marry pious believing women and he admonished women to be faithful to their husbands. The Prophet (s.a.w.s.) also emphasized the rights of women as decreed by Divine Law, and stipulated that men should protect the integrity of women and should refrain from abusing women. In his (s.a.w.s.) Farewell Sermon, the Prophet Muhammad (s.a.w.s.) issues a clear directive with regard to the protection of the chastity of women as follows:

O people! Fear *Allāh* concerning women. Verily you have taken them on the security of *Allāh* and have made their persons lawful unto you by words of *Allāh*! Verily you have got certain rights over your women and your women have certain rights over you. It is incumbent upon them to honour their conjugal rights and, not to commit acts of impropriety which, if they do, you have authority to chastise them, yet not severely. If your wives refrain from impropriety and are faithful to you, clothe and feed them suitably. Behold! Lay injunctions upon women but kindly.⁴¹

Divine Commandment makes it mandatory for men not to inflict any harm on chaste women in respect of their dignity and honour as is explicitly declared in the following Qur'anic passage:

“Men are the protectors of women, and maintainers of women, because Allāh has given the one more (strength) than the other, and because they support them from their means. Therefore the

⁴¹. Siddiqui, Abdul Hameed. *The Life of Muhammad*, op. cit., p. 288.

righteous woman, are devoutly obedient, and guard in (the husband's) absence what Allāh would have them guard."⁴²

It is thus evident that the above Qur'anic passage correlates with the theme resonated in *Sūrat al-Nūr* which concerns the chastity of women. Hence, it is now essential to delve further into the subject matter of *Sūrat al-Nūr*, wherein the next major theme dealing with the gravity of slander against chaste women is viewed as a violation of Divine Law. It also deals with the issue of false allegations brought against spouses and also what legal measures are to be taken when dealing with such issues. A large portion of the subject matter of *Sūrat al-Nūr* (āyāt 11-20) deals with the slanderous attack launched against *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) by the *munaḥiqūn* (hypocrites), and how Divine injunction declared her innocence, whereby the ulterior motives of the *munaḥiqūn* (hypocrites) were exposed. The false allegations brought against *Sayyidatunā Umm al-Mu'minīn* 'Ā'ishah (r.a.) and her Divine acquittal were discussed in great detail in chapter one of this dissertation.

⁴². *Holy Qur'an*, 4:34.

2.2.7 GRAVITY OF FALSE ACCUSATION AND SLANDER

From the foregoing discussion, it is apparent that Islam strongly condemns defamation of character as well as false allegations. It is the duty of every Muslim to safeguard the honour and dignity of their fellow beings. Islam views character assassination as a heinous crime for it is the antithesis of brotherhood and has a devastating impact on the social structure of society. In *āyah* 4 of *Sūrat al-Nūr*, *Allāh* (SWT) cautions believers not to lay false allegations of sexual immorality against chaste women. In chapter 3 of this dissertation the penal code pertaining to *qadhf* (accusation of *zinā*) will be discussed in detail.

2.2.8 MU'MINŪN (BELIEVERS) VERSUS KĀFIRŪN UNBELIEVERS)

In any society, there are people with varying degrees of faith and moral character. A detailed account of the trait of the *munāfiqūn* (hypocrites) was discussed in chapter one of this dissertation. *Āyāt* 36 to 40 of *Sūrat al-Nūr* highlight the distinctive traits of the believers and unbelievers.

It is in the *āyāt* 36 to 38 wherein mention is made of the glorification of *Allāh* (SWT) in places of worship which are frequented by true believers that *Allāh* (SWT) brings out the characteristics of the true believers and their reward:

“(Lit is such a Light in houses, which Allāh has permitted to be raised to honour; for celebration, in them, of His name: In them is He glorified in the mornings and evenings, (again and again). By men whom neither traffic nor merchandise can divert from the remembrance of Allāh, nor from regular prayer, nor from the practice of regular charity: There (only) fear is, for the Day when hearts and eyes will be transformed (in a world wholly new), that Allāh may reward them according to the best of their deeds, and add even more for them out of His Grace: For Allāh does provide for those whom He will, without measure.”

The declaration of faith in the Oneness of *Allāh* (SWT) and the Messengership of the Prophet Muḥammad (s.a.w.s.) admits a person into

the fold of Islam and entitles that person to be called a Muslim. Thereafter, one has to make a conscientious effort to translate what he believes in into action and this is the real test of one's *īmān*, whereby one would qualify to be called a *mu'min* (sing. of *mu'minūn*). Any form of obstinacy which results in preventing one from implementing the Commandments of *Allāh* (SWT) and following the *Sunnah* of the Prophet Muḥammad (s.a.w.s.) will inevitably be detrimental to one's *īmān*. The Prophet Muḥammad (s.a.w .s.) explains the difference between Islam and *īmān* in the following manner:

*Islam is only acceptance and īmān is submission in totality by the implementation of actions.*⁴³

It is evident from the above *Hadīth* that *īmān* (faith) and *a'māl* (deeds) are interlinked and the three stages of *īmān* are as enumerated hereunder:

- (i) affirmation with the heart;
- (ii) confirmation with the tongue and

⁴³. *Tafsīr al-Qur'ān al-'Azīm*, op. cit. Vol. 3, p. 210.

- (ii) translation of what is affirmed in one's heart and confirmed with one's tongue into practical application.

The characteristics of the *mu'minūn* as envisaged in *Sūrat al-Nūr* are:

- remembrance of *Allāh* (SWT) at all times and nothing distracts them from fulfilling their duties towards *Allāh* (SWT)
- observance of the daily compulsory *ṣalāh*
- practice of regular charity
- fear of the reckoning on the Day of Judgement

Āyah 38 of *Sūrat al-Nūr* assures the true believers that they will be the recipients of the mercy and blessings of *Allāh* (SWT) on the Day of Judgement. Hence, it is imperative to note that *īmān* must penetrate the heart and must be applied constructively into every facet of life, ranging from spiritual to moral aspects as well as aspects pertaining to personal matters, social welfare, economic and political conduct.

It is important for the *mu'minūn* to safeguard their *īmān* and not to deviate from the path of righteousness or indulge in evil acts which are in contradiction to the principles of the Divine Law. *Āyah* 21 of *Sūrat al-Nūr* cautions the believers as follows:

“O you who believe! Follow not Satan’s footstep: if any will follow the footsteps of Satan, he will, (but) command what is shameful and wrong: And were it not for the grace and mercy of Allāh on you, Not one of you would ever have been pure: but Allāh does purify whom He pleases: And Allāh is One Who hears and knows (all things).”

Āyāt 39 uses the metaphor of the mirage in the desert to describe the deeds of the unbelievers which would be of no avail to them:

“But the unbelievers, their deeds are like a mirage in sandy deserts, which the man parched with thirst mistakes for water; until when he comes up to it, he finds it to be nothing. But he

finds Allāh (Ever) with him, and Allāh will pay him his account:

And Allah is swift in taking account.”

The “mirage” referred to in the above citation refers to a strange phenomenon of illusion in the Arabian deserts. It deceives the vision of thirsty people who are travelling in the desert, causing them to see a broad sheet of water ahead, but when they proceed in that direction, they are lured on and on and to their dismay finds nothing at all. As a result, they die in protracted agony. The evil deeds that the unbelievers are engrossed in keeps on deluding them to be driven further away from the Light of *Allāh* (SWT), dwelling in a world of illusion, they eventually experience a dreadful end. Hence, the Truth which they reject is always with them and the “mirage” which they accept leads to their destruction.⁴⁴

Āyah 40 of *Sūrat al-Nūr* then proceeds metaphorically to disclose that the unbelievers are engulfed in darkness:

⁴⁴. *The Holy Qur'an – Text, Translation and Commentary*, op. cit., p. 910.

“Or (the unbelievers’ state) is like the depths of darkness in a vast deep ocean, overwhelmed with billow topped by billow, topped by (dark) clouds: Depths of darkness, one above another: If a man stretches out his hand, He can hardly see it! For any to whom Allah gives no light there is no light.”

Al-Shahīd Sayyid Quṭb points out that the metaphorical analogy of darkness in the above citation explains the condition of unbelievers who detach themselves from the Light of *Allāh* (SWT), i.e. the Divine Guidance. *Kufr* (denial of the existence of *Allāh* – SWT) seals off their hearts and as a result the *kuffār* (unbelievers) fail to see the Truth and experience absolute darkness. Moreover, their virtuous actions in this world would be of no avail to them in the Hereafter because engaging in acts of virtue has no significance without sound *‘aqīdah* (belief in *Allāh* - SWT). Likewise, there can be no amelioration of one’s character without *īmān*. Verily *Allāh*’s (SWT) Guidance is the only true guidance and *Allāh*’s Light is the only real light.⁴⁵

⁴⁵, *Fī Zilāl al-Qur’ān*, op. cit. Vol. 4, p. 2021.

Āyah 57 of Sūrat al-Nūr describes the punishment that awaits the unbelievers in the Hereafter:

“You should never think that the unbelievers can escape in the earth. Their abode is the Fire, - and it is indeed an evil refuge.”

2.2.9 THE NATURAL PHENOMENA

In various passages of the *Holy Qur'ān*, *Allāh* (SWT) instructs humankind to reflect and ponder over the natural phenomena which are in reality the manifestations of His (SWT) Omnipotence, Majesty and Grandeur. *Āyah 41 of Sūrat al-Nūr* testifies to this as follows:

“Yea, to Allāh belongs The Dominion of the heavens and the earth; and to Allāh is the final destination (of all).”

Moreover, the *Holy Qur'ān* instructs humankind to direct their attention to their surroundings so that they may contemplate over the creations of

Allāh (SWT) which serve as ample proof of the existence of *Allāh* (SWT). *Āyāt* 43 to 46 of *Sūrat al-Nūr* resonates this fact:

“Do you not see that Allāh propels the clouds then makes them join together, then heaps them up, and then you see the rain come pouring out of the middle of them? And He sends down from the sky mountain masses (of clouds) wherein is hail: He strikes therewith whom He pleases and He turns it away from whom He pleases. The vivid flash of His lightning blinds the sight. It is He Who alternates the night and the day: Verily in these things is an instructive example for those who have vision!

And Allāh has created every animal from water: Of them there are some that creep on their bellies; some that walk on two legs; and some that walk on four. Allāh creates what He wills: For verily Allāh has power over all things.

*We have indeed sent down Signs that makes things manifest:
And Allāh guides whom He wills to a Way that is straight.”*

Professor Ismā‘īl Rājī al-Farūqī’s explains the relationship that exists between man and the natural phenomena in the following words:

Both an orderly nature and the scientific knowledge of it are necessary for morality. Had nature not been orderly, that is, were it a realm where causes do not produce effects and effects do not follow upon their causes, this world would be a “ship for fools” where morality is not possible. Such creation would be a cruel and senseless act on the part of a malevolent deity. God, however, is the beneficent, just and merciful. He created us and charged us with a mission- fulfillment of His commandments- that we may succeed. Our success in our mission is actualization of value, of moral value which is nothing but the will of God. Hence, Islam propagates that man is placed within natural phenomena so that he may grow and prosper, and as

such while enjoying the bounties of *Allāh* (SWT) must take responsibility and prove himself ethically worthy.²

To know the creation of *Allāh* (SWT) is recognize *Allāh* (SWT) as the Creator of all that exists in the universe. The more we explore nature, the firmer our belief in *Allāh* (SWT).

The *Holy Qur'ān* regards the natural phenomena as a gift to humanity and no one has the prerogative to exploit nature or to cause destruction or ruin to the ecological balance. Thus, humankind has to maintain a positive relationship with the natural phenomena by displaying attachment, care, sensitivity and appreciation for nature and that in reality would attune them with the Divine purpose.

CONCLUSION

From the survey of the subject matter of *Sūrat al-Nūr* it is evident that strict obedience to the Divine Law is an essential element for human salvation in the Hereafter. Any form of deception or deviation from the

Commandments of *Allāh* (SWT) so as to attain one's ulterior motive cannot surpass the knowledge of *Allāh* (SWT), since the knowledge of *Allāh* is not confined to time and space. *Allāh* (SWT) is ever-aware of the intentions of people which impel them to engage in such actions which are aimed at undermining peace and security in society. Thus it is that in the concluding statement of *Sūrat al-Nūr* (āyah 64) reminisces *Allāh*'s (SWT) *Ṣīfāt* (Attributes) which pertain to His (SWT) Sovereignty and All-Encompassing Knowledge:

“Be quite sure that to Allāh belongs whatever is in the heavens and on earth. Well does He know what you are intent upon: And one day they will be brought back to Him, and He will tell them the truth of what they did: For Allah knows all things.”

This brings to the perception of believers that *Allāh* (SWT) is Omniscient, Omnipotent and Omnipresent and hence the need for them to inculcate *taqwā* (God-consciousness) in all their dealings. Having genuine fear for *Allāh* (SWT) will make them conscious of their accountability to *Allāh* (SWT) and refrain them from deviating from the

precepts embodied in the *Holy Qur'ān* and *Sunnah*. Thus, throughout *Sūrat al-Nūr*, believers are urged to adhere to the *Sharī'ah* (Divine Law) and to structure their lives in accordance to the code of conduct as depicted in *Sūrat al-Nūr* so that they may attain and inherit power in this world and experience peace and security. *Āyah* 55 of *Sūrat al-Nūr* endorses this as follows:

“Allāh has promised, to those among you who believe and work righteous deeds, that He will, of a surety, grant them in the land, inheritance (of power), as He granted it to those before them; that He will establish in authority their religion – the one which He has chosen for them; and that He will change (their state), after the fear in which they (lived), to one of security and peace”

In the final chapter that follows the major moral and socio-legal issues envisaged in *Sūrat al-Nūr* and their implications on Muslim individuals and the society are addressed.

Chapter Three

MAJOR MORAL AND SOCIO-LEGAL ISSUES AND THEIR IMPLICATIONS ON MUSLIM INDIVIDUALS AND SOCIETY

INTRODUCTION

Islam literally means peace as well as submission to the Will of *Allāh* (SWT) and peace and harmony in society can only be realized if one and all submit to the Divine Will. *Allāh* (SWT) alludes to this in the following Qur'anic *āyah*:

*“Allāh invites you to the abode of peace.”*¹

What is important to note is that, according to Islam, the basis of society or its main cohesive influence is not the power of the state or any other coercive authority, but the common submission of all to the Will of *Allāh* (SWT). *Allāh* (SWT) is in essence, the embodiment of the highest moral ideal. Hence, the Will of *Allāh* (SWT) is the principle of righteousness which was revealed to the Prophet Muḥammad (s.a.w.s.) in the form of the

¹. *Holy Qur'ān*, 10:25.

Holy Qur'ān. The Prophet Muḥammad (s.a.w.s.) articulated and implemented the precepts and commandments of the *Holy Qur'ān* and set forth the norms which guide the life of the Muslim community.²

Thus, in *āyah* 54 of *Sūrat al-Nūr*, *Allāh* (SWT) categorically states that the Prophet Muḥammad (s.a.w.s.) must be obeyed:

“Say: ‘Obey Allāh, and obey the Messenger: but if you turn away, he is only responsible for the duty placed on him and you for that placed on you. If you obey him, you shall be on the right guidance. The Messenger’s duty is only to preach the clear (message).”

This implies that the directives of the Prophet Muḥammad (s.a.w.s.) are binding on the believers in every era and generation. The verdicts of the Prophet Muḥammad (s.a.w.s.) cannot be challenged, for the his (s.a.w.s.) verdicts are in reality the verdicts of *Allāh* (SWT).

². Dar, Bashir Ahmad. *Qur’anic Ethics*. Lahore. Institute of Islamic Culture. 2nd Edition. 1976, pp. 98-99.

It was pointed out in the previous chapter that the opening statement in *Sūrat al-Nūr* pronounces the Sovereignty of *Allāh* (SWT) and similarly *Sūrat al-Nūr* (āyah 64) concludes by reaffirming “*To Allāh belongs whatever is in the heavens and on earth.*” Thus the very first major issue that is addressed in *Sūrat al-Nūr* pertains to the Sovereignty of *Allāh* (SWT).

3.1 SOVEREIGNTY OF ALLĀH (SWT)

The question of Sovereignty in Islam is very different by definition and application to that viewed by Fascism, Communism, Nationalism, Capitalism, Monarchism, Nazism and Liberalism etc. Sovereignty in general, is recognized by the political scientists to be the connecting force which binds the elemental forces that exist in a state. It may lie in one person or a number of persons, and may be visible or invisible, but it must exist somewhere, otherwise the state would disintegrate. It is that sovereign power which keeps the various parts of the state together, if necessary by force.³ Hence, according to the Western concept, sovereignty is derived from

³. Sherwani, H.K. *Studies in Muslim Political Thought and Administration*. Lahore. Sh. Muhammad Ashraf. 1970. 7th Edition, p. 265.

people, or a ruler abrogates it and attributes to it to himself, as in the case of a king or dictator.

The Islamic concept of Sovereignty of *Allāh* (SWT), on the other hand, implies that the Only Sovereign Power that exists in the universe is the *Allāh* (SWT), Himself⁴ as is explicitly declared in the following Qur’anic passage:

*“Your Guardian –Lord is Allāh, Who created the heavens and the earth in six Days, and is firmly established on the Throne (of authority): He draws the night as a veil over the day, each seeking the other in rapid succession: He created the sun, the moon, and the stars, (all) governed by laws under His Command, Is it not His to create and govern? Blessed be Allāh, the Cherisher and Sustainer of the Worlds!”*⁵

It is obvious that *Allāh* (SWT) does not exercise His (SWT) authority directly in political matters, but delegates it to human-beings. The vicegerency of man rests on the principle that *Allāh* (SWT) exercises His

⁴. Ibid, p. 23.

⁵. Holy Qur’ān, 7:54.

(SWT) power and authority which He (SWT) delegates to man who in turn manages and administers according to the Commands of *Allāh* (SWT) which cannot be challenged.⁶ Hence, this means that the vicegerent of *Allāh* (SWT) must fear Him (SWT) and must be prone to good deeds, as well as obey and implement the *Sharīʿah*.

The Islamic ruler, therefore, is different from the “sovereign” as conceived by Western political scientists, for according to Islamic teachings, no person can be an autocrat. Within the Islamic system the very basis of political power implies *amanah* (trust) and *wilāyah* (delegation) which entails responsibility.⁷ Moreover, the idea of absolute ownership is foreign to the Islamic spirit, for everything is owned by *Allāh* (SWT), and therefore, by the community in the practical sense and is held in *amānah* by the person using it. All those who exercise political authority also apply this. Hence, it is quite clear that the ruler as well as the ruled have to fulfil their moral, legal and social obligations as decreed by Divine Law, for their ultimate accountability rests with *Allāh* (SWT). Thus, the person to whom political

⁶. *Studies in Muslim Political Thought and Administration*, op. cit. pp. 274-275.

⁷. *Ahmed, Manzooruddin. Islamic Political Thought in the Modern Age – Theory and Practice. Karachi. Saeed Publications. 1983, p.27*

power is delegated has to accept the universal principles laid down in the *Holy Qur'ān*, to regard all power as a sacred trust according to the *Sunnah* (precepts) of the Prophet Muḥammad (s.a.w.s.).

Sovereignty in the sense of unlimited, indivisible, permanent, and inalienable power belongs to *Allāh* (SWT) only. No human being can rightfully claim such attributes of sovereignty, for *Allāh* (SWT) is alone is the Real Sovereign and all others are merely His (SWT) subjects. The political authority is thus derived from Him (SWT), the Sovereign of the Universe. The *Shari'ah* signifies the ultimate supremacy. This means that *Allāh* (SWT) is the real Law Giver and the authority of absolute legislation rests on Him (SWT). Believers cannot resort to total independent legislation nor can they amend or modify any law which has been Divinely ordained. An Islamic state must, therefore, in all respects be founded upon the laws laid down by *Allāh* (SWT), through the medium of the Prophet Muḥammad (s.a.w.s.). The government of the state will be subjected to obedience in its capacity as a political agency to enforce the laws of *Allāh*

(SWT). If it, however, disregards the laws revealed by *Allāh* (SWT), its commands or rules will not be binding on the believers.⁸

Humankind are all subservient to *Allāh* (SWT) and as such are morally and legally obligated to strive in the cause of *Allāh* (SWT) to convey the message of Islam so as to create a world order conducive to moral and spiritual upliftment. Hence, humankind must perceive the fact that the Prophet Muḥammad (s.a.w.s.) is the greatest role model to be followed unconditionally, for he (s.a.w.s.) is bestowed with the highest degree of perfection and has left behind the most perfect norm on the basis of which humankind can govern their spiritual, moral, legal and social aspects of their lives.

Dr. *Mawlānā* Muḥammad Faḍl al-Raḥmān Anṣārī (d. 1974) outlines the obligation of the Islamic State as follows:⁹

- i) To organize and institute moral education of the people.

⁸. Maududi, S. Abul A'la. *The Islamic Law and Constitution*. Lahore. Islamic Publications Ltd. 1977. 6th Edition, p. 21.

⁹. *The Qur'anic Foundations and Structure of Muslim Society*, op. cit. Vol. 2, p. 361.

- ii) To take all positive steps, including the enactment and enforcement of laws, for ensuring the proper practice of Islamic morals, with a view to preserve and promote moral welfare.
- iii) To adopt all measures necessary, including the enactment and enforcement of laws for combating all tendencies, acts and forces that are detrimental to the cause of moral welfare and for punishing the actual offenders.

Hence, the function of law in society is to preserve harmony in human relation and in order to achieve this, the law defines the rights and duties towards each other. In jurisprudence, law is based on state legislation which is primarily enacted into law.¹⁰ Islamic Law on the other hand, is based on Divine revelation and the *Sunnah*. Therefore, Islam does not advocate absolute power in the hands of a representative assembly nor in the hands of any autocrat. As pointed out in the introduction of this particular chapter, *āyah* 54 of *Sūrat al-Nūr* integrates the commandment to obey *Allāh* (SWT) with obedience to the Prophet Muḥammad (s.a.w.s.) and at this juncture it is

¹⁰. *Islamic Political Thought in the Modern Age-Theory and Practice*, op. cit. p. 89.

of paramount importance to proceed on to discuss the legislative authority of the Prophet Muḥammad (s.a.w.s.).

3.2 LEGISLATIVE AUTHORITY OF THE PROPHET MUḤAMMAD (S.A.W.S.)

At the very outset, it must be emphasized that the Prophet Muḥammad (s.a.w.s.), besides being commanded to convey the Message of *Allāh* (SWT) to mankind, was equally entrusted to act upon it and to explain it to the people by words and actions as is evident from this Qur'anic passage:

*“(We sent them) with clear Signs and Scriptures; and We have sent unto you (also) the Message; that you may explain clearly to men what is sent for them, and that they may give thought.”*¹¹

Allāh (SWT) also describes the Prophet Muḥammad (s.a.w.s.) as the expounder of the *Holy Qur'ān*¹² and “legislator.”¹³ This signifies that the decisions, judgements and commandments of the Prophet Muḥammad (s.a.w.s.) have binding authority in all spheres of life. Moreover, the *Holy*

¹¹. *Holy Qur'ān*, 16:44.

¹². *Holy Qur'ān*, 52:2.

¹³. *Holy Qur'ān*, 7:147.

Qur'ān points out how one can attain the pleasure of *Allāh* (SWT). In very clear terms *Allāh* (SWT) commands thus:

*“Say if you do love Allāh, follow me, then Allāh will love you.”*¹⁴

It is the conviction of Muslims that *Allāh* (SWT) possesses the ultimate legislative authority and that and the Prophet Muḥammad (s.a.w.s.) has been divinely empowered to interpret the Divine Legislations through his (s.a.w.s.) verbal instructions and practical examples. In other words, they maintain that *Allāh* (SWT) is the Absolute Law-Giver and the Prophet Muḥammad (s.a.w.s.), by virtue of having received the direct Divine Revelation, exercised that authority of the interpretation of Divine Legislations on His (SWT) behalf as is categorically stated in *āyah* 63 of *Sūrat al-Nūr*:

“Deem not the summons of the Apostle among yourselves like the summons of one of you to another: Allāh knows those of you who slip away under shelter of some excuse: then let those

¹⁴. *Holy Qur'ān*, 3:31.

beware who, withstand the Apostle's order lest a trial befall them, or a grievous penalty be inflicted on them."

The legislative authority of the Prophet Muhammad (s.a.w.s.) may be summed up as follows:

1. that the authority vested in the Prophet Muḥammad (s.a.w.s.) emanates from the Creator Himself as such cannot be separated from that of the Creator;
2. that primary sources of Islamic Law are the *Holy Qur'ān* and *Sunnah*;
3. that obedience rendered to the Prophet (SAWS) is in reality obedience rendered to *Allāh* (SWT).

Hence, adherence to the *Holy Qur'ān* and *Sunnah* are fundamental for one's moral and spiritual development and if humankind were to implement the teachings of the *Holy Qur'ān* and emulate the examples and the precepts laid down by the Prophet Muḥammad (s.a.w.s.) then society could inevitably rest assured that justice would always be coupled with mercy and this is in essence the hallmark of any judicial system. Islamic Law is a body

of rules framed to regulate human conduct and is thus based on the following sources:¹⁵

- i. *Qur'ān* which is the verbatim Word of *Allāh* (SWT).
- ii. *Sunnah* which embodies the sayings and practice of the Prophet Muḥammad (s.a.w.s.) in application of the Commandments of *Allāh* (SWT).
- iii. *Ijtihād* (intellectual deliberation or inference of laws) and its two essential components, namely, *Ijmā'* (consensus) which is the agreement of the *Fuqahā'* (Muslim jurists) and *Qiyās* (inference through precedent) in order to extend the Divine Law to such issues that are not specifically addressed in the original sources.

The difference between the *Holy Qur'ān* and *Sunnah* and the two components of *Ijtihād*, namely *Ijmā'* and *Qiyās*, is that the latter two are instruments in drawing corollaries from the broad teachings of the *Holy Qur'ān* and *Sunnah* whenever new problems arise keeping in view of the circumstances relating to time and place.¹⁶

¹⁵. Islahi, Amin Ahsan. *Islamic Law – Concept and Codification*. Eng. Trans. by S.A. Rauf. Lahore, Islamic Publications Ltd. 1979, pp. 27 and 31.

¹⁶. Anwarullah. *The Criminal Law of Islam*. Kuala Lumpur. A.S. Noordeen. 1997, pp. 7-8.

Having defined the scope of the Sovereignty of *Allāh* (SWT) and significance of the legislative authority of the Prophet Muḥammad (s.a.w.s.), it is now pertinent to address the major moral and socio-legal issues and their implications on Muslim individuals and society. *Sūrat al-Nūr* embodies the moral imperatives as well as the penal code in order to ensure that values are upheld and preserved in society, thus purging the society from all forms of crime.

3.3 MORAL IMPERATIVES

Muslims who have faith in *Allāh* (SWT) as the Law-Giver and the Prophet Muḥammad (s.a.w.s.) as the legislator are the ones who are most concerned about upholding the moral imperatives of the *Holy Qur'ān* and those laid down in the *Sunnah*. Love for *Allāh* and the Prophet Muḥammad (s.a.w.s.) provides Muslims the incentives to attain *al-Iḥsan* (the highest good). This motivates them to be good to humanity and to strive for their personal spiritual growth. Their fear of *Allāh* (SWT) is, in essence, their fear of accountability and Divine Judgement.¹⁷

¹⁷. *The Qur'anic Foundations and Structure of Muslim Society*, op. cit. Vol. 1, p. 181.

Āyah 21 of *Sūrat al-Nūr* stipulates that Muslims ought to refrain from succumbing to any form of evil so that, through Divine Grace, may attain spiritual purification:

“O you who believe! Follow not the footsteps of Satan, he will (but) command what is indecent and wrong: And were it not for the grace and mercy of Allāh on you, not one of you would have been pure: but Allāh does purify whom He pleases, and Allāh is the One Who hears and knows (all things).”

Some of the major moral imperatives envisaged in *Sūrat al-Nūr* are hereunder discussed:

3.3.1 RESPECT FOR PRIVACY

Muslims are enjoined in *āyāt* 27 of *Sūrat al-Nūr* to respect the privacy of others:

“O you who believe! Enter not houses other than your own, until you have asked permission and saluted those in them: That is best for you, in order that you may heed (what is seemly).”

From the above citation it may safely be inferred that *Allāh* (SWT) has made the home of an individual a sanctuary of privacy and an abode of peace for that individual and members of his/her family. Moreover, *Allāh* (SWT) teaches Muslims the etiquette of visiting the homes of others:

(a) to seek permission to enter and

(b) to greet them with the greeting as taught by Islam:

السلام عليكم ورحمة الله وبركاته (May peace be upon you).

The wisdom in making their presence known by seeking permission to enter the homes of other people and to greet the people in these homes is to prepare the inmates, especially women, to make themselves decent in order to receive the visitors, thus safeguarding them from exposing their *‘awrāt*

(private parts of their bodies that ought to remain covered in public) to strangers.¹⁸

Āyah 28 goes a step further and advises Muslims what they ought to do if they find that no one is present at the homes they intend visiting or in the event that the inmates of these homes deny them permission to enter their homes:

“If you find no one in the house, enter not until permission is given to you: If you are asked to go back, go back: That makes for greater purity for yourselves: And Allāh knows well all that you do.”

This imperative implies that it is necessary for Muslims to retrace their steps from such homes where it is apparent that none of its inmates is present. It would be unbecoming of them to infringe upon the sanctity of other people’s homes by peeping in them in order to ascertain if someone may be present or not. The following *Ḥadīth* censures the intrusion on the privacy of others:

¹⁸. *Fī Zilāl al-Qur’an*, op. cit. Vol. 4, p. 2507.

Sahl Ibn Sa‘d (r.a.) narrated that a man peeped through a round hole into the dwelling place of the Prophet Muḥammad (s.a.w.s) who had an iron comb in his hand with which he was combing his hair. The Prophet Muḥammad (s.a.w.s) said, “Had I known you were looking (through the hole), I would have pierced your eyes with it (i.e. the comb).”¹⁹

On the other hand, if the inmates of these homes refuse to grant them permission to enter, they should leave because entry into other peoples’ homes is conditional upon receiving their permission. The *āyah* ends off with a warning to the intruders that *Allāh* (SWT) is well aware of what they do.²⁰

Āyah 29 makes an exception with regards to entering dwellings which fall outside the category of private homes and are recognized as being public places:

¹⁹. Translations and Meanings of *Ṣaḥīḥ al-Bukhārī*, op. cit. Vol. , p. 171.

²⁰. *Fī Zilāl al-Qur’ān*, op. cit. Vol. 4, p. 2508.

“It is no fault on your part to enter houses not used for living in, which serve some (other) use for you. And Allāh has knowledge of what you reveal and what you conceal.”

Al- Shahīd Sayyid Quṭb explains that in the above Qur’anic passage *Allāh* (SWT) gives permission to Muslims to enter such dwellings like hotels and guesthouses, etc., without having to ask for permission.²¹ Like in the previous *āyah* (28) *Allāh* (SWT) ends off this *āyah* (29) by reinforcing the fact that nothing can be hidden from Him (SWT). Hence, it is not permissible for Muslims to frequent certain places like the public bar and escort agencies, etc. which are in recognized in a secular society as public social places.

Summing up the issue of visiting other peoples’ homes, *al- Shahīd* Sayyid Quṭb cautions Muslims to be considerate and not to visit people at odd times like during lunch/dinner time and not to prolong their visits for that may inconvenience their hosts.²²

²¹. *Fī Zilāl al-Qur’ān*, op. cit. Vol. 4, p. 2508.

²². *Ibid.*

Āyah 58 of *Surat al-Nur* also enjoins upon the inmates living in one home to respect the privacy of each other:

“O you who believe! Let those whom your right hands possess, and the (children) among you who have not yet come of age ask your permission (before they come to your presence), on three occasions: before the morning prayer; the while you doff off your clothes for the noonday heat; and after the late-night prayer: These are your three times of undress: outside of those times it is not wrong for you or for them to move about attending to each other: Thus does Allah make clear the Signs to you: for Allah is full of knowledge and wisdom.”

It is evident from the above Qur’anic passage that even the children who have not reached the age of puberty ought to respect the privacy of their parents and other grown-ups in the home and not to barge into their rooms during the three stipulated timings, i.e before the *Fajr ṣalāh* (morning prayer), after the *Zuhr ṣalāh* (noon prayer) and after the *‘Ishā’ ṣalāh* (night prayer) when their parents or other married couples living in the same

home may require privacy. The objective is to impress upon the inmates of the Muslim home the need to observe sexual morality at all times, within and outside the home.

3.3.2 SAFEGUARDING THE TONGUE

The tongue is a powerful weapon which *Allāh* (SWT) has blessed humankind with. It can be used to invite people towards the *dīn* and to impart knowledge to others, and it can even be wisely used to broker peace between two contending parties, etc., but yet it can also be abused with dire consequences in social cohesion as a result of fabrication of lies, scandal mongering and slandering of chaste people. Hence, *āyāt* 23 and 24 of *Sūrat al-Nūr* warns against misuse of the tongue in the following manner:

“Those who slander chaste, indiscreet and believing women are cursed in this life and in the Hereafter; for them is a grievous chastisement. On the Day when their tongues, their hands and their feet will bear witness against them as to their actions.”

Dr. Yūsuf al-Qaradāwī points out that the wound inflicted by the tongue is more lasting and furnishes us with a composition of an Arab poet who wrote:

The wounds of blades may heal one day
But the wounds of the tongue, they may never.²³

3.3.3 MODESTY IN DRESSING AND MODE OF MOVEMENT

Islam enjoins upon women to dress decently at all times and to maintain their dignity when moving and interacting in public. In this regard, *āyah* 31 of *Sūrat al-Nūr* states:

“And say to the believing women.... that they should display their beauty or ornaments except (what) ordinarily appear thereof; and they should draw their veils over their bosoms and not display their beauty except to their husbands... .. And that they should not strike their feet in order to draw attention to their hidden ornaments... .”

²³. *The Lawful and The Prohibited in Islam* American Trust Publications. N.D., p. 313.

The goal of Islam is to establish a clean and pure society, free from lewdness, and hence the prohibition for women to wear revealing clothes in public and to walk in such a manner so as to attract men towards them which may result in a number of crimes being perpetrated against women. The Islamic code of dress protects and safeguards Muslim women from being molested in public. The *ḥijāb* (the Islamic garb) keeps the whole body of a Muslim woman fully clad, with the exceptions of the face and hands, in conformity to the following *Ḥadīth* in which Prophet Muḥammad (s.a.w.s.) explained to *Sayyidatunā Asmā'* (r.a.) (the daughter of *Sayyidunā Amīr al-Mu'minīn* Abū Bakr – r.a.) as to what constitutes the *'awrah* (private part) of a Muslim woman:

After a girl attains the menstrual age (i.e. puberty) nothing should be seen of her except her face and hands.²⁴

This does not in any way suggest that women on the whole are not to be trusted. In the so-called Western world, it is often boasted that women have been liberated for they can dress in any manner they so wish. Is this in reality liberation? Those that design women clothing design such garments

²⁴. *Sunan Abī Dawūd*, op. cit. Kitāb al-Libās. Vol. 3, p. 1145.

with the view of giving the women who wear them the maximum sex appeal. In other words, Western women are expected to dress in such a manner as to make themselves sexually appealing to the general public. It is when women wear revealing clothes that men entertain evil thoughts towards them and they end up being victims of rape and other sexual crimes.

3.3.4 MECHANISMS FOR UPHOLDING OF SEXUAL MORALITY

In the annals of humankind, there have been and still are two contending extreme views with regard to sex:

- (i) The restriction of sex to the satisfaction of the carnal desires.
- (ii) Suppression of the sexual instinct and the advocacy of celibacy.

Islam's attitude towards sex can be deduced from the broad teachings of the *Holy Qur'ān* and *Ḥadīth* of the Prophet (s.a.w.s.) The *Holy Qur'ān* tells us

that all that have been exists in this universe have been created in pairs. As an example, the following *āyah* may be cited:

*“And of everything We have created pairs so that you may receive instruction.”*²⁵

Moreover, the *Holy Qur’ān* confirms that the primary objective for creating everything in pairs is to facilitate each species to procreate its own kind:

*“He has made for you pairs (mates) from among yourselves, and pairs among cattle: By this does He multiply you.”*²⁶

Islam, therefore, recognizes sex as a natural desire like that of hunger and thirst which needs to be fulfilled. However, the *Holy Qur’ān* provides Muslims with certain mechanisms to assist them in upholding sexual morality and they are discussed hereunder:

²⁵. *Holy Qur’ān*, 51:49.

²⁶. *Holy Qur’ān*, 42:11.

3.3.4.1 THE INSTITUTION OF MARRIAGE

The *Holy Qur'ān* cautions Muslims that it is the institution of marriage which legitimizes the fulfilment of this desire, which is otherwise forbidden. This is why *āyah* 32 of *Sūrat al-Nūr* exhorts Muslims to marry:

“Marry those among you who are single....”

The Prophet Muḥammad (s.a.w.s.) gave the following advice to the Muslim youth:

Young men, those among you who can support a wife should marry. For it keeps you from looking (at strange women) and protects you from immorality (i.e. safeguards your chastity).²⁷

Interestingly, the *Holy Qur'ān* stipulates with whom marriage is unlawful, thereby safeguarding Muslims from indulging in incest and other sexual crimes. They are as follows:²⁸

²⁷. *Sahih Muslim*, op. cit. Kitāb al-Nikāḥ. Vol. 2 , p. 703.

²⁸. *Holy Qur'ān*, 4:22-25.

(a) Father's wives; (b) mothers; (c) daughters; (d) sisters; (e) fathers' sisters; (f) mothers' sisters; (g) brothers' daughters; (h) foster-mothers (i.e. who gave you suck"); (j) foster sisters; (k) wives' mothers; (l) step-daughters under one's guardianship (i.e. daughters of your wives under previous marriages; (m) those who have been wives of your sons; (n) two sisters at one and the same time; (o) women who are already married (i.e. already in wedlock with other husbands.

Furthermore, the *Holy Qur'ān* also limits the number of wives that one may have at one and the same time to four.²⁹ This injunction is vital for it does in reality curb sexual excesses and perversions.

The Qur'anic terminology pertaining to sexual intimacy is characterised by pleasant subtlety that lends dignity to an activity which is forbidden except within the sphere of matrimony. The following citation illustrates this point:

*“Your wives are a tilth unto you; so approach your tilth when or how you will.....”*³⁰

²⁹. *Holy Qur'ān*, 4:3.

³⁰. *Holy Qur'ān*, 2:223.

The Prophet Muḥammad (s.a.w.s.) instructing Muslims in modesty states:

Modesty is part of *īmān* (faith).³¹

3.3.4.2 OBSERVANCE OF CHASTITY

It is interesting to note that the *Holy Qur'ān* includes chaste people in the category of al- *Mu'minūn* (the Believers):

*“Successful indeed are the Believers - those who humble themselves in prayers; who avoid vain talk; who are active in giving zakāh; who guard their chastity except with those joined to them in the marriage bond...”*³²

Āyah 33 of *Sūrat al-Nūr* exhorts Muslims to observe chastity until they are in a position to enter into matrimony:

³¹. Al-Bukhārī, Muḥammad Ibn Ismā'īl. *Ṣaḥīḥ al-Bukhārī*. Beirut. Dār al-Turāth al-‘Arabī. Kitāb al-Īmān. Part 1. Vol. 1, p. 13.

³². *Holy Qur'ān*, 23:1-6.

“Let those who find not the wherewithal for marriage keep themselves chaste until Allāh gives them means out of his grace.....”

It is abundantly clear from the above citation that there is no excuse for such Muslims who do not have the financial means to marry to indulge in any form of sexual activity outside marriage. They are morally bound to observe chastity at all times and can only satisfy their natural cravings within marriage.³³

3.3.4.3 LOWERING OF THE GAZE

Āyāt 31 and 32 of *Sūrat al-Nūr* instructs both the believing men and women to lower their gaze and to safeguard their chastity:

“Say to the believing men that they should lower their gaze and guard their chastity: that will make for greater purity for them: And *Allāh* is well acquainted with all that they do.”

³³. *The Holy Qur’ān – English Translation of the Meanings and Commentary*, op. cit. Footnote no. 2990, p. 1014.

“And say to the believing women that they should lower their gaze and guard their chastity.....”

Dr Yūsuf al-Qaradāwī explains the significance of the above Qur’anic instructions in the following manner:

What Islam prohibits in the sphere of sex includes looking at a member of the opposite sex with desire; for the eye is the key to the feelings, and the look is a messenger of desire, carrying the message of fornication and adultery.³⁴

It is primarily to protect his followers from being tempted to commit adultery or fornication that the Prophet Muḥammad (s.a.w.s.) told *Sayyidunā Amīr al-Mu’minīn ‘Alī Ibn Abī Ṭālib* (r.a.):

‘Alī, do not let the second look follow the first. The first is allowed to you, but not the second.³⁵

³⁴. *The Lawful and the Prohibited*. Indianapolis, op. cit., pp. 151-152.

³⁵. *Sunan Abī Dawūd*, op. cit. Kitāb al-Nikāḥ. Vol. 2, p. 576.

The Prophet Muḥammad (s.a.w.s.) even regarded looking at a member of the opposite with lust and desire as tantamount to *zinā* (adultery) of the eyes:

The eyes also commit *zinā* and their *zinā* is the (lustful) look.³⁶

Thus, Islam strongly condemns free intermingling of sexes in order to protect Muslims from being tempted to indulge in illicit sexual relations. The results of free intermingling between men and women in Western societies have resulted in many social evils like wife-swopping, adultery, fornication, teenage pregnancies, single parents and an increase in divorce cases.

3.4 GRAVITY OF INDULGENCE IN ADULTERY/FORNICATION

In the very beginning of *Sūrat al-Nūr*, i.e. in its second *āyah*, *Allāh* (SWT) stipulates the punishment for those who commit *zinā* (engage in illicit sexual intercourse):

³⁶. *The Lawful and the Prohibited*, op. cit. , p. 153.

“The woman and the man guilty of fornication, - flog each of them with a hundred stripes let no compassion move you in their case.....”

Since we are still discussing the moral imperatives enshrined in *Sūrat al-Nūr*, we will avoid dealing with the legal implications of the above injunction, but rather focus on the merits of its moral imperative which is abstention from adultery and fornication. It may be appropriate at this juncture, to consider the Biblical commandment which pertain to adultery as found in the *Old Testament* and contrast it with the imperative from the *Holy Qur’ān* on the same issue. Enumerated under the Ten Commandments is the following injunction:

“Thou shalt not commit adultery”³⁷

The *Holy Qur’an* commands the following:

“Do not come near to adultery. It is a shameful deed and an evil, opening the way to other evils.”³⁸

³⁷. *The Bible – Revised Standard Version*. Great Britain. Collins – Clear Type Press. 1975. Exodus, 20:14

³⁸. *Holy Qur’ān*, 17:32.

It is evident that the Old Testament only uses the imperative to caution against the actual engagement in the act of adultery, while the *Holy Qur'ān* warns against coming near to adultery. The Qur'anic Injunction aims at impressing upon the Muslims the need to eschew all forms of temptations that could lead them to commit *zinā* and this is evident from a *Hadīth* in which the Prophet Muḥammad (s.a.w.s.) cautions Muslims of the implications of the various forms of *zinā* as follows:

A man commits adultery with his eyes when he looks at a strange woman; the adultery of the ears is listening to sexual dialogue; adultery of the tongue is talking about sex; the adultery of the hand is to catch that which is unlawful; and the adultery of the feet is going towards a strange woman; the heart ardently desires adultery; and the sexual organs confirm or contradict the act."³⁹

³⁹. *Riyāḍ al-Ṣāliḥīn*, op. cit. Vol. 2, p. 792.

From the above *Ḥadīth* we gather why Islam discourages free intermingling of sexes and the seclusion of two persons of the opposite sex who are not married to each other.

3.4.1 DETRIMENTAL EFFECT OF *ZINĀ* ON *IMĀN* (BELIEF)

Indulgence in *zinā* is in total violation of Divine Law and has a detrimental effect on one's *īmān* (faith) as mentioned in the following *Ḥadīth* wherein the Prophet Muḥammad (s.a.w.s) said:

The one who commits an illegal sexual intercourse is not a believer at the time of committing illegal sexual intercourse.....Yet (the gate of) repentance is open thereafter.⁴⁰

Reflecting on the above *Ḥadīth* leads one to conclude that the those who indulge in *zinā* are devoid of *īmān* (faith) in *Allāh* (SWT). Although there is chance that adulterers or fornicators may repent and the gate of *Allāh*'s (SWT) Mercy would be open for them, yet there is always the likelihood they may die while committing *zinā* and that would result in their dying in a

⁴⁰. *Ṣaḥīḥ al-Bukāhri*, op. cit. Vol. 8, pp. 524-525.

state *kufr* (disbelief) for they would not have had time to repent. The *Holy Qur'ān* warns Muslims to preserve their *imān* at all times as depicted in the following passage:

“O you who believe! Fear Allāh as He should be feared and die not except in a state of Islam.”

The gravity of *zinā* is further elaborated by another *Ḥadīth* as follows :

‘Abd Allāh Ibn Mas‘ūd) said: I asked the Apostle of *Allāh*, “Which sin is the gravest?” He replied: “That you associate someone with *Allāh*, while He has created you.” I again asked: “Which then?” He said: “That you kill your child fearing that it will eat with you.” I again asked: “Which then?” He replied: “That you commit adultery with wife of your neighbour.”⁴¹

From the above *Ḥadīth*, it is quite evident that the sin of illicit sexual relations may be equated with the sin of *shirk* (ascribing partners to *Allāh* (SWT)). Thus, it may be deduced from it that a person who indulges in such

⁴¹. *Sunan Abī Dawūd*, op. cit. Kitāb al-Ṭalāq. Vol. 2, p. 629.

acts of immorality becomes oblivious of his accountability to *Allāh* (SWT). Moreover, those who constantly indulge in illicit sexual relations are bound to be neglectful of their daily compulsory *ṣalāh* and would even be reluctant to execute their other religious responsibilities, because their hearts are not inclined towards *taqwā* (God-consciousness). Hence, such transgressors are a menace to the moral and social structure of a society.

3.4.2 SOCIAL ILLS

The proclamation of the *Holy Qur'ān* that adultery leads to other evils is witnessed in contemporary times. Time and again, the media publishes incidents of violence and murder, where husbands or wives are killed because of extra-marital relationships. These brutal incidents result because of deception, emotional problems, jealousy, abandonment of family life, etc. Hence incidents of this nature have a devastating effect on the lives of innocent children, because marital problems, owing to adultery is bound to create a sense of insecurity in children and this will further be aggravated by psychological problems.

Commenting on the inter-related evils that are associated with *zinā*, ‘*Allāmah* ‘Abd Allāh Yusūf ‘Alī states:

Adultery is not only shameful in itself and inconsistent with any self-respect or respect for others, but it opens the road to many evils. It may destroy the basis of the family: it works against the interest of children born or to be born, it may cause murders, feuds, and loss of reputation and property, and loosens permanently the bonds of society. Not only it should be avoided as a sin, but any approach or temptation to it should be avoided.⁴²

3.4.3 ILLEGITIMATE CHILDREN

One of the serious consequences of *zinā* is the birth of illegitimate children which may further lead to other related problems such as confusion of lineage, incest, poverty and child abuse. In Western societies, illicit sexual relations are rife because the moral and social values are not guided by

⁴². *The Holy Qur’ān – English Translation of the Meanings and Commentary*, op. cit. Footnote no. 2215, pp. 785-786.

Divine Law. As such, the purity and purpose of sex is not realized. Hence licentious sexual relations leads to further moral and social degeneration of a society, where the offenders are not punished and the innocent children have to bear the brunt of ostracization. As such they are deprived of their dignity and honour.

The plight of illegitimate children is articulated in *Diyā' al-Qur'ān* as follows:⁴³

- i) In 1988, an American woman sociologist visited Korea and found an infinite number of children whose mothers were Koreans, and their fathers were American soldiers who had been temporarily employed in Korea to assist the Koreans in liberating themselves from the communists. After the war, the American soldiers returned home, leaving behind those innocent children who were reduced to extreme poverty and were deprived of security in terms of parenthood. An appeal was made by this particular sociologist to the wealthy class

⁴³. *Diyā' al-Qur'ān*, op. cit., pp. 285-286.

Americans to assist in the upliftment of the socio-economic conditions in Korea. Although an attempt was made to uplift the poor conditions of these innocent children, the majority still faced a socio-economic crisis because the numbers were too great.

- ii) During the Second World War, American soldiers were deployed to assist the British. According to the statistics of the British Government, 70 000 illegitimate children were left behind when the American soldiers left Britain after their official term of office. In addition, various sexual diseases became dominant in Britain.

It is quite clear, that such conditions could be eliminated if strict legislations governing chastity and sexual relations were enforced. Islam does not tolerate a man and a woman to live together out of wedlock. Likewise, trial marriages as practiced by the West and temporary marriages are totally condemned in Islam. This is evident from the following *Hadīth*:

The Apostle of *Allāh* (may peace be upon him) prohibited temporary marriage with women.⁴⁴

3.4.4 SEXUALLY TRANSMITTED INFECTIONS (STI)

Sexual promiscuity inevitably results in the prevalence of sexual infections and diseases. Recent media reports reveal that owing to sexual promiscuity, sexual health amongst teenagers in Britain is deteriorating.⁴⁵

Britain 'worst for sexual health'

LONDON: British teenagers have the worst sexual health in western Europe, a report said this week, blaming poor education, poverty and long working hours of parents.

The Public Health Laboratory Service found that girls, aged 16 to 19 in England and Wales, have the highest rates of venereal diseases, such as gonorrhoea, genital chlamydia infection and warts in western Europe.

They also have the highest teenage pregnancy rates, high abortion levels and are more likely to use drugs and alcohol than many of their European counterparts, the 1995-96 survey showed.

An editorial in the *British Medical Journal*, which published the findings, said Britain needed to learn from Europe and asked whether a "fundamental malaise" in British cul-

ture was responsible.

It pointed to the fact that Britain lagged behind in education, many more families live in poverty and British parents, who work the longest hours in Europe, spend little time at home.

The study showed that sexual health was not just bad, but it was getting worse.

Between 1995 and 1996 in England and Wales abortions increased by 14.5% among the under 16-year-olds and by 12.5% among 16 to 19-year-olds.

Sexually transmitted diseases were also on the increase. Cases of gonorrhoea in 16- to 19-year-old girls jumped by 34% and by 30% in men. Chlamydia rose by 16.5% in young women and 17.9% in men.

Even before this deterioration Britain already had the highest pregnancy rate in Western

Europe, said Professor McKee, professor of European public health at the London School of Hygiene and Tropical Medicine.

Birth rates among 15 to 19-year-olds were seven times those in the Netherlands, where similar numbers are having sex, but are more likely to use contraception.

McKee, the author of the editorial, said the shortcomings of the British education system - which favours bright middle-class pupils - along with poverty encouraged risky behaviour such as drug-taking and early unprotected sex.

"Other clues may lie in the home.

"Many more families live in poverty in the UK than in the rest of the European Union and rates have increased markedly in the past 20 years," he said. - *Sapa-AFP*

⁴⁴. *Sunan AbīDawūd*, op. cit. Kitāb al-Nikāh. Vol. 2, p. 554.

⁴⁵. *Sunday Tribune*. Durban. 16 May. 1999. p. 6.

3.4.5 THE AIDS PANDEMIC

Humankind has made tremendous strides towards enhancing the quality of life during the course of the current millennium. However, while we are on the threshold of the new millennium we are faced with some serious challenges which threaten our very existence on this planet. Some of these challenges are the resurgence of malaria and the deadly Ebola on our continent and the greatest scourge of all is the escalation of AIDS. Today more than 33 million people across the planet are carrying the disease and the speed at which it is spreading shows no sign that a cure is imminent. Villages, towns and countries are fast being deprived of their most valuable asset - their human population. During the year 2000 alone 5.8 million people joined the legions infected with HIV, and what is alarming is that 1 in 10 of them are residing in South Africa and half of them are under the age of 25. Life expectancy in South Africa has in the past been 60 years and in only 10 years from now it will be reduced to 40.

We are all aware that in order to appraise humanity of the gravity of the problem of AIDS, December 1 of every year has been declared as World

AIDS Day. The rapid spread of AIDS and the accompanying fear of its impact on health care resources, manpower in industry and on the family, have compelled the world to seriously consider ways and means of combating this scourge which has assumed pandemic proportions. Undoubtedly, one has to admit that millions of dollars have been spent in every corner of the globe in order to educate and encourage people to implement preventive measures to safeguard themselves against contracting HIV and AIDS. Unfortunately, the more intensified the efforts, the more does HIV and AIDS spread. Why is this so?

The mistake that is being made is that AIDS is perceived to be primarily a health problem and nothing more than that. Consequently, the measures that are being propounded in order to curb the spread of HIV are inherently defective. The message that is being projected worldwide is that safe sex through the use of condoms will arrest the spread of HIV and protect people from contracting full-blown AIDS. Already in South Africa there is talk that condoms should be made freely available in our schools so as to reduce the risk of our young ones contracting this disease which is 100% fatal. Is this the only measure available to safeguard our population from not getting

AIDS? This message has only succeeded in licensing unrestricted sexual activity which has inadvertently promoted sexual promiscuity.

What a tragedy that the vast majority of people who are actively involved in the mammoth fight against AIDS overlook the fact that HIV and AIDS besides being health problems are also ethical and moral problems. Given the fact that the main avenue for the spread of HIV is through secretions of the sexual organs, it is imperative that focus should be on sexual activity and its regulation thereof. While Islam recognizes that carnal passion is inherent in every human, it sanctions its fulfillment only within the confines of marriage. Adultery, fornication and single sex relations are all regarded as crimes and the penal code of Islam is enforced upon the perpetrators of such crimes.⁴⁶

3.5 THE ISLAMIC PENAL CODE

Islam aims at eradicating all forms of indecency and obscenity in society. Therefore, in an Islamic State the penal code, as enshrined in the *Holy*

⁴⁶. Interview with Professor Abul Fadl Mohsin Ebrahim on *Sexual Morality in Islam*. University of Durban-Westville. January 2002.

Qur'ān and *Sunnah* of the Prophet Muḥammad (s.a.w.s.), is to be strictly adhered to and administered upon the perpetrators. In essence, the criminal code serves to control inclinations towards crime and to combat the forces of moral evil and social ill-health for the sake of ensuring the preservation of the spiritual and moral values in society. Dr. *Mawlānā* Muḥammad Faḍl al-Raḥmān Anṣārī elaborates upon this as follows:⁴⁷

Coming to the *Holy Qur'ān*, there the obligation of punishment is, besides being legal, also moral and even spiritual, whereas it is only a legal obligation in the secular systems. It being so, the Qur'anic outlook on the nature of punishment is that the values, which form the life-blood of the social order, if need be, even at the cost of mutilating or taking the life of the criminal, and no softness should be observed because that would degenerate finally into the adoption of expediency, the condoning of crimes and the consequent deterioration of the moral standards.

The ultimate end is the spiritual purification of the criminal through subjection to an ordeal and of society through the

⁴⁷. *The Qur'anic Foundations and Structure of Muslim Society*, op. cit. Vol. 1, p. 292.

establishment of the correct moral and spiritual tone by means of creating genuine fear of evil consequences of crimes among the would-be criminals and thus restraining them from deviating from the right path – the path of virtue. This end is contained in the principle of comprehensive spiritual purification, which has been declared by the *Holy Qur'ān* to be the mission of the Holy Prophet (Peace be upon him!) (62:2-3).

The Islamic Penal Code categorizes crimes under two broad headings:

1. Crimes liable to *Hudūd* and
2. Crimes liable *Ta'zīr*

3.5.1 CRIMES LIABLE TO *HUDŪD*

Hadd (pl. *hudūd*) literally means boundary, limits, and obstacle. In terms of Islamic Criminal Law *ḥadd* means Divinely Ordained Punishment, which is unalterable and fixed by the *Holy Qur'ān* or the *Sunnat Mutawātirah* of the Prophet Muḥammad (s.a.w.s) i.e. the Tradition which has been transmitted by a large number of Companions – r.a. The

imposition of *ḥadd* is the Right of Allāh (SWT) and it implies that such a form of punishment is meant for the betterment of society. Crimes liable to *ḥudūd* are:⁴⁸

- i. *Zinā* (adultery and fornication)
- ii. *Qadhf* (accusation of *zinā*)/Li[an (husband accusing wife of *zinā* or vice versa)
- iii. Theft
- iv. *Ḥarābah* (robbery and dacoity)
- v. Consuming intoxicated liquor
- vi. Rebellion
- vii. Apostasy

3.5.2 CRIMES LIABLE TO *TA'ZĪR*

Ta'zīr literally means to prevent, to honour, to correct, to moderate, to avoid and to assist. In terms of Islamic Criminal Law it implies punishment for a crime for which punishment has not been fixed by the *Holy Qur'ān* or the *Sunnah* of the Prophet Muḥammad (s.a.w.s.) and has been left to the

⁴⁸. *The Criminal Law of Islam*, op. cit. p. 112.

discretion of the Islamic ruler or judge to determine it in accordance to the prevailing circumstances in order to reform the offenders from recommitting the crime and to restrain others from committing the crime.⁴⁹

Sūrat al-Nūr stipulates *ḥudūd* punishments for two specific crimes, namely, *qadhf/liā'n* and *zinā* in *āyāt* 6,4 and 2 respectively.

3.6 QADHF (FALSE ACCUSATION FOR ZINĀ)

Āyah 4 of *Sūrat al-Nūr* stipulates the punishment that ought to be meted out for those who are guilty of *qadhf*:

“And those who launch a charge against chaste woman, and produce not four witnesses, (To support their allegation), flog them with eighty stripes; and reject their evidence ever after: For such men are wicked transgressors.”

Qadhf or defamation is an offence relating to falsely accusing a Muslim of fornication or adultery or shedding doubts on his/her paternity.⁵⁰ The *Holy*

⁴⁹. *The Criminal Law of Islam*, op. cit. p. 208.

Qur'ān classifies such Muslims who defame other Muslims as *fāsiqūn* (transgressors). *Qadhf* does not refer to any sort of common accusations, but in the context of *Sūrat al-Nūr*, it implies levelling, in particular, the accusation of *zinā* against the chastity of pure women. Thus, a Muslim who alleges that a chaste woman has committed adultery or fornication, and does not produce four eyewitnesses to substantiate his/her claim, then such a person would be deemed a transgressor and would be subjected to the Divinely prescribed punishment of eighty stripes. *Āyah* 23 of *Sūrat al-Nūr* emphasizes the seriousness of this form of slander in the following statement:

“Those who slander chaste women, indiscreet but believing, are cursed in this life and in the Hereafter: For them is a grievous penalty.”

Moreover, the *Holy Qur'ān* also stipulates that these transgressors will be deprived of their citizens' rights of giving evidence in any matter before a

⁵⁰. Doi, Abdur Rahman I. *Shari'ah: The Islamic Law*. London. Ta Ha Publishers. 2nd Edition. 1997, op. cit., p. 246.

court of law.⁵¹ It is only when transgressors sincerely repent and reform their character, that they would be re-accorded their right to be competent witnesses pertaining to cases in a court of law. The *Holy Qur'ān* allows room for sincere repentance and reformation as depicted in *āyah* 5 of *Sūrat al-Nūr*:

“Unless they repent thereafter and mend their conduct: For Allah is Oft-Forgiving, Most Merciful.”

As discussed earlier in this dissertation, the institution of marriage and the solidarity of the family form an integral part of the *īmān* (faith) of a Muslim and as such the *Shari‘ah* has laid down strict legislations to ensure that peace and harmony prevail so as to protect the institution of the family from disintegration. Islam advocates that there should be mutual love and compassion between husband and wife, and that there should be a strong bond between them, both in adversity and in prosperity. Another significant aspect of husband- wife relationship is the concept of mutual trust. Hence, *āyāt* 6 to 9 of *Sūrat al-Nūr* stipulates the procedure that ought to be

⁵¹. As stipulated in *āyah* 4 of *Sūrat al-Nūr*.

followed in a court of law for spouses, who on grounds of suspicion, level accusations of adultery against each other:

“And for those who launch a charge against their spouse, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allāh that they are solemnly telling the truth. And the fifth (oath) (should be) that they solemnly invoke the curse of Allāh on themselves if they tell a lie. But it would avert the punishment from the wife if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie; and the fifth (oath) should be that she solemnly invokes the wrath of Allāh on herself if (her accuser) is telling the truth.”

The above injunction deals specifically with what is termed as *li‘ān* (a case whereby the husband accuses his wife of committing *zinā*, (adultery) and the wife denies the accusation). If a Muslim finds his wife engaged in the actual act of adultery, it will be essential for him to produce four authentic witnesses to testify against his wife. In most cases, it is very difficult to

provide witnesses, since evil acts such as adultery are carried out discreetly. In that case then, the husband would have to swear four times in the *Shari'ah* Court that he had witnessed his wife committing adultery and in addition invoke a curse on himself if he were not telling the truth; it will then be *prima facie* proof of the wife's guilt. The wife also has the right to swear of her innocence four times and invoke a curse upon herself in the event that she were not telling the truth. If she does that then she would be acquitted of the charge. But if she refuses to take the oath, the charge would then be confirmed against her and she would have to face the consequences of the *ḥadd*. Whatever happens, once the oaths are taken, the marriage would then be dissolved since there is no chance that the spouses would ever be able to live in peace and harmony with each other after one of them had levelled such a grave accusation against the other and sworn an oath to that effect and the other had denied the accusation under oath.⁵²

Li'ān undermines trust between the spouses, and for them to continue to live under one roof as husband and wife when the wife is acquitted from the accusation of the husband or vice versa, will lead to other forms of devastating problems such as domestic violence, verbal abuse and a host of

⁵². *Shari'ah: The Islamic Law*, op. cit. p. 249.

other related actions owing to the lack of trust in each other. Moreover, it will also pave the way for other evils to surface such as spying, backbiting and slander which will not only affect the spouses, but will also affect the offspring and other individuals since marriage is not only the union of two individuals but it is also the union of two families. It would then be best then that that marriage ends in an amicable divorce, in accordance with the directives laid down in the *Holy Qur'ān* and *Sunnah* of the Prophet Muḥammad (sa.w..s.).

In order to reinforce the gravity of slander as depicted in *Sūrat al-Nūr*, which is inevitably associated with other evils like being suspicious of each other; spying on each other and engaging in backbiting, another passage of the *Holy Qur'ān* echoes this warning:

"O you who believe! Avoid suspicion as much as much (as possible) for suspicion in some cases is a sin: And spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would

abhor it. But fear Allāh,' for Allāh is Oft-Returning, Most Merciful.”⁵³

Indulging in these evils impedes the moral upliftment of the individual and creates an atmosphere conducive to perpetual hatred, suspicion and sedition. *Zann* (suspicion), according to Dr M M Ahsan, is the formation of opinions about others or the expression of conjectures. The first directive in the above injunction is the proscription of extensive conjecture. It is obvious that conjectures are merely suspicions which in turn can lead a person to engage in other such sinful acts which are in direct violation of Divine law. If suspicions or conjectures of a blameworthy nature are prevalent, then doubt and hatred amongst individuals and the society as a whole will lead to other unjustified actions. Here it is to be noted that having suspicions about someone without a valid reason, or interpreting an incident in insidious terms is a grave sin. An invalid suspicion may be likened to the worst kind of falsehood and the *muhaddithūn* (scholars of *Ḥadīth*) refer to this evil as “backbiting of the heart.”⁵⁴

⁵³. *Holy Qur'ān*, 49:12.

⁵⁴. Ahsan, M.M. *The Islamic Attitude to Social Relations in the Light of Surah al-Hujurat*. Leicester. The Islamic Foundation. 1977. p. 8.

The Prophet (s.a.w.s.) cautions against suspicion as follows:

*Beware of suspicion, for verily it is the most deceptive form of speech.*⁵⁵

*Allāh overlooks the evil thoughts of the Muslim as long as they do not speak about it or (translate it) into action.*⁵⁶

There is no doubt that when suspicions are voiced in public they can lead to other forms of major sins like slander, backbiting, etc. It is precisely for this reason that the Prophet Muḥammad (s.a.w.s.) urged Muslims to refrain from being suspicious of others.

Hence, whenever misleading statements about people are made, it would be better for the believers to exercise restraint. They should first look at their own faults and weaknesses, before resorting to make the persons who have been falsely accused targets of reproach and blame. Moreover, one should not over-react if suspicion is cast over one, rather one should take heed of the advice given by *Sayyidunā* ‘Umar (r.a.):

⁵⁵. *Ṣaḥīḥ al-Bukhārī*, op. cit. Kitāb al-Adāb. Vol. 3, p. 23.

⁵⁶. Al-Naysābūrī, Muslim Ibn al-Hajjāj. *Ṣaḥīḥ Muslim*. Beirut. Kitāb al-Sha‘b. N.D. Vol. 1, p. 332.

*If your Muslim brother makes an ambiguous statement to you, you should only think the best, and you will find a good explanation for it.*⁵⁷

Upholding this advice will facilitate the building of mutual trust and the eradication of evil practices which lead to suspicion. Therefore, the reporting of misunderstood statements must be avoided so as to eliminate hatred and discord amongst Muslims. As a result, one should abstain from meaningless conversation, futile speech, the spreading of evil traits and the inciting of turmoil within the family system as well as the society as a whole. Hence, it is impermissible to indulge in acts of social degradation of people by making false allegations against them. Restraining the tongue can assist in averting disunity and discontent among Muslims. If what one utters is not checked then it could result in the disintegration and total moral degeneration of the community. The Prophet Muhammad (s.a.w.s.) describes the trait of a Muslim as follows:

⁵⁷. Philips, Abu Ameenah Bilal. *Tafseer Soorah al-Hujuraat – A Commentary on the 49th Chapter of the Quraan*. Riyadh. Tawheed Publications. 1990, p. 100.

A Muslim is one from whose tongue and hands other Muslims are safe.⁵⁸

It is thus imperative to avoid engaging in any action which may result in hurting the feelings of people. Islam condemns the reviling of people, defaming them and being sarcastic with them. Such evil practices like malicious exposure of people's faults, character assassination i.e. slandering either verbally or in writing, sarcasm i.e. passing derogatory remarks against a person, either directly or indirectly will result in destabilizing peace and harmony within the family system and the community.

3.7 ZINĀ (ADULTERY/FORNICATION)

Zinā, according to the Islamic Criminal Law, is defined as the actual engagement in sexual intercourse by a man and a woman who are not married to each other. It is thus irrelevant whether this illicit sexual

⁵⁸. Al-Nawawī, Abū Zakariyā Muḥyī al-Dīn Yaḥyā. *Nuzhat al-Muttaqīn Sharḥ Riyād al-Ṣāliḥīn*. Beirut. Mu'assasah al-Risalah. 1992. Vol. 2. 20th Edition, p. 262.

intercourse is in the form of adultery (whereby the participants are married to other partners) or fornication (whereby the participants are unmarried).⁵⁹

The Islamic Penal Code in relation to the *zinā* was revealed in stages. The first stage of the revelation on the issue of *zinā* deals with the punitive measure that ought to be imposed on women who are guilty of this crime:

*“If any of your women are guilty of adultery, take the evidence of four (reliable witnesses), from amongst you against them, and if they testify confine them to houses until death do claim them, or Allāh ordains for them some (other) way.”*⁶⁰

It may be inferred here that in the above Qur’anic citation women who commit *zinā* have been singled out for punishment because in most cases men would not be in a position to engage in illicit sexual intercourse with them if they resist men’s advances to seduce them.

⁵⁹. Doi, Abdur Rahman. *Women in Shari ‘ah*. Kuala Lumpur. A.S. Noordeen. 4th Edition.1992. p. 117.

⁶⁰. *Holy Qur’an*, 4:15.

In the second stage of the revelation in regard to *zinā*, instruction is given to punish both the Muslim men and women who are guilty of *zinā* without actually decreeing what sort of punishment ought to be meted out and provision is also made for leniency towards the offenders if they sincerely repent and make a firm commitment to abstain from indulging in this crime:

“If two persons among you are guilty of adultery, punish them both. If they repent and amend themselves, leave them alone, for Allāh is Oft-returning, Most Merciful.”⁶¹

The third stage of the revelation, which pertains to the crime of *zinā*, appears in *āyah* 2 of *Sūrat al-Nūr* and it categorically lays down a specific form of punishment for those guilty of *zinā* and is as follows:

“The man and woman guilty of adultery, flog each of them with a hundred stripes; let not compassion move you in their case, in a matter prescribed by Allāh, if you believe in the Last Day; and let a party of believers witness their punishment.”

⁶¹. *Holy Qur’ān*, 4:16.

When analysing the above *āyah*, it is noted that in the stipulation of the *ḥadd* punishment for *zinā*, women guilty of *zinā* is mentioned first which is then followed by men guilty of the same offence. It may be deduced from this that it is only through the willful consent of the woman that the man would be in a position to indulge in unlawful sexual relations with her. Therefore, if a woman does not acquiesce to the man's advances to engage in unlawful sexual relations with her, then there exists the possibility that indulgence in this devious crime could be averted altogether.

However, in the event of the man committing *zinā* by means of coercion, then this would fall into the category of rape and only the man would be liable for the *ḥadd* and the woman would be acquitted of any misdemeanour.

3.7.1 CONDITIONS FOR THE IMPOSITION OF ḤADD FOR ZINĀ

Āyah 13 of *Sūrat al-Nūr* sets out one condition for the imposition of the *ḥadd* punishment on those who commit *zinā* and is as follows:

“Why did they not bring four witnesses to prove it?”

Thus, the *Shari'ah* stipulates that the four male witnesses who actually witnessed the actual act of *zinā* ought to be persons who possess *īmān* (faith), are adults, intellectually sound, must have credibility in society. In addition, the witnesses must provide the same evidence pertaining to the exact illicit sexual act. If there is a difference in the testimony of any one of the witnesses, then the accused will be acquitted of the charge.⁶²

The other condition for the *ḥadd* punishment to be imposed for *zinā* is contingent upon self-confession. According to the majority of jurists, the confessor must confess to the crime of *zinā* four times in one court appearance, whereas *Imāms* Abū Hanīfah and Aḥmad differ and hold that the confession must be made on four different court appearances.⁶³

Moreover, it ought to be pointed out here that the confession would only serve as proof against those who are confessing for the crime of *zinā*, and their confession would not serve as substantial proof against the ones whom they identify as their co-accused. Only in the event that their co-accused come forward and personally confess to the crime of *zinā* or when four

⁶². *Ḍiyā' al-Qur'ān*, op. cit., pp. 288-299.

⁶³. *The Criminal Law of Islam*, op. cit., p. 158.

witnesses testify to having seen the actual act of *zinā* would the *ḥadd* punishment on the co-accused be carried out. In the absence of these two components the co-accused will be acquitted of the charge of *zinā*.⁶⁴

It must also be pointed out that the *Sharīʿah* makes provision for retraction of the confession for *zinā* at any stage before the execution of the punishment and in that case the confession shall in effect nullify the imposition of the *ḥadd* punishment.⁶⁵

According to *Imām* Abū Ḥanīfah, the confession of the deaf and dumb is not acceptable for the offence of *zinā* liable to *ḥadd* even if these persons are able to write their confessions or their sign language is intelligible. *Imāms* Mālik, al-Shāfiʿī and Aḥmad are of the view that the confession of the deaf and dumb is acceptable if their sign language is intelligible or if they can commit their confessions to writing before a court. However, they state that the confessions of the deaf and dumb must be done with their consent without any pressure or coercion.⁶⁶

⁶⁴. Ibid, pp. 158-159.

⁶⁵. *The Criminal Law of Islam*, op. cit., p. 159.

⁶⁶. Ibid, p. 156-157.

3.7.2 CRITERIA FOR EFFECTING THE *HADD* FOR *ZINĀ*

Al-Ṭabarī is of the view that extreme force must not be used when flogging the ones guilty of *zinā*. The idea is more to humiliate the person so that this would serve as a deterrent to indulging in such a heinous crime. The authority appointed to execute this punishment must be well versed in the procedures involved when applying the Divine Law. Submission to Divine Law is a pre-requisite, and no person possesses the right to amend any law stipulated in the *Holy Qur'ān* and *Sunnah*. The person who is executing the *ḥadd* must be conscious of his accountability on the Day of Judgement. In the application of justice, no compassion must be shown; otherwise this could lead to violation of the Divine Law.⁶⁷

In the case of men upon whom flogging is to be imposed, *Imām* Mālik is of the view that all their clothes, except the underwear, must be removed. But *Imāms* al-Shāfi'ī and Aḥmad differ and state that the clothes must not be removed. They support their views by stating that *Sayyidunā Amīr al-Mu'minīn* 'Alī (r.a.) inflicted the punishment of lashing while the man had his clothes on. In the case of women, the removal of clothes is forbidden

⁶⁷. *Jami' al-Bayan Fi Tafsir al-Qur'an*, op. cit., pp. 53-54.

when inflicting such punishment. The man must be in a standing position, while the woman is punished in a sitting position.⁶⁸

Sayyidunā Amīr al-Mu'minīn 'Alī (r.a.) advised the people to that when they flog the any person guilty of *zinā*, the head, private parts and the face of that person must be avoided. *Imām Mālik* (r.a.) states that lashes should be effected on the person's back because the Prophet (s.a.w.s.) instructed the punishment in that manner.⁶⁹

The whip should not have any rough edges or coils. If a person is too weak, then a heavy whip should not be used, because the punishment is not intended to kill the offender. In the case of a pregnant woman, the punishment should be carried out after the birth of the child and after the bleeding period has ceased.⁴

In modern times, medical authorities must certify that the punishment would not cause death to the offender due to ill-health. If the offender is too old or too weak then the punishment may be effected at regular intervals.

⁶⁸. *Rūh al-Ma'ānī*, op. cit., p. 77.

⁶⁹. *Ibid*, p. 78.

Weather conditions should also be taken into consideration and due to extreme weather conditions, the punishment would not be inflicted on the offender, but would be postponed to a later date. Although flogging must induce pain on the offender, it is necessary to exercise moderation. The person carrying out flogging on the offender should not raise his hands for that would result in lacerating the skin of the convict. In addition, the lashes shall not be applied to the head, face, stomach or chest, or any other delicate part of the body.⁷⁰

3.7.3 *HADD* PUNISHMENT FOR ZINĀ: STONING TO DEATH OR FLOGGING?

Ayah 2 of *Sūrat al-Nūr* stipulates that those found guilty of *zinā* ought to be punished with a hundred lashes. However, in a *Hadīth*, the Prophet Muḥammad (s.a.w.s.) states:

Take from me, accept it from me. undoubtedly Allāh has now shown the path for them. For unmarried persons (fornicators), the punishment is one hundred lashes and exile for one year.

⁷⁰. *The Criminal Law in Islam*, op. cit., p. 141.

For married adulterers, it is one hundred lashes and stoning to death.⁷¹

Majority view among the Muslim jurists (*al-jumhūr*) hold that, on the basis of the above *Ḥadīth*, married people who commit adultery should be stoned. However, there is a dissenting view among Muslim scholars who maintain that since the *Holy Qur'ān* is silent on the issue of stoning to death, and only stipulates flogging, then stoning must not be effected upon adulterers. In the other words, both the adulterers and fornicators ought to receive the same punishment of a hundred lashes.⁷²

Recently, there has been a lot of articles in the local and international newspapers denouncing the Nigerian *Shari'ah* Court's ruling that stoning to death should be imposed upon a certain Amīnah Lawal. Even the President of South Africa, Mr. Thabo Mbeki, in whose country capital punishment has been abolished voiced his opinion on the issue as follows:

⁷¹. *Ṣaḥīḥ al-Bukhārī*, op. cit. Kitāb al-Ḥudūd. Vo.1. , p.

⁷². Mir, Mustansir. *Coherence in the Qur'ān*. Indianapolis. American Trust Publications. 1986, p. 4.

We are obviously opposed to the stoning of people and so we have absolutely no objection of people raising this matter. But the point I'm raising is that you've got a larger challenge in Nigeria. Indeed, do not deal with the question of Mrs. Lawal, but deal with the larger question, which is of greater importance to the future of the continent, the issue of stability and democracy.⁷³

Mr. Tony Leon, the leader of the Democratic Alliance (DA) political party also voiced his opinion in the local press on the above issue:

It was not good enough to simply invoke multi-culturalism or the imposition of religious law to rationalize or contextualize this inhuman sentence. The crisp question here is the sanctity and value we place on human life and the primacy of place, or otherwise, of human rights in the African Union and its master plan, the New Partnership for Africa's Development. If we do not stand up for the rights of an individual in such circumstances, when the eyes of the world are focused on her

⁷³. *The Daily News*. Durban. 20th September 2002, p. 4.

plight, then how can we expect to respect and protect human rights under the AU Charter.⁷⁴

It is pathetic that Tony Leon who himself is a Jew seems to be completely oblivious of the fact that stoning to death for adultery constitutes part of the Mosaic law. It is evident that politicians hold the divine law in contempt and make it subservient to human rights, rather than vice versa.

At this juncture, it is pertinent to point out that *Sayyidunā Amīr al-Mu'minīn* 'Umar (r.a.) predicted that, in time to come, the *rajm* (stoning) punishment for the adulterers would be contested. He made the following remarks:

I am afraid that after a long time has passed, people may say: “We do not find the verses of *rajm* (stoning to death) in the Book of Allāh.” And consequently they may go astray by leaving an obligation that *Allāh* has revealed. Lo! I confirm that the penalty of *rajm* be inflicted on the person who commits illegal

⁷⁴. *The Daily News*. Durban. 20th September 2002, p. 4.

sexual intercourse if that person is already married and the crime is proved by witnesses or pregnancy or confession.”⁷⁵

Thus, in accordance to the *Sunnah* of the Prophet Muḥammad (s.a.w.s.), *Sayyidunā Amīr al-Mu'minīn* 'Umar (r.a.) instituted the punishment of stoning during his term of office, and thereafter the other *Khulafā'* (Caliphs) followed suit. *Sayyidunā Amīr al-Mu'minīn* 'Umar (r.a.) further issued this strong warning:

*Beware if you reject laws of rajm; otherwise Allah will destroy you.*⁷⁶

It is imperative to mention here that *rajm* was implemented by the Prophet Muḥammad (s.a.w.s.) as is evident from the following Ḥadīth:

A Jew and a Jewesses were brought to *Allāh's* Apostle (s.a.w.s.) on a charge of committing illegal sexual intercourse. The Prophet (s.a.w.s.) asked them: “What is the legal punishment (for this sin) in your book (Torah)?” They replied:

⁷⁵. *Tafsīr al-Qur'ān al-‘Azīm*, op. cit. Vol. 3, p. 260.

⁷⁶. *Tafsīr al-Qur'ān al-‘Azīm*, op. cit. Vol. 3, p. 260.

“Our priests have innovated the punishment of blackening the faces with charcoal and *Tajbiya*.” Abdullah Ibn Salām said: “O *Allāh*’s Apostle, tell them to bring the Torah.” The Torah was brought, and then one of the Jews put his hand over the Divine Verse of the rajm (stoning to death) and started reading what preceded and what followed it. On that, Ibn Salām said to the Jew: “Lift up your hand.” Behold! The Divine Verse of the rajm was under his hand. So *Allāh*’s Apostle (s.a.w.s.) ordered that the two (sinners) be stoned to death, and so they were stoned....”⁷⁷

From the above *Ḥadīth*, it is apparent that the Prophet Muḥammad (s.a.w.s.) applied the Mosaic Law as was applied by the Orthodox Jews. It is also evident that the Jews have distorted their original Divine Scriptures and as such the modern Jews have been led astray with regard to Divine Law. The writer of this dissertation holds the view that rajm for the adulterers is a valid punishment in view of the fact that there are numerous *Aḥādīth* which verify that Prophet Muḥammad (s.a.w.s.) instituted and instructed the

⁷⁷ *Translations of the Meanings of Sahih al-Bukhari*. The Book of Punishment for those who wage war against *Allāh* and His Apostle, op. cit. Vol.8, pp. 529-530.

implementation of the *rajm* punishment for all those who were married and committed *zinā*. Moreover, on the basis of the legislative authority of Prophet Muḥammad (s.a.w.s.) as discussed in the beginning of this chapter, Muslims should have no qualm in the implementation of the *rajm* punishment on the adulterers.

3.7.4 DIVINE LAW IN CONTRAST TO WESTERN SECULAR LAW

In this section, we will confine our discussion on how *zinā* is perceived by Divine Law and contrast it with Western secular law. Divine Law does not make a distinction between married couples who engage in adultery and unmarried couples who engage in fornication. Both adultery and fornication are viewed as crimes and the offenders are liable for the *ḥadd* punishment as stipulated in āyah 2 of *Sūrat al-Nūr*. In other words, Divine Law views the gravity of adultery and fornication in the same light and as such any form of illicit sexual intercourse is totally condemned and on the basis of that, the offenders are subject to the prescribed punishment of a hundred lashes.

Western secular law, on the other hand, differs in its definitions of adultery and fornication, and although both crimes are in effect synonymous, they are still regarded as separate issues. Thus, engaging in illicit sexual relations by mutual consent are warranted in terms of what is enshrined as “human rights” and are not viewed as sexual immorality. As a result, it is evident that there are no specific laws to safeguard sexual morality. Under such a system, the free indulgence in sexual relations is considered a legal right and stands in direct conflict with the dictates of Divine Law.

With regard to fornication, Divine Law differs radically from the Western law. Divine Law classifies fornication as an act of immorality and views it as a heinous crime. It is for this reason that it calls for the imposition of severe punitive measures in order to maintain eradicate such an evil in society.

In an Islamic State, the laws which pertain to morality are applicable to all citizens, because morality is a universal doctrine and the Islamic ruler is responsible for the social welfare of all his subjects, for his ultimate accountability is with Allāh (SWT). Therefore the Islamic ruler has to

implement social justice in accordance to Divine Commandments and not in accordance to his own whims and fancy.

According to Western secular law, fornication by itself is not regarded as a crime, unless it is committed forcibly or with a married woman. Gratification of one's sexual impulse by means of force is termed as rape and having sexual relations with another man's wife is classified as adultery or encroachment on the rights of the husband. In contrast to this, Divine Law views fornication itself as a crime, and regards rape or the act of encroachment on another man's wife as additional crimes. In the case of rape, Western secular law confines the punishment to imprisonment only for a specified period, and in the case of a married woman it requires the fornicator to pay compensation to the husband.⁷⁸ An insight into the Western concept of law reveals that such forms of punishment do not serve as deterrents for crime. As a result, it leads to sexual liberality, based on individual desires and society-based values, which are in total contradiction to the Divine Decree.

⁷⁸. Maududi, Abul A 'la, *Purdah and The Status of Women in Islam*. Eng.Trans. and edited by Al-Ash 'ari, Lahore, Islamic Publications Ltd. 3rd Edition. 1976. pp. 168-169.

Āyah 2 of *Sūrat al-Nūr* clearly establishes the contrast between Divine Law and Western Law as well as the differences in the application of the law. The Divine Injunction pronounces *zinā* as a sexual crime and as such those found guilty for this sexual offence either in the context of adultery or fornication are to be punished according to the Divine Law. Moreover, the Divine Injunction stipulates that the judicial authority must not show any compassion when imposing the *ḥadd* punishment for if compassion takes precedence, then the likelihood is that the Divinely Prescribed Punishment would be discarded. Although it is natural that compassion may prevail at a human level, it has to be ignored for the sake of implementing the punishment decreed by *Allāh* (SWT) and no form of human compassionate intervention ought to have an upper hand in all legal matters which have been expressly laid down by *Allāh* (SWT). Hence, not to succumb to compassion in the application of Divine Law demonstrates one's firm belief in *Allāh* (SWT) and the Day of Judgement.

Furthermore, it is also to be noted that according to the above *āyah 2* of *Sūrat al-Nūr* a party of believers must witness the execution of the prescribed punishment on those found guilty of *zinā*. In other words, the

punishment is to be meted out in public so that it may serve as a deterrent for others not to commit such a crime, thereby ensuring the eradication of this social evil in society and guaranteeing the upholding of sexual morality and mutual self-respect.

CONCLUSION

The *Holy Qur'ān* enjoins upon Muslims to accept the Sovereignty of *Allāh* (SWT) and to inculcate *al-taqwā* i.e. fear for *Allāh* (SWT)/ God-Consciousness. This fear is a necessary condition for their moral and spiritual growth. It is this fear of the Divine that would impel them to follow the moral imperatives laid down in the *Holy Qur'ān* so that harmony, peace and tranquility may prevail in society. The Prophet Muḥammad (s.a.w.s.) implemented these moral imperatives and *Allāh* (SWT) confirms this by stating that the Muslims would find *uswah hasanah* (a beautiful pattern of conduct) in the example of the Prophet Muḥammad (s.a.w.s.).⁷⁹ It is, therefore, vitally important for Muslims to uphold the *Sunnah* of the Prophet Muḥammad (s.a.w.s.) and to obey him (s.a.w.s.) and implement the injunctions he (s.a.w.s.) laid down.

⁷⁹. *Holy Qur'ān*, 103:3.

The *Holy Qur'ān* stipulates that those who violate the moral imperatives have to be punished according to the Divine Injunctions. The justification for this is based on the Qur'anic view that for the realization of morality, evil must be subdued and good must be made to prevail at both the levels: the individual and the collective. Hence, we find that the Islamic Penal Code is reformatory in the sense that its end is to spiritually purify the offenders. *Sūrat al-Nūr* addresses the punishments that ought to be imposed upon two crimes, namely, *qadhf* and *zinā*. Both these crimes are crimes against a person's honour and, integrity, as well as against the healthy existence of family life, and thus against the very foundations of human society. The Islamic Penal Code also serves as a deterrent for other members of the society not to indulge in immoral activities. It may rightly be concluded that while the norms in society may constantly change, the norms laid down by *Holy Qur'ān* and *Sunnah* remain intact and unaltered in every era and generation.

CONCLUSION

Surat al-Nūr focuses on the ethical and moral teachings of Islam which ought to be upheld in any given Islamic society. In the present materialistic environment, ethics and morality do not feature as a necessary priority. There is therefore a need to restore ethical values in all facets of life and this particular *Sūrah* touches upon some of the basic norms that ought to be implemented in the socio-political spheres of human life.

The objective of this dissertation was to study the some of the major moral, social and legal issues envisaged in Chapter 24 of the *Holy Qur'ān* and to discuss the moral, social and legal implications of each directive. In the process of accomplishing this, it was necessary to point out that, in Islam, there exists a relationship between morality and Divine Law. Morality, as analyzed throughout this dissertation, is subject to Divine Law and both are inextricably bound in the sense that they can neither be seen as separate independent entities, nor are they violable. In other words, what constitutes right and wrong is determined by Divine

Revelation. Success for Muslims in this life and the life to come is dependent upon their upholding the code of conduct as decreed and determined by the *Shari'ah* (Divine Law).

The first major issue discussed pertains to the Sovereignty of *Allah* (SWT) and the obedience to the Messenger (s.a.w.s.). Adherence to the teachings of the *Qur'an* and *Sunnah* is a pre-requisite to restoring the status of mankind as the vicegerents of *Allah* (SWT) on earth and ensuring peace and harmony in society.

Moreover, it was argued that moral and spiritual evolution could be achieved through the inculcation of *taqwā* (God-conscious). If humankind were to bring to realization that *Allāh* (SWT) is fully aware of all their activities, and were to acknowledge the fact that they would have to face serious consequences in this life and the life to come for their immoral behaviour, then such realization would most certainly serve as a deterrent to their indulging in sinful acts.

As for respect that ought to be accorded to the Prophet Muḥammad

(s.a.w.s.) it was pointed out that Muslims must uphold his (s.a.w.s.) teachings, in the form of his (s.a.w.s.) *Hadith* or *Sunnah*. *Hadith* is an indispensable source of Islamic Law, which is termed as *wahī khafī* (minor revelation), and as such its validity cannot be challenged nor denied. Prophethood is an *Allāh*-ordained institution. *Allāh* (SWT) commands Muslims to respect and revere the Prophet Muḥammad (s.a.w.s.) unquestionably and unconditionally for *Allāh* (SWT) alone is the One Who has empowered the him (s.a.w.s.) to occupy the highest position amongst all His (SWT) creation. It is thus incumbent upon Muslims to safeguard respect and reverence for the Prophet Muḥammad (s.a.w.s.) in action, word, deed, and thought. According to the *Sharī'ah*, there is no forgiveness for any form of disrespect shown towards the Prophet (s.a.w.s.) as was discussed in chapter three of this dissertation.

Leadership of Muslims emanates from the Prophet Muḥammad (s.a.w.s.) and elected leaders are regarded to be his (s.a.w.s.) successors, not on the level of Prophethood, but in the realm of the spiritual and temporal affairs of Muslims.

Hence, leaders who are righteous and who administer jurisdiction as defined by the *Qur'an* and *Sunnah* must be obeyed and respected. Muslims are thus expected to obey and respect the righteous leaders so that peace, love, and harmony may prevail in society. On the other hand, it is incumbent upon the leaders to uphold the ethical code as expressed and defined by the Divine Decree.

Chapter 24 of the *Qur'an* also deals with the concept of respect for human dignity and honour. Respect and unity of human beings in general and Muslims in particular demonstrates the greatest social ideal in Islam. Thus reviling people, defaming them and being sarcastic with them must be shunned. Sarcasm depicts contempt for one's fellow human being. Reviling others is the antithesis of compassion, love and mercy. Negative and unwarranted criticisms are indicative of transgressing the rights of others and as such will most definitely lead to the entrenchment of hatred, disunity and disharmony in the society. Hence *Surat al-Nūr* prescribes some basic norms that ought to be upheld so as to bring about cohesion within the society. This means that the moral and ethical code as prescribed by the *Holy Qur'an* and *Sunnah*

must be implemented by Muslims *vis-a-vis* in their interactions with fellow Muslims and other communities within a pluralistic society.

The significance of *Īmān* (Faith) was also addressed. What one believes in, it was pointed out, ought to be translated into action and this constitutes true obedience to *Allāh* (SWT) and the Prophet (s.a.w.s.). Hence, the essence of faith is an expression of voluntary submission to the authority of *Allāh* (SWT) and the Prophet (s.a.w.s.)

The directives laid down in *Surat al-Nūr*, if strictly adhered to, will inevitably assist in bringing about peace and harmony in the society and it will also ensure one's success in this life and the Hereafter.

Laws pertaining to sexual morality and the consequences for their violation were discussed so as to emphasize that Islam aims at ensuring a pure and chaste society. Hence, in this dissertation, the dress code for men and women was discussed so as to demonstrate that Islam enjoins upon both sexes to safeguard their private parts from being exposed in public. Moreover, it was also pointed out that Islam does not encourage

free intermingling of sexes for such intermingling could inevitably result in indulgence in sexual promiscuity.

Islam lays great emphasis on the sanctity of marriage and the institution of the family in order that the children can be protected from becoming innocent victims of broken homes, divorce, etc. Every effort ought to be taken so as to keep the family intact in order that children would be safeguarded from any form of insecurity so that they would be in a position to freely practise their *dīn* and uphold their religious, moral and social values.

The penal code, as decreed by Divine Law, for adultery and fornication was placed in perspective in order to demonstrate that Islam advocates preventative measures to prevent indulgence in social evils and thus striking at the very root of the problem itself, namely, sexual perversion and promiscuity.

Listed hereunder are some of the “evils” which Islam totally condemns in view of the fact that they tend to arouse human passion, making one

vulnerable to falling prey to indulgence in illicit sexual relations:

- i) Screening and viewing of sexually explicit movies;
- ii) publication and reading of erotic fiction and pornographic literature;
- iii) wearing of provocative dress;
- iv) organising and participating in fashion shows; and
- vii) initiating and taking part in pop music and dancing recreations.

The objective for the application of the Divine penal laws is to protect the life, property and honour of the individual as well as that of the members of the society as a whole. Anyone who undermines the dignity of others must be punished in terms of the *Shari'ah* stipulations. There are two important points to be noted about the Islamic penal code:

- i) the offender has to be punished in accordance to the offence committed and
- ii) punishment of the offender is carried out in a public place so as to serve as a deterrent for others not to indulge in such offences or crimes.

In the absence of these two objectives, then there will always be a tendency for crimes to perpetuate. Thus, Islam lays down rigid penal legislations so that crimes may be permanently curtailed so as to foster peace, harmony and security, thereby ensuring cohesion within the social structure in society.

While Islam recognizes the biological and social needs of an individual, it does not tolerate any transgression of the Divine Commandment, as is evident in *Sūrat al-Nūr*, whereby the Divine punishment for those who commit *zinā* (adultery/fornication) is categorically stipulated.

In order to attain social justice, it is imperative that moral and spiritual values be upheld by one and all in society. Moreover, there ought to be mutual respect for each other and everyone ought to act responsibly in society. Social justice as envisaged by *Sūrat al-Nūr* are based on the following principles:

- i) to treat the individual fairly and with respect;
- ii) to accord everyone equal opportunity to develop his/her

personality so that he/she may be able to fulfill his/her duties according to his/her abilities;

- iii) to give the individual what he/she rightfully deserves; and
- iv) to mete out punishments on all those who commit offences/crimes which harm the interest of society.

The directives laid down in *Sūrat al-Nūr*, if strictly adhered to, will inevitably assist in bringing about peace and harmony in society and it will also ensure one's success in this life and the Hereafter. These directives, as discussed in this dissertation, pertain to the recognition of *Allāh* (SWT) as the Supreme Authority; respect and reverence for the Prophet Muḥammad (s.a.w.s) and obedience to the legislative authority vested in the him (s.a.ws.) by *Allāh* (SWT); furtherance of universal moral values based on Divine Injunctions and the manifestation of true belief in one's daily transactions; avoidance of false allegations and indulgence in backbiting, etc.; and to work collectively for reconciliation at all levels.

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