

Why Zina (Fornication/Adultery) Is Grave Sin in Islam

Quran is very clear regarding severity of Zina's (Fornication/Adultery) implication on individuals and society as a whole. Here are Quotation from Quran

وَلَا تَقْرُبُوا الزَّوْجِيَّ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

You shall never go near the unlawful sex; surely, it is a shameful deed and evil way (opening the door of other evils) Q= 17/31.

وَالَّذِينَ هُمْ لِغُرُوجِهِمْ حَافِظُونَ

إِلَّا عَلَىٰ أَرْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ

(Indeed! Successful are those believers) who guard their private parts except from their spouses or those who are legally in their possession, for in that case they will not be blamed. Q=23/6.

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا

(True slaves of Allah/Ar Rehman are those who) do not invoke any other god besides Allah, nor kill ant soul which Allah has made secret, except for a just cause, nor commit fornication- he that does that shall be punished for his/her sins. Q=25/68

وَالَّذِينَ هُمْ لِغُرُوجِهِمْ حَافِظُونَ

إِلَّا عَلَىٰ أَرْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ

فَمَنْ ابْتَغَىٰ وَرَاءَ ذَلِكَ فَأُولَٰئِكَ هُمُ الْعَادُونَ

(For none is secure from the punishment of their Rabb who in addition to -----) guard their private parts, except from their wives and those whom their right

hand possess, for in that case they are not blameworthy. As for those who seek to go beyond this, they are transgressors. Q= 70/29-31.

إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ وَالْقَانِتِينَ وَالْقَانِتَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ وَالصَّابِرِينَ وَالصَّابِرَاتِ وَالْخَاشِعِينَ وَالْخَاشِعَاتِ وَالْمُتَصَدِّقِينَ وَالْمُتَصَدِّقَاتِ وَالصَّائِمِينَ وَالصَّائِمَاتِ وَالْحَافِظِينَ فُرُوجَهُمْ وَالْحَافِظَاتِ وَالذَّاكِرِينَ اللَّهَ كَثِيرًا وَالذَّاكِرَاتِ أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا

Surely, the Muslim men and the Muslim women, the believing men and believing women, the devout men and the devout women, the truthful men and the truthful women, the patient men and the patient women, the humble men and humble women, the fasting men and the fasting women, the charitable men and the charitable women, the men who guard their chastity, and the women who guard their chastity, and the men who remember Allah much and the women who remember Allah much –for all of them, Allah has prepared forgiveness and a great reward. Q33/35.

يَا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يُبَايِعْنَكَ عَلَى أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَعْصِينَكَ فِي مَعْرُوفٍ فَبَايِعْنَهُنَّ وَأَسْتَغْفِرْ لَهُنَّ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

O Prophet! When the believing women come to you to take the oath of allegiance, take their pledge; that they will not commit shirk with Allah, that they will not steal, that they will not commit fornication, that they will not kill their children, that they will not give any cause for scandal which they may invent between either their hands or legs (a woman accusing another woman of having an illicit relationship with a man and spread such stories- or- a woman carrying an illegitimate child and makes her husband believe that it is his), and that they will not disobey you in any just matter, then accept their allegiance and pray to Allah for their forgiveness, surely, Allah is oft- Forgiving, most Merciful. Q60/12.

Ahadith of Prophet (SAW), regarding Fornication/Adultery.

The Prophet (peace and blessings be upon him) said, “Whoever guarantees me that he will guard his chastity, I will guarantee him Paradise” (Al-Bukhari).

Abu Hurayrah reports that the Messenger of Allah said, “No one commits adultery while still remaining a believer, for faith is more precious unto Allah than such an

evil act!” In another version, it is stated, “When a person commits adultery he casts away from his neck the bond that ties him to Islam; if, however, he repents, Allah will accept his repentance” (Al-Bukhari, Muslim, Abu Dawud, An-Nisa’i and others).

The Prophet (peace and blessings be upon him) further said: “[Under Islamic laws in an Islamic state] It is not lawful to shed the blood of a Muslim except for one of three sins: a married person committing fornication, and in just retribution for premeditated murder, and [for sin of treason involving] a person renouncing Islam, and thus leaving the community [to join the enemy camp in order to wage war against the faithful].” (Al-Bukhari, Muslim, Abu Dawud, Tirmidhi, and An-Nasa’i) .

During his ascension, the Prophet (peace and blessings be upon him) was escorted by Jibreel and shown different types of punishments meted out to those guilty of various major offenses. While recounting the various scenes shown to him, he said, “Then Jibreel took me and we passed by a group of people with terribly inflated bodies emitting worst foul smells just like that of open sewers; when I enquired who they were, he replied, ‘These are those who commit adultery!’” (Ibn Khuzaymah).

The Prophet (peace and blessings be upon him) said: “Faith is like a shirt that Allah places on those He chooses; but whoever commits adultery his shirt will be taken off from him; if he were to repent sincerely, Allah will place it back on him.” (Al-Bayhaqi)

“There are three types of sinners that Allah will not speak to on the Day of Resurrection; neither He will purify them nor will He even look at them; rather they will suffer severe punishment: an older person who commits adultery, a king or ruler who lies to his subjects, and a poor person who acts arrogantly!” (Muslim and An-Nasa’i).

“There are seven categories of people who will be granted protection under the shade of Allah on the Day when there is no other shade;... among them is a young person who is seduced by a woman of great beauty and wealth and yet he rejected her advances saying ‘I fear Allah!’” (Al-Bukhari and Muslim.)

The Prophet (peace and blessings be upon him) said, "O mankind! Beware of fornication/adultery for it entails six dire consequences: three of them relating to this world and three to the next world. As for the three that are related to this world, they are the following: it removes the glow of one's face, brings poverty, and reduces the life-span. As for its dire consequences in the next world they are: it brings down the wrath of Allah upon the person, subjects him to terrible reckoning, and finally casts him in hell-fire" (Al-Bayhaqi).

From above verses of Quran and Ahadith, it is abundantly clear that Zina/Fornication/Adultery is grave and major sin in Islam.

There are various legal, moral and historical aspects of this problem which need explanation, for if these are not clarified in detail, the modern man will find it difficult to understand the divine law concerning it. Accordingly, we shall discuss the various aspects of the problem below.

(1) The common meaning of zina which everyone knows is sexual intercourse between a man and a woman without the legal relationship of husband and wife existing between them. There has been complete unanimity of view among all the social systems from the earliest times to this day that this act is morally wicked, religiously sinful and socially evil and objectionable, and there has been no dissenting voice except from those stray individuals who have subordinated their moral sense to their lust, or who in their misguided notions try to be original and philosophical in their approach. The universal unanimity of view in this respect is due to the fact that man by nature abhors zina. In fact, the future of human race and civilization depends on this that the relationship between the husband and wife should be built upon the basis of an enduring and everlasting bond of fidelity, which should not only be fully recognized in the social life but should also be guaranteed by the existing social structure. Without this the human race cannot survive. This is because the human child requires years of tender care and training for survival and development and a woman alone cannot bear the burden without the cooperation of the man who became the cause of the birth of the child. Similarly human civilization itself is the product of the corporate life of a man and a woman, their setting up a home, bringing up a family, and establishing mutual relationships and inter-connections between families. If men and women were to lose sight of this essential fact, that is, the establishment of a home and

raising a family, and were to meet freely just for pleasure and lust, the entire structure of human society would crumble. In fact, the very foundations on which the structure of human civilization and culture has been built will topple down and the whole basis of the concept of a social life will disappear. It is for these reasons that free mixing of men and women, without any recognized and stable bonds of fidelity, is abhorrent to human nature, and it is for this reason that in every age zina has been considered as a moral evil and, in religious terminology, a grave sin.

Accordingly, the social systems in every age recognized and adopted the institution of marriage and also adopted preventive measures against adultery or fornication. The forms of the measures adopted in this direction have, however, differed under different social, cultural and religious systems. This difference has been the result of the realization of the disastrous effects of adultery (or fornication) in varying degrees: some societies have considered it to be more heinous than others, and some have conceived it clearly and some others not so clearly and confused it with other problems.

(2) Though adultery (or fornication) has always been accepted as an evil, opinion has differed as to whether it is legally a punishable offense or not, and this is where Islam differs from other religions and systems of law. Social systems which have been akin to human nature have always considered illicit intercourse between man and woman a serious crime and prescribed severe punishments for it. But with the deterioration in moral standards, this morality grew weaker and weaker and the attitude towards this crime became more and more tolerant.

The first common lapse in this connection was caused by the invidious distinction between fornication and adultery. The former as such was taken as an ordinary offense while the latter only was held as a punishable crime.

The Western laws of the modern times, which have also been adopted by the Muslims in various countries, are based on such conceptions. According to them, zina may be an evil, and an immoral and sinful thing, but it is not a crime. It becomes a crime only when illicit intercourse is committed without the consent of the other party. As for adultery by a married man, this only provides a cause for

complaint to his wife who may, if she likes, prove it and get a divorce. Similarly in the case of an adulteress, her husband can lodge a complaint against her and also against the man with whom adultery was committed and can sue both of them to claim divorce from the woman and monetary compensation from the man.

(3) The Islamic law, in contrast to all these conceptions, holds zina as a punishable crime and its committal by the married person enhances the guilt all the more. This is not so because of the violation of the oath of fidelity taken by the man or the woman nor because of the encroachment on the conjugal rights of the other, but because the criminal resorted to an unlawful method when there existed a lawful method for satisfying his sex desires. The Islamic law views zina as an act which, if allowed to be indulged in freely, will strike at the very roots of both human race and human civilization. In the interest of the preservation of the human race and the stability of human civilization, it is imperative that relationship between man and woman should be regulated only through lawful and reliable means. And it is not possible to restrain this relationship if opportunities for free mixing of the sexes are allowed to exist, for it cannot be expected from a man or a woman to be prepared to bear the onerous responsibilities of the family life if he or she has the opportunities for the gratification of the sex desires without this. For example, it will be as meaningless as buying a ticket for a journey when people can travel without a ticket as well. A ticket is essential only when travelling without a ticket is declared to be an offense. If somebody is found traveling without a ticket because he cannot afford to buy it, he is a criminal though in a lesser degree. But if a rich man resorts to this, his guilt becomes all the more serious.

(4) Islam does not rely on punitive law alone for saving humanity from the menace of zina. It employs both reformatory and prohibitory measures on a large scale. It has provided legal punishment only as a last resort. Islam does not want that the people should go on committing this crime and getting flogged with stripes day and night. Its real aim is that the people should not commit this crime at all and there should be no occasion to resort to the extreme punishment. For this purpose Islam first of all purifies man: it imbues him with the fear of All-Powerful and All-knowing Allah: it inculcates in him the sense of accountability for his actions in the Hereafter from which even death cannot release him. It fills him with obligation of obedience to divine law which is sure to follow true faith. Then, it repeatedly warns him that zina and unchastity are heinous crimes, which Allah will call to account with a severe reckoning. This theme occurs again and again in

the Quran. Moreover, Islam provides all possible facilities for a man to marry. If he is not satisfied with one wife, he is allowed to take up to four. If the husband and the wife cannot pull on amicably, there are provisions for separation. In case of a dispute between the two, provision exists for reconciliation through the intervention of the members of the family and failing that through the judicial courts so that they should either reconcile or separate and then remarry wherever they like. All this has been explained in Surahs Al-Baqarah, An-Nisa and At-Talaq. In Surah An-Nur too, it is not considered good and right to remain unmarried and a clear commandment has been given that marriages should be arranged between unmarried persons and even slaves (men and women) should not be allowed to remain unmarried. Then Islam puts an end to all those factors which allure a man to zina or provide occasions for it. A year before the punishment for zina was prescribed, women were commanded (in Surah Al-Ahzab) to cover themselves with sheets and lower their head-covers over their faces when going out of their houses. The wives of the Prophet (peace be upon him), who were a model for every Muslim family, were ordered to restrict themselves to their houses with decorum and dignity and not to display their charms and adornments. Moreover, they were required to communicate with men from behind the curtain if there be any need for that. This was a model which was followed by all the believing women who considered the Prophet's wives and daughters patterns of virtue and not the immodest women of the age of ignorance. Similarly, the free mixing of the men and women was discouraged before it was declared as a criminal offense and women were prohibited from going out openly in make-up.

After adopting such measures zina was declared to be a punishable offense and spreading of indecency in any way was also prohibited. Prostitution was legally banned and severe punishment was prescribed for charging men and women with adultery and propagating it without proof. Men were enjoined to restrain their gaze so that unrestricted feasting of eyes should not lead to lust for beauty and further on to illicit love. At the same time women were also enjoined to differentiate between mahram and non-mahram relatives. This enables one to understand the entire scheme of reform, a constituent part of which is the prescribed punishment for zina. This extreme punishment is for those incorrigible persons who persist in resorting to the illegal course for the gratification of their sex desires in spite of all the treasures adopted to reform the individual and society. They certainly deserve to be punished. Punishment of a wicked person serves as a, psychological deterrent for those who have similar tendencies.

Mahram relatives are those between whom marriage is not permissible under the Islamic Law, e.g. father and daughter, uncle and niece, nephew and aunt, and so on. Non-mahram are those between whom marriage is permissible e.g. cousins, etc. Punishment is not merely a punishment for the criminal but is a declaration of the policy that the Islamic society has no room for debauchery and people cannot be allowed to live lives of indulgence and pleasures without restraint. If one tries to understand the Islamic scheme of reform from this point of view, one will realize that not a single part of the law can either be dispensed with or amended. Only a fool who assumes the role of a self-styled reformer, without understanding this divine law, will ever think of changing it, or a mischievous person, who deliberately wants to alter the very object of the social order designed by Allah, will try to tamper with it.

Islamic punishment for Fornication and Adultery:

Given the above, it is to be noted that the punishment specified for an unmarried person guilty of fornication in the Shari`ah is 100. In the very beginning of Surat An-Nur, it is stated that:

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِئَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

(The woman and the man guilty of adultery or fornication,- flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment) (An-Nur 24: 2). As for the punishment specified in the Shari`ah for the married adulterer or adulteress, it is stoning to death. In the Kuwaiti Encyclopedia of Islamic Jurisprudence, we read the following: Ibn Qudamah wrote: "Muslim jurists are unanimous on the fact stoning to death is a specified punishment for married adulterer and adulteress. The punishment is recorded in number of traditions and the practice of the Prophet (peace and blessings be upon him) stands as an authentic source supporting it. This is the view held by all Companions, Successors and other Muslim Scholars.

Note: Although in Quran it is only mentioned punishment of fornication/Adultery is 100 lashes, but Muslim scholars agree that Prophet (SAW) himself implemented Stoning to death of people committing Adultery. So If Prophet did then it is a valid punishment in Sharia as Prophet (SAW) will not do anything without the permission of Allah (SWT).

Secondly Quran put a very harsh and severe burden of proof on the accuser, who accuses someone of fornication/adultery. Quran says in Surah Nur Aya # 4

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

Those who accuse a chaste woman of fornication and do not produce four eye witnesses to support their allegation shall be flogged eighty lashes and their testimony shall never be accepted after that, for they are the ones who are wicked transgressors. So burden of proof is so strict that it is almost impossible to prove the crime. How it is possible that four credible eye witnesses see this crime? Unless the committer is so shameless then he/she deserves this kind of punishment.

Thirdly, the punishment of fornication is given by Islamic state through its justice system with proper screening of witness and circumstances, not by just any individual, any group of people or any community.

3. The first thing that deserves attention in this verse is that the criminal law is being termed as the Way of Allah. This shows that the Way of Allah does not merely consist in Salat, Fasting, Hajj and payment of Zakat dues, but the law of the land is also a part of the Way of Allah. The establishment of the Way does not mean the establishment of Salat alone but it also includes the establishment of the divine law and the system of law based on it. If these things are not established, the mere establishment of the system of Salat will be regarded as partial implementation of the Way. But when instead of this an un-Islamic system of law is adopted, it amounts to the total rejection of the divine way itself.

The second thing which deserves attention is the warning from Allah that no feeling of compassion or pity should restrain you from inflicting the prescribed

punishment on the guilty person. The same thing has been further elaborated by the Prophet (peace be upon him) in the following Tradition.

On the Day of Judgment, a judge who had reduced the punishment by one stripe in a certain case will be called to account. He will be asked: Why did you do so? He will say, it was out of pity for your people. Allah will say: Well, it means you were more compassionate towards those people than Myself. Then it will be ordered: Take him to Hell. Another judge, who had enhanced the punishment by one stripe, will be brought forth. He will be asked: Why did you do so? He will say: It was done to serve as a deterrent for others. Allah will say: Well, it means you were wiser than I with regard to them. It will be ordered: Take him to Hell. (Tafsir Kabir, Vol. VI, p. 225).

The above applies to the case when reduction or enhancement in the punishment was the result of compassion or some other factor. But if the quantum of punishments were to be changed according to the status of the culprit, it would constitute the worst type of crime. According to a tradition related by Aisha, the Prophet (peace be upon him) said in an address: The communities before you perished because whenever anyone from among their aristocrats committed a theft, he was forgiven but whenever an ordinary man committed the same offense, he was awarded the prescribed punishment. According to another tradition, the Prophet (peace be upon him) said: The enforcement of one prescribed punishment is more beneficial to the people than 40 days of rainfall. (Nasai, Ibn Majah).

Some commentators have interpreted this verse to mean that the culprit should neither be forgiven after his guilt has been proved nor his punishment reduced. He must be flogged with 100 stripes. Some others have taken it to mean that the flogging should not be so light that the culprit may not feel its effect at all. The verse covers both the above interpretations and, in fact, both are plausible. It also means that the one guilty of fornication should get the same punishment which has been prescribed by Allah and no other type of punishment. It is a sin to inflict any other type of punishment instead of flogging even for the sake of compassion or pity. But if any other type of punishment is inflicted on the ground that flogging with stripes is a barbarous type of punishment, it amounts to kufr; which should never be tolerated even for a moment by a true believer. To believe in the divinity of Allah and then to call Him a barbarian, suits only those who are the meanest of hypocrites.

4. The punishment should be awarded publicly so that, on the one hand, the guilty one may feel disgraced and, on the other, it may serve as a deterrent for the other people. This throws light on the concept of punishment in Islam. In(**verse 38 of Surah Al-Maidah**), in connection with the punishment of theft, it was said.

It is the recompense for what they have earned, and an exemplary punishment from Allah.

And now here it is being enjoined that the adulterer should be given the punishment publicly. This shows that in Islamic law punishment is awarded to meet three purposes.

(a) To inflict pain on the criminal for the excesses he committed against the other person or society,

(b) To stop him from repeating the crime,

(c) To serve as a deterrent for others, so that the people having evil inclinations in society may be deterred and dare not commit such crimes again.

Summary of Ill effects of Fornication/Adultery on individual and society:

Muslims believe that Allah has forbidden sex outside of marriage for very good reasons. These relationships lead to many problems in society:

- disobedience to the Lord of the worlds who has wisely legislated marriage,
- a disregard for family values,
- lack of commitment and mutual respect for something that is very intimate,
- disrespectful to women (and men) who are used and then usually discarded,
- maintenance rights are taken away from women who are left alone,
- single mothers struggling to look after children on their own,
- many children who never know who their father is,
- mental anguish for children who feel unwanted,
- lack of comfort and security found in a loving family,
- increase in violence upon women who are left without the protection marriage offers,

- the break-up of extended family structures and communities because the mother lives with a series of different men having children with them,
- loss of lineage and parental lines that can be traced which provide an anchor for families.
- According to Hadith “Any man who fornicates with a woman then the child born from fornication does not inherit, nor is it inherited from.” (Tirmidhi 2133, sahih).

So pre-marital sex, adultery and loose sexual morals lead to exploitation of women and children as well as discord and breakdown in society.

Allah’s Messenger (ﷺ) said: “Allah fixed the precise portion of fornication which a man will indulge in – there is to be no escape from it. The fornication of the eye is the lustful look, the fornication of the ears is listening to lewd talk, the fornication of the tongue is lewd speech, the fornication of the hand is the lustful grip (or embrace), the fornication of the feet is to walk to where he intends to commit fornication and the heart yearns and desires for what he may or may not put into effect.” **(Sahih Muslim 2658)**

Effects on Health due to fornication and Adultery:

Chris Iliades, MD states: Having a large number of sexual partners has been linked to poor sexual health and decreased longevity. Why? The more sexual partners you have, the greater your risk for sexually transmitted diseases (STDs) like HIV/AIDS and other life-threatening conditions like prostate cancer, cervical cancer, and oral cancer. “Promiscuity is one example of a class of high-risk behaviors,” says Deirdre Lee Fitzgerald, PhD, assistant professor of psychology at Eastern Connecticut State University in Willimantic. The U.S. Centers for Disease Control and Prevention estimates that 19 million new STD infections occur each year. Among the most common STDs are Chlamydia, gonorrhea, and syphilis, but the most common of all is the human papillomavirus (HPV). Additionally, research shows the couples who are in long-term relationships are much less likely to suffer from domestic violence.