

88051 - Protecting societies from zina

the question

How can four witnesses be brought against the man and woman who commit zina in the present age?

How can we advise our Muslim youth against this evil action? May Allaah reward you with good.

Detailed answer

Firstly:

The scholars have listed the ways of establishing proof of zina, and there are four ways:

1-Testimony of witnesses

2-Admission by the parties concerned

3-Pregnancy of a woman who has no husband or master

4-If the husband engages in li'aan and the wife refuses to take part in li'aan

With regard to witnesses to zina, they should be four people whose testimony is acceptable, and they should state that they have seen the zina in clear terms, i.e., they should have seen the man's penis in the woman's vagina. If some of them only testify that they saw them naked, or they describe certain positions or movements, that is not sufficient to prove that zina took place.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said in al-Sharh al-Mumti' (6/157):

They should describe zina in clear terms, such as saying: "I saw his penis in her vagina". There is no alternative to that. If they say: "We saw him on top of her and they were naked", that is not acceptable. Even if they say "We saw him doing with her what a man does with his wife," that is not sufficient as testimony. They must say "We bear witness that his penis was in her vagina."

And this is very difficult, as the man said who was testified against at the time of ‘Umar: “If you were among the (four) thighs you would never be able to give this testimony.” Hence Shaykh al-Islam Ibn Taymiyah mentioned that at his time no case of zina was proven by means of testimony from the time of the Prophet (peace and blessings of Allaah be upon him) until the time of Ibn Taymiyah. If no case was proven from that time until the other, then we do not know of any case that was proven by testimony up till our own times, because it is very difficult. End quote.

This strictness with regard to testimony about zina serves only to achieve the purpose aimed at by sharee’ah, which is to conceal people and not spread immorality, and to make societies avoid accusations against people’s honour and aspersions on their lineages.

Al-Qurtubi (may Allaah have mercy on him) said in al-Jaami’ li Ahkaam al-Qur’aan (5/83):

Allaah has stated that testimony in a case of zina must be given by four people, so as to make it hard for those who are testifying to such a thing, and to conceal people. End quote.

Shaykh ‘Abd al-Rahmaan al-Sa’di said in his Tafseer (1/563): “Why did they not produce four witnesses?” [al-Noor 24:13], i.e., why did the accusers not bring witnesses to the things they accused them of? “four witnesses” i.e., of good character. “Since they (the slanderers) have not produced witnesses! Then with Allaah they are the liars” – even if they are certain about that in themselves, they are liars in Allaah’s judgement, because Allaah has forbidden them to speak of that without four witnesses. Hence Allaah says: “Then with Allaah they are the liars”, and He did not say “Then they are the liars”. All of this points to the grave sanctity of the Muslim’s honour, so it is not permissible to make accusations against it without establishing testimony. End quote.

See also the answers to questions no. [839](#) and [6926](#).

Secondly:

With regard to protecting our youth and our societies against this evil, it is essential that there be a concerted effort on the parts of nations and societies, on various fronts. It is a communal

responsibility, not an individual one. It is not possible to attain the well being of societies without integrated efforts to adopt the means that will protect them against zina and its effects. These means include the following:

1 – Spreading awareness of the seriousness of the sin of zina, and that it is one of the major sins which common sense and sharee’ah agree is abhorrent and haraam; explaining that it is the cause of nations’ downfall and that it brings calamities upon this world, and the punishment of Hell on the Day of Resurrection.

Imam Ahmad said: After murder, there is nothing worse than zina. Ghadha’ al-Albaab (2/435).

Allaah says (interpretation of the meaning):

“And come not near to unlawful sex. Verily, it is a Faahishah (i.e. anything that transgresses its limits: a great sin), and an evil way (that leads one to hell unless Allaah forgives him)”

[al-Isra’ 17:32]

Shaykh ‘Abd al-Rahmaan al-Sa’di said in his Tafseer (1/457):

Allaah describes zina and its evil as “a Faahishah (i.e. anything that transgresses its limits: a great sin” i.e., a sin that is abhorrent according to sharee’ah, common sense and sound human nature, because it is a transgression against the rights of Allaah, the rights of the woman, the rights of her family, and the rights of her husband, and it is spreading immorality, confusing lineages and other evils. The phrase “and an evil way” means it is an evil way for the one who dares to commit this grave sin. End quote.

Making the youth aware of the bad effects that result from the spread of this evil, which threatens the stability of families and societies, such as the spread of fatal diseases, the prevalence of illegitimate children, disintegration of the family, children not being cared for properly and having a bad upbringing, increase in the divorce rate, spread of crime and so on. These effects are felt by the societies in which permissiveness in its worst forms is widespread, which could lead to disintegration of those societies and the downfall of those civilizations.

3 – Striving to facilitate the shar’i way to have sexual relationships, which is through halaal marriage, by encouraging marriage and explaining that sharee’ah encourages it, and that it is the way of the Messengers, and that the one who gets married has completed half of religion, and that he will be rewarded for keeping himself and his wife chaste.

4 – One of society’s responsibilities in this matter is to remove the obstacles that cause delays in getting married. So they should address the poverty that may be an obstacle to marriage, and provide the material means to young people who do not possess enough to keep themselves chaste. In his commentary on the verse (interpretation of the meaning): “And marry those among you who are single (i.e. a man who has no wife and the woman who has no husband) and (also marry) the Saalihoon (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves). If they be poor, Allaah will enrich them out of His Bounty. And Allaah is All-Sufficient for His creatures’ needs, All-Knowing (about the state of the people)” [al-Noor 24:32], al-Qurtubi said: Marry those among you who have no spouse, for that is the way to achieve chastity. End quote (12/239).

In the book al-Amwaal by Abu ‘Ubayd al-Qaasim ibn Salaam (251) it says that ‘Umar ibn ‘Abd al-‘Azeez wrote to his governor in Iraq saying: Seek out every unmarried man who has no wealth and if he wants to get married, then arrange his marriage and give charity to him.

Ibn Qudaamah (may Allaah have mercy on him) said in al-Mughni (7/587):

A man must keep his son chaste if he needs to get married, and this is the apparent meaning of the view of al-Shaafa’i. End quote.

5 – The least that societies and parents can do with regard to this important issue is to stop going to extremes with regard to dowries, or showing off and indulging in excess with regard to the expenses of marriage, or trying to acquire wealth from them.

‘Umar ibn al-Khattaab delivered a speech from the minbar and said:

“Do not go to extremes with regard to the dowries of women, for if that were a sign of honour and dignity in this world or a sign of piety before Allaah, then Muhammad (peace and blessings

of Allaah be upon him) would have done that before you. But he did not give any of his wives, and none of his daughters were given, more than twelve uqiyah.”

Narrated by Abu Dawood (2106); classed as saheeh by al-Albaani in Saheeh Abi Dawood.

Wise people do not disagree on the point that parents’ going to extremes with regard to their daughters’ dowries is one of the causes of the spread of corruption and immorality in their societies.

Will Durant said, speaking of the spread of immorality in some western societies in some era of history in his book Mabaahij al-Falsafah (The Pleasures of Philosophy) (127-128):

There is no dispute that this is to some extent due to the demands for high dowries made by fathers as the price for their chastity at a time when marriage was, frankly, a commodity to be bought. End quote.

6 – One of the most important means by which societies may ward off the evil of zina is spreading an atmosphere of love between spouses, and striving towards the happiness of families by means of love, respect, sincerity, loyalty, rights and duties, for happy families and loving couples are a means of protecting society from deviation and falling into immorality in search of illusionary happiness.

7 – Finally, it is essential to strive to establish a conservative and religiously-committed environment which is connected to Allaah, may He be glorified and exalted, in which wanton display and unveiling are unknown, and in which ‘awrahs are covered, in which alcohol and music, which are the promoters of zina, are forbidden, because these things are the fuel for the fire of immorality, so if the society rids itself of them, it will be safe from that fire.

You may also benefit from reading the answers to the following questions on this website: [20161](#) and [3234](#).

Useful books on this subject include al-Tadaabeer al-Waaqiyah min al-Zina by Fadl Ilaahi.

And Allaah knows best.