

# A Research Review Of The Objections On The Punishment Of Stoning In Islam And Other Sematic Religions

**Altafur Rehman<sup>1</sup>, Hussain Ahmad<sup>2</sup>, Dr. Abudulhaq<sup>3</sup>, Shahid ur Rahman<sup>4</sup>, Muhammad Ibrahim<sup>5</sup>, Dr. Ali ur Rahman<sup>6</sup>**

<sup>1</sup>Ph.D. Scholar, Department of Usooluddin, University of Karachi.

<sup>2</sup>Ph.D Scholar, Department of Quran o Sunnah, University of Karachi.

<sup>3</sup>Assistant Professor, Shaheed Benazir Bhutto University Sheringal Dir (upper)

<sup>4</sup>Research Scholar, Department of Usooluddin, University of Karachi

<sup>5</sup>Assistant Professor, Qurtaba University Peshawar

<sup>6</sup>Ph.D. University of Peshawar/S.T.T Elementary & Secondary Education Peshawar KPK

## Abstract

The punishment of stoning has been a target of people's criticism since the beginning; some people refused to recognize the Shariah status of the punishment of stoning and declared all those narrations as untenable and invalid. The Mu'tazila and the Khawarij have denied this ruling from the beginning, and some scholars and Hadith deniers of the modern age have also denied its implementation and said "punishment of stoning will make a psychological distance between religion and human mind. Therefore, the implementation of the rajam in the present era is against expediency. They also object that there is no clear text in the Holy Quran that indicates the justification of the punishment of stoning, so these punishments are completely cruel and against human reason. Therefore, in the article under review, after critically evaluating the doubts of the modern Western thinkers and the deniers of Hadith, various aspects of stoning, such as the justification of stoning in the light of the Qur'an and Hadith, the main principles of stoning and its methods and finally the results will be mentioned

**Keywords:** Islam, Punishment, Stoning, Hadd, Semitic religions.

## Introduction

The most severe punishment in Islamic is stoning for heinous crimes such as adultery, which requires testimony of four witnesses if four male witnesses are not present or if there is a contradiction or conflict in their testimony, the witness will not be able to avoid the punishment of "Haddi Qazf"(Defamation). This order of stoning is to protect the corruption of the human generating and the protection of chastity. This ruling is not only in the Islamic Sharia,

but it was a definitive command of God for the previous Prophets and their ummah as well, as it is such a broad chapter of the Islamic law that it is possible to prevent the crime of adultery in every era.

**Purpose of Punishment:**(a) To purify the Islamic society from adultery, the mixing of lineage, the impurity of society, the extremes of immorality and the disrespect of families.

(b) Extermination of the grave sin of fornication and its discussion from the Islamic society

#### **Meaning of rajam:**

According to the dictionary, the literal meaning of rajm is to kill with stones and stoning, as well as to curse and reject<sup>1</sup>.

Definition of stoning in jurisprudential terms: In jurisprudential terms, stoning is the Hadd (Fixed and mandatory sharia punishment) that is prescribed for adultery and in which the offender is stoned to death<sup>2</sup>.

#### **The word stoning in the Holy Quran**

The word Rajam has been mentioned in the following twelve places in the Holy Quran and six places Devil has been called Rajim, its meaning is insulted, stoning and rejected: (1) Surah Aal Imran verse 36 (2). Al-Hajr verse 17.34 (3) Al-Nahl (4) 98S (5) Surah al-Taqweer verse 25 (6) Surah al-Mulk verse 5 (7) Surah al-Dkhan verse 20 (8) Surah al-Shaara' 116 (9) Surah Hud 91 (10) Surah Maryam 46 (11) Surah Yas 18 (12) Surah Al-Khaf verse: 20.<sup>3</sup>

#### **Punishment of stoning in the Bible (Torah):**

In the Torah, there is rajam (stoning) for many crimes, such as:

Whoever abuses in the name of God must be killed, the whole Group/ nation must definitely stone him.

The person who worships the sun, the moon or the stars and the astronomical objects is to be taken out of prison and stoned to death<sup>4</sup>.

A man or a woman who has a Jinn or a magician in her, must be killed and stoned to death<sup>5</sup>.

Let all the people of the city stone the disobedient son of his parents to death.<sup>6</sup>

During the desert days a Jew was caught gathering firewood on the Sabbt (Saturday), the congregation after catching him kept him

in lock up and Hazrat Musa (peace be upon him) took him out of the army camp and stoned him to death by the order of God<sup>7</sup>.

IT is known from Holy bible that the stoning was the punishment of all kinds of adultery in the Torah<sup>8</sup>, But the Jews did not allow it to be implemented.

#### **The punishment of stoning in Islamic Shari'a:**

The punishment of "stoning" was fixed only for the adulterer who is married and in whom the conditions of "Muhsan" are found. And the basic proof of this punishment is in the hadiths that are Mutawatir<sup>9</sup>.

And in the begging of Islam, the punishment for this criminal was house arrest, as in the verse:

“And those who commit adultery among your women, then Take the testimony of four men from among you against them and if four men testify, keep them locked up in homes until they die or Allah makes a way for them”<sup>10</sup>.

In this verse, about those women who are guilty of adultery, it has been ordered that the testimony of four Muslim men should be established for their crime. If their guilt is proved by the testimony, then they should be locked up in their homes until some order of God Almighty is revealed about them. The promise to set a path for such women was explained by the Holy Prophet himself through divine revelation, it has been said that if the offender of adultery is married (muhsan), the imam should stone him, and if he is unmarried, he should be given a hundred lashes.

#### **The hadith of Ubada bin Samit (may Allah be pleased with him):**

There is a hadith of Muslim Sharif on the authority of Ubadah bin Samit (RA):" When the revelation was revealed to the Prophet (peace and blessings of Allah be upon him),

he would feel pain and his face would darken somewhat due to its severity. One day a revelation was revealed to him and this condition became apparent to him. When this situation ended, he said: Take it from me. Allah has made a way for the women. A married adulterer is with a married adulteress and a virgin adulterer is with a virgin adulteress. A married man should be stoned after a hundred lashes, while a virgin should be exiled for one year after a hundred lashes”<sup>11</sup>

The Holy Prophet (peace be upon him) has given this interpretation of " او يجعل الله لهن " سبيلا (Allah will set a way) that Married adulterers should be stoned and those who are not married, should be given 100 lashes. And this interpretation is not just Ijtihad (from his mind), but by divine revelation<sup>12</sup>.

The decree of Uthman Ghani (may Allah be pleased with him).

There are many hadiths about Uthman (may Allah be pleased with him) which are in Tirmidhi Sharif, Al-Nasa'i and Ibn Majah. A hadith of Tirmidhi is mentioned below: "Uthman looked out during the siege and said: I swear to you. Do you know that the Messenger of Allah, peace be upon him, said that the blood of a Muslim is not lawful, except in one of three cases: If a married is guilty of adultery, or if a man becomes an apostate after converting to Islam, or if he kills someone unjustly? They replied. By Allah, yes! He said: Then in what crime are you killing me"?<sup>13</sup>

The second hadith of Tirmidhi Sharif is narrated from Hazrat Aisha, which contains the words of stoning: " رجل زنى بعد احصان فانه " يرمم " means that a man who commits adultery after marriage will be stoned to death. .

Famous speech of Hazrat Umar Farooq:

According to some narrations, the ruling of stoning was revealed in the form of a regular verse in the Holy Qur'an. Ibn Abbas narrates

that Umar said on one occasion in his sermon: "Allah sent Muhammad (peace and blessings of Allah be upon him) and the book which Allah revealed to him, there was also a verse about stoning, we had read it, understood it and memorized it well. I fear that with the passage of time people will start saying that we do not find the verse of stoning in the Holy Qur'an, thus an order of Allah will be denied, while stoning is in the Book of Allah that the man and the woman who commits adultery despite being married will be stoned, when there are a witnesses, or the pregnancy is revealed, or the guilty person confesses."<sup>14</sup> Three permissible cases of killing a Muslim On the authority of Abdullah bin Mas'ud, may God be pleased with him, he said: "A Muslim who believes that there is no god but Allah and that I am the Messenger of Allah, his blood is not permissible except for three reasons: adultery despite being married, wrongful killing and denying Islam after accepting."<sup>15</sup>

The incident of stoning of Hazrat Ma'ez (RA).

In the books of Ahadith, there is an incident of Hazrat Maez (may God be pleased with him). Maez bin Malik Aslami who was an orphan boy from the tribe of Aslam. His guardian was Hazrat Hazal bin Naem. He committed adultery, which he confessed in the mosque. After his confession four times and after all the other investigations, when it was satisfied with this matter, the Holy Prophet (peace be upon him) issued a ruling about him, after which he was taken to the field and stoned.<sup>16</sup>

Details of the incident of Maaz Islami

Hazrat Bani Kareem ﷺ ordrred the Hadd on Hazrat Maaz after he confessed it four times and after all the other careful investigation and when he was satisfied about it, the full details of this are in the hadith of Bukhari Sharif.

Abu Huraira (may Allah be pleased with him) says that Ma'az Aslami (may Allah be pleased with him) came to the Messenger of Allah (may peace be upon him) and confessed that I had committed adultery, he turned away his face from him, then he came from the other side and said: Messenger of Allah! I have committed adultery, He then turned away the face from him, then he came from the other side and said: Messenger of Allah! I have committed adultery, then on confessing for the fourth time he ordered stoning, so they were led to a rocky ground and stoned, when they were hit by a stone they ran away, even he passed by a man who had a camel's jaw bone, he hit Maez with it and the people also stone him until he died. Then the people said to to the prophet: that when he felt the pain of stones, he ran away. The Messenger of Allah, may God bless him and grant him peace, said: "Why did you not leave him?"<sup>17</sup>

#### **Establishment of stoning Punishment by sunnah**

On the occasion of Hajj al-Wida,(Last Hajj<sup>18</sup>) the Prophet Muhammad, the Messenger of Allah, said in his speech: "الولد للفراش وللعاهر الحجر" The child's paternity parentage will be proved by the one on whose bed (house) he was born and stone for the adulterer." The punishment of stoning for adulterer was stated by him as a Islamic principle in the presence of more than one hundred thousand companions and and no one raised any objection as to why he ﷺ is describing the punishment of stoning as a rule for the adulterer while the Qur'an has described the punishment of whipping, this clearly means that Until that time, all the people who accepted Islam knew this fact as a matter of fact that in Islam the punishment of Muhsin (Married Male) and Muhsina (Married female) is stoning, and there was no doubt

about this absolute fact among the Companions of the Prophet.<sup>19</sup>

Ahadith prove that the Prophet (peace and blessings of Allah be upon him) differenced the punishment of adultery on the basis of being married and unmarried, and apart from the punishment described in the Qur'an, one year of exile for a virgin adulterer, and stoning for a married adulterer as an additional penalty. In this regard, there are two types of traditions: one in which the verbal command to stoning married adulterers is mentioned and the other in which the practical punishment of stoning to some criminals is mentioned.

The traditions of the order of stoning being revealed in the Qur'an have been narrated from Umar, Ubai bn Ka'b and Zayd Ibn Thabit, and in their Narrations:

إذا زنيا فارجموها البتة<sup>20</sup>

When a married man and a married woman commit adultery, they must be stoned.

Among the cases cited in this chapter are incidents of Ma'az-e-Islami<sup>21</sup>, a woman from the tribe of Ghamid<sup>22</sup>, a laborer who commit adultery with their master's wife<sup>23</sup>, a Jewish couple who committed adultery<sup>24</sup>, a man who caught on the way a woman going to prayer and raped her<sup>25</sup>.

The incident of the woman going for prayer  
An incident was narrated from Hazrat Wail bin Hujur (RA) that a woman was going to pray and a man raped her. Some people caught a person on the woman's plea, although he was not guilty, because the woman could not recognize him properly in the dark. Therefore, he was considered guilty. When the time came for the punishment of this innocent person, the real criminal presented himself for punishment keeping in mind the fear of God and confessed the crime. On which the Prophet ﷺ said to the woman, "God has forgiven you. And said good words about the first man and ordered to stone the

criminal and said that he has repented in such a way that if the people of Madinah had repented, it would have been accepted by them.<sup>26</sup>

Hazrat Umar bin Abdul Aziz's answer about stoning

When someone objected on rajam (stoning) in the presence of Umar bin Abdul Aziz, saying that it is not mentioned in the Book of Allah, then Umar gave a very good answer, he said: Then, from where was the number of rakats of prayer and the amount of Zakat proven? He said that by the actions of the Holy Prophet and the Muslims. Then Hazrat said, "The stoning has also been proven in the same way."<sup>27</sup>

Consensus (Ijma) of Muslims on Rajam

The consensus of the scholars is that unmarried will be given a hundred lashes and Muhsan (Married) will be stoned, and no one among the Muslims disagreed on this issue except the Khawarij according to Qazi iyaz. Stoning is a punishment that has been unanimously practiced by the scholars of this Ummah since the time of the Prophet ﷺ until today.

Ibn al-Rashid al-Qurtubi writes that "All Muslims agree that the punishment for a free married adulterer is stoning, except for a small group who believe that the punishment of every adulterer is flogging. The people adopted stoning because the hadiths of stoning have reached the level of Mutawatir. These gentlemen specified the Verses of Quran (الزانية والزانی) with the help of the hadith<sup>28</sup>.

And Shaykh Kamal Ibn Al-Hamam, may God have mercy on him, says:" There is a consensus of the Companions and scholars on stoning, the denial of stoning by the Khawarij is invalid, because if they deny the authority of the consensus of the Companions, then it is a mixture of ignorance with a definite proof, because the consensus of the

Companions is definite, and if they deny that prophet did the stoning saying that this is hadith wahid, then their statement is totally wrong, Because the proof of stoning is continuous from Rasulullah ﷺ like Ali's bravery and Hatim's generosity. The details and parts of the stoning are confirmed from the hadith wahid, but there is no doubt about the stoning itself.

Allama Alusi says that "the Companions, the Tabi'een, the great Imams and the scholars of the Ummah all agree that a married adulterer will be stoned to death. The denial of the Khawarij is invalid because if they deny the consensus of the Companions, They are definitely ignorant, and if they deny Rajam because they deny Khabar Wahid, then this is also wrong, because the proof of Rajam is proved by frequent (Mutawatir) Ahadith. Their defection from the Companions and their lack of closeness to the scholars and narrators of Hadith led them to many misguidances. When it was said that this stoning is not in the Book of Allah, Umar Asked them : what do you say about number of Rakat in prayerbandzakah? the Khawarij replied that it is proven by the actions of the Messenger of Allah ﷺ and the heirs of the Muslims. Khalifa Rashid said that stoning is also like this.

Maulana Muhammad Anwar Shah Kashmiri says that "Since Rajm is agreed upon, therefore, it is from the foundations of the religion (Islam), therefore the refusal of stoning punishment for adultery of married man and a woman is considered takfir of Khawarijes<sup>29</sup>.

The penalty of stoning for a married adulteress and flogging for an unmarried adulterer was revealed in the Holy Quran. The punishment of flogging was revealed in Surah Noor. The time of revelation of Surah Noor is after 5 Hijri, so there is clear evidence that the incident of Ifk was happened 1 battle

of Muraise according to the opinion of Hadith experts and Historians, "this battle took place in in 5 Hijri or later."<sup>30</sup>

It is in Musnaf Abd al-Razzaq:

"ان امرأة جاءت الى على فقالت ان زوجها وقع على جاريتها فقال ان تكونى صادقة نرجمه".<sup>31</sup>

A woman came to the 3<sup>rd</sup> Caliph Ali and complained that her husband committed adultery with her slave. Ali said that if it is true, we will stone her. "Ibn Hazam Said:" The Ummah is in agreement that if a person commits adultery in the manner we have described and he has previously married and he is a free Muslim adult, and did valid marriage with a free Muslim adult woman and have intercourse with her, he will be stoned..

Abu Hayyan says, "واتفق فقهاء الامصار على ان "المحصن يرمم ولا يجلد"

"The jurists of every city are in agreement on the punishment of the Muhsaan with stoning and not with the punishment of flogging."

He also writes, "The punishment of stoning is proven by the Mathoor Sunnah and after the Messenger of Allah ﷺ, the Four caliphs Abu Bakr Siddiq, Umar Farooq, Ali al-Murtaza and among the Companions Hazrat Jabir, Abu Hurairah, Barida Aslami acted accordingly."<sup>32</sup>

Shaykh Ibn Hammam says that "The evidence of stoning from the Messenger of Allah, peace and blessings of Allah be upon him, is Mutawatir (frequent), Such as the courage of Ali and the generosity of Hatim. Ahadith e Ahadd are in the details of its and its specificities, but there is no doubt in the basic stoning."<sup>33</sup>

After quoting the ahadith of stoning, Imam Muhammad ( in chapter of stoning) writes that: Muhammad said, "We follow all the hadiths that a free Muslim man commits adultery with a woman. And he had previously married a free Muslim woman and had intercourse with her. So there is stoning.

And this is Muhasan (which the punishment is stoning) and this is the view of Imam Abu Hanifa and all our jurists."<sup>34</sup>.

The opinion of the Author of Hidayah:

Allama Al-Morghinani, may God have mercy on him, says: when the Hadd becomes obligatory and the adulterer is married, he should be stoned until he dies.

Shaykh Ibn Hammam says: <sup>35</sup> "عليه اجماع" الصحابة و من تقدم من علماء المسلمين.

There is a consensus of the Companions and all the leading scholars of Islam on the hadd of stoning. In Al-Mughni, "the obligatory of Hadd is on the married adulterer man or woman. this is the opinion of the general scholars, Companions, Tabieen and the scholars of all ages and countries after them"<sup>36</sup>. Imam Abu Muhammad Ali Ibn Hazm al-Zahiri writes in Al-Mahli: "All Muslims agree that when a free man or woman is guilty of adultery and she is not married, then they are subject to a hundred lashes, then all Muslims agree that when a free man or woman is guilty of adultery And if he is a married Muhsin, then there is rajam (stoning) on him until he dies. From this consensus, those people are excluded who have no credibility in consensus and who are not Muslims according to Muslims

Hafiz Ibn Hajar says that "Ibn Battal said: The Companions and imams of the countries were unanimously agreed that if a married man commits adultery intentionally, knowingly, and willingly, he must be stoned. The Kharijites and some of the Mu'tazilites rejected this."<sup>37</sup>

Ibn Rushd says that " Married free Muslims (if they are guilty of adultery), then all Muslims agree that their punishment is stoning except one misguided sect.

Allama Abi Maliki Sharh-e-Muslim says that "I said: The most of Muslims on the opinion that the punishment for a married adulterer is

stoning, and deny him who is not considered from among the innovators"<sup>38</sup>

Allama Abd al-Wahhab Shairani says that " All the imams agree that adultery is the worst immorality that causes a Hadd. And this Hadd is different according to the adulterers, because an adulterer is an unmarried adulteress and a married adulterer (Muhsin).<sup>39</sup>

According to the opinion of Abd al-Rahman al-Jaziri, Allama Abd al-Rahman al-Jaziri writes that "All the Imams agree that one who fulfills the conditions of Ihsaan and then commits adultery with a woman in whom the conditions of Ihsaan and they are free, sane and mature and entered into a valid marriage. And she was a Muslim, then these two adulterers will be declared Muhsin and each of them will be punished with stoning until they die according to the saying of the Prophet (peace be upon him) in which the Prophet (peace be upon him) mentioned this verse: the married man and the married woman! etc

Objection of Khawarij on stoning punishment

The Khawarij (A classical sect in Islam) ultimately object to the punishment of stoning. They say that the order of stoning is not existence in the Holy Quran. This opinion is also not present in their books, but their opponents have copied their opinion in debates.

Allama Alusi has written that the reason for Khawarijs' rejection of stoning is that these people are ignorant of the Sunnah of the Prophet and the hadiths of the Prophet ﷺ due to their hatred and hostility towards the Companions.

Historically, the Khawarij are related to those evildoers who apostatized during the reign of 1<sup>st</sup> caliph Abu Bakr and refused to pay Zakat. Then in the Ottoman era, these joined rebels of Egypt and after that, they joined group of

Ali. When there was a problem in arbitration, they cut off their connection with Ali by chanting "ان الحكم الا لله"

Judgment belongs to only God and started calling all the Companions became infidel-

#### **Umar Bin Abdul Aziz and Khawarij Debate:**

A delegation of Khawarij came to the Umar bin Abdul Aziz and objected to his issuing the punishment of stoning and said that the punishment of stoning is not in the Holy Quran and similarly they said: you say that it is necessary for menstruating woman to make up for fasts, although he should make up for prayers because prayer is more important than fasting. Umar bin Abdul Aziz asked them? Do you only believe in the Quran? They said yes! He said, "Then tell me: are obligatory prayers, their raka't and their times mentioned in the Book of Allah? and where the amount of Zakat and its rates are mentioned in the Book of Allah?." He admitted that these details are not mentioned in the Qur'an. Yes, He asked, where did you get these details of prayesr and Zakat from? They said that from the Sunnah of the Prophet ﷺ and from the act of his Companions, he then said that the ruling about stoning and making up for the fasts of menstruation is also transmitted from the same Sunnah of the Prophet and the practice of the Companions.

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1. The first objection: Since the punishment of stoning is not present in the Holy Quran, if the punishment of adulterer was stoning in Islam, then the Holy Quran would have mentioned it. Therefore, this punishment is against the Islamic orders. It is not an argument of Khawarij but the Mu'tazili presented it as a justification for denial of stoning. The same argument was presented with great force in the case proposed by the Federal Sharia Court, Huzur Bakhsh v. Federation of Pakistan. Impressing by this,

the distinguished judge called "stoning" as against the rulings of Islam.

Shaykh Abu Zahra Masri also has the same objection, he says that some Zaydis, Shias and some Mu'tazila are attached to the same opinion that the punishment of the adulterer is nothing but flogging. Because this punishment has been mentioned in the Holy Quran. And the Holy Qur'an would never have ignored the punishment of stoning if the Almighty wanted to impose this punishment.

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The answer to this is given by Maulana Ludhianwi that the Holy Prophet (PBUH) has given this interpretation of the Verse:

“او يجل الله لهن سييلاً”

, so that the adulterer should be stoned to death and the non-mohsen should be given a hundred lashes, and this interpretation is also not based on ijihad., but by divine revelation. According to my humble opinion, it is not right to declare an order of God as un-Islamic just because it is not explicitly mentioned in the Qur'an. Because if the rulings of Islam are judged only on this basis, then there are a large number of rulings that are either not mentioned in the Holy Quran at all or are only briefly mentioned. However, its existence and its description and interpretation come from the Sunnah of the Prophet.

Third Objection: In order to declare stoning as an un-Islamic punishment, the opponents of stoning present another argument that in the Qur'an, the punishment of married slaves is half of the punishment of adultery of Married free women, which is evidenced by verse

’فاذا احصن فان اتين بفاحشة فعليهن ما على المحصنات من العذاب‘<sup>42</sup>،

“If they married then committed adultery, the punishment for them is half of the punishment of free married women. According to the deniers of stoning, if the punishment for adultery is stoning, then the

punishment for slaves is according to this verse half of stoning, although stoning it is not half able. Therefore, it is proved that the punishment of Muhsanat is not stoning, but a hundred lashes. And this has been mentioned in verse number 2 of Surah Noor.<sup>43</sup>

Ali Mansoor expressing his opinion in this regard in his book Nizam al-Tajreem wal-Aqab Fi-Islam, said that the verse of Surah Noor prescribed the punishment of a free muhsana (married) adulterous woman with one hundred lashes, because the punishment for adultery of a married slave is Surah Nisa verse 25 is half i.e. fifty lashes, this is another argument from the Holy Quran that the punishment of stoning is not obligatory even on free women.

Another argument against the punishment of stoning is that this punishment was being given in accordance with the Sharia of Moses. And since clear orders in the Qur'an regarding this crime were revealed in Surah Noor, the execution of this punishment has been stopped. This opinion was expressed in decision of the Federal Shariah Court about the narrations of stoning that there is no proof that it was revealed after the revelation of verse 2 of Surah Noor.<sup>44</sup>

In this decision, the lawyer of the petitioners also emphasized that the incident of stoning of the Jews was decided according to the Jewish law (Sharia), as far as the other incidents of stoning to death (Maaz, Ghamdia, and the incident of Usaif etc) were before the revelation of Surah Noor.

Another religious scholar says this in this way: "There is no doubt that after this order of the Torah was known, the Holy Prophet himself also followed it."

Ma'az Aslami and a woman who belonged to the Banu Ghamadsat tribe (in the traditions she was called the Ghamidiya and her name was not mentioned) and the third woman from the Juhania tribe were stoned to death

for confessing to the crime. A few other incidents have also been described in the hadiths without naming them. Most of them, they are related to the same three Companions. It is said that the Holy Prophet (peace and blessings of Allah be upon him) also followed this order of the Torah as a punishment and this is not a matter of surprise, rather it was also a compliance of the order of the Qur'an.<sup>45</sup>

In this connection, people also present the hadith of Abdullah Ibn Abi awfa (RA) he was asked by someone whether the Messenger of Allah (PBUH) stoned? He said: Yes! He was asked whether after Surah Noor was revealed or before. He said, "I don't know."

It is concluded from this hadith that when a companion like Abdullah Bin awfa could not say when the stoning was done, whether the incidents of stoning occurred after Surah Nur or before it. So this means that the Prophet ﷺ did not stone anyone after the revelation of Surah Noor. This is the same argument of Abu Zahra Egyptian about Aslami and Ghamdiyyah, he says It was before or after the revelation of the verse of Surah Noor. it strengthens the doubt in accruing the incidents after revelation of sura noor. And Hodood are dismissed due to doubts.<sup>46</sup>

After carefully studying all the above opinions, it is imperative that these questions come to mind

1. Was the stoning of the Holy Prophet ﷺ in accordance with the Jewish law? Did the caliphs and companions also practice the stoning by following the Jewish law?
2. If the implementation of this punishment was stopped after the revelation of Surah Noor, then which punishment was issued?
3. Does the statement of a companion (Abdullah bin Abi awfa,) "I do not know" make it necessary that a definite and unanimous ruling can be canceled only on the basis of doubt?

As far as it is concerned, in the case of adultery of the Jews, the Holy Prophet issued the order of stoning according to the Torah in accordance with the Jewish law. This can be accepted to some extent. Although the Jurists are not ready to accept that the Holy Prophet made an important decision in accordance with another Shari'ah by leaving his Shari'ah. Even though the same decision could have become a precedent for his Ummah. As the facts show, the implementation of the same command was continued in the Shariat Muhammadiyah as well, because every command of the Prophet, every act, every deed is worthy of imitation and obligatory to be obeyed. The purpose of the Jews to ask the Holy Prophet (PBUH) to decide their case was that we should see what is the ruling in their Shari'ah? If he gives orders according to our book, we will not obey them because there was a ruling of stoning in their book. And if he gives a decision according to his book or Sharia, which will certainly be different from the Torah, then we will accept it.. If the Jews needed a decision according to their Sharia, then why did they need to come to the Holy Prophet, as explained by the commentator of the Qur'an, Abu Al-Ala Maududi says that "Jews did not become formal subjects of the Islamic government at that time, but their relations with the Islamic government were based on agreements. According to these agreements, the Jews had freedom in their internal affairs and their cases." Their decisions were made by their own judges according to their own laws, they were not obliged by law to bring their cases to the Prophet ﷺ or to the judges appointed by him, but in the cases in which these people themselves used their own religious law. They did not want to make a decision accordingly. They would come to the Prophet ﷺ to make their decision in the hope that there might be some other order for them in his

Shariah and thus they would be saved from following their religious law.<sup>47</sup>

Umar Ahmed Osmani writes that the caliphs seeing the abundance of adultery, considered it necessary to make it a crime on earth and intensify the punishment so that its abundance can be stopped. It means that caliphs changed the ruling of Allah, and this kind of change can be given according to the time, there is no harm in it.

Answer: In order to avoid stoning, the map that you are drawing of the Caliphs and the Islamic Ummah, can any misguided Rafizi and any burnt-out Eastern Jew draw a worse map from it? ' Allah is giving the title of "Khair aummah" those who leave the order of God to the expediency of time, and have not been blessed to follow the divine order even for a day?

2. He says that adultery is a major source of corruption in the earth. I do not agree with him, but from a moral point of view, I consider adultery to be more serious than corruption in the earth. If the God suggested stoning to remove the corruption from the earth, then why does this not come to your common sense?

Apart from him, Maulana Ahsan Islahi took a new path in this regard. He declared stoning as "killing" and called it the punishment of

Haraba (Road robbery). But this opinion is confusing, because we ask that the punishment of stoning is a hadd or tazeer. It is known from a representative of his school of thought Javid Ahmad Ghamdi that it was a tazir punishment

Rajam method

The method of rajam is to take the criminal to an open place where common people are also present, if the criminal is a woman, dig a pit for her and make her stand in it.

Then if the adultery is proved by witnesses, then the witnesses will begin the stoning, and if it is a confession, then the Imam of the Muslims will begin, then all those present will participate in the stoning until the death of the criminal.

If the culprit is a woman, it is recommended for her to dig a pit and make her stand in it so that she goes up to her chest in it. And she remains veiled.<sup>48</sup>

There is also a saying about stoning that if proof of the crime is in the form of a confession, then the pit should not be dug. So that if the criminal wants to deviate from his confession and run away so nothing should stop him from running away. This saying is derived from the incident of Ma'ez.

## References

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<sup>10</sup> AL nisa:15

<sup>11</sup> Muslim Bin Al-Hajjaj Al-Qashiri Al-Nisapuri, Dar al-Fikr, Beirut, 1983, p. 388.

<sup>12</sup> Mufti Muhammad Yusuf Ludhianwi, Rajam ki shari Haisiat, Monthly Al-Bainat Karachi, 1401 AH, p. 75

<sup>13</sup> Imam Hafiz Abu Isa Tirmidhi, Jami al-Tirmidhi, Maktabah Al-Bushra, 1443 AH, Volume 2, p. 41

<sup>1</sup> Sajid-ur-Rahman Siddiqui, sazaye rajam quran o Hadith ki roshni me, Institute of Islamic Education, Mansoorah, Lahore, p. 59

<sup>2</sup> Mufti Muhammad Shafi, Rajam ki saza Qur'an o Sunnat ki roshni me, Monthly Biyyinat, Educational Press, Karachi, 1981, p.3

<sup>3</sup> Sajid-ur-Rahman Siddiqui, sazaye rajam quran o Hadith ki roshni me: P:59

<sup>4</sup> Deuteronomy 6:17.

<sup>5</sup> Leviticus, 27:20

<sup>6</sup> Deuteronomy 21:21

<sup>7</sup> Exodus, 21:21

<sup>14</sup>Imam Ahmad bin Hanbal, Musnad Ahmad: 276, Masisat al-Rasalat, 2009, vol. 3, 276

<sup>15</sup>Muhammad Bin Ismail, Sahih Bukhari, Dar Tuq Al-Najat, 1442 AH, Volume 2, P. 1016

<sup>16</sup>Abdul Sayed Khan Qadri, Szazay Rajum, Draft, Urdu Federal University, p.33

<sup>17</sup>Sahih Bukhari, Volume 2, P. 1016

<sup>18</sup> The greater Muslim pilgrimage to Mecca, which takes place in the last month of the year and which all Muslims are expected to make at least once during their lifetime if they can afford to do so. It is one of the Five Pillars of Islam.

<sup>19</sup>sazaye rajam quran o Hadith ki roshni me, P:94

<sup>20</sup> Musnad Ahmad: 276

<sup>21</sup> Bukhari, No. 4865

<sup>22</sup> Muslim, No. 3208

<sup>23</sup> Bukhari, No. 2523

<sup>24</sup> Bukhari, No. 3363

<sup>25</sup> Abu Dawud, No. 4379; Tirmidhi, No. 1454

<sup>26</sup>Jami al-Tirmidhi: p. 293

<sup>27</sup> Ibn Al-Hamam: Fatah al-Qadir, Bolaq, 1416 AH, vol. 4, p. 122

<sup>28</sup>Ibn Rushd, Badayat al-Mujthad, Dar al-Tazikir, 2012, vol. 2, p. 435

<sup>29</sup>Ruh al-Ma'ani, Vol. 10, p. 89

<sup>30</sup> Muhammad Shafi, Rajam ki shatri haisia, monthly Baynat 1401 AH, p. 26

<sup>31</sup>Musannaf Abd al-Razzaq bin Hammam al-Sanaani, Dar al-Tafaseel, 1427 AH, vol. 7, p. 300

<sup>32</sup>Abu Hayyan: Tafsir al-Bahr al-Muhait, Dar al-Kutub al-Ilamiya, 1413 AH, volume 6, p. 428

<sup>33</sup> Fath al aqadir: V:5, P:13

<sup>34</sup>Mu'tawa p. 305

<sup>35</sup>Al-Marghinani, Shaykh-ul-Islam Burhan-ud-Din Abu-ul-Hasan Abu Bakr, Al-Hidaya, Pakistan, Maktabah Rashidiyyah, Quetta, Pakistan, vol. 5, p. 12

<sup>36</sup> Ibn-i-Qudama, Al-Mughni, Maktaba Al-Qahrah, 1<sup>st</sup> Edition, 1388 AH, Volume 7, p. 157

<sup>37</sup>Ibn-e-Hajar al-Asqalani, Fath al-Bari Sahih al-Bukhari, 1<sup>st</sup> edition, 1986 AH Dar al-Rayyan lil-Turath, Cairo, V: 12 p. 118

<sup>38</sup> Al-Hafiz Ayyad bin Musa, Ikmal al-Mu'allim with the benefits of Muslim, Dar al-Wafa, 1419 AH, Volume 4, page 448.

<sup>39</sup> Abd al-Wahhab al-Shaarani, Al-Mizan al-Kubra, Beirut: Dar al-Kutub al-Ilmiyah, 1925, p. 147

<sup>40</sup> Ibn-i-Zahra, Al-Jarimah and wal uqobato fi al fiqh al Islami, Matabat al-Mukhaimar, p. 79.

<sup>41</sup>Mansoor Ali Ali, Nizam al-Tijrim wal Aqab fi-Islam, Al-Zahra Museum, 1976, vol. 1, p. 182

<sup>42</sup>.al nisa :25

<sup>43</sup>Umar Ahmed Osmani, rajam asl he ya Tazeer, Idarae fikr e Islami, Karachi, 1981, p. 48

<sup>44</sup> Karachi Law Reports, February 1982, p. 56

<sup>45</sup>Maulana Umar Usmani, Rajm is the original limit or tazeer

<sup>46</sup>Mansoor Ali Ali, Nizam al-Tijrim wal iqab fi-Islam, Musasah Al-Zahra, 1976, p. 181

<sup>47</sup>Syed Abul-Ala, Tafhim al-Qur'an, Idara tarjuma Al-Qur'an, Lahore, 1996. Volume 1, p. 272

<sup>48</sup> Fatah al Qadir, P:124