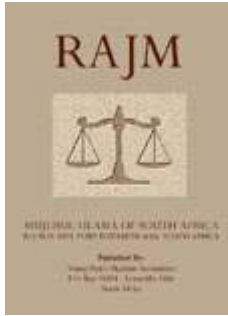


RAJM



WHO ORDERED RAJM?

There is consensus of the followers of the THREE religions —Islam, Judaism and Christianity — that the Promulgator of the Law of

stoning adulterers to death is Allah Azza Wa Jal. The Tauraah and the Injeel corroborate the Shariah of Muhammadur Rasulullah (sallallahu alayhi wasallam)

in the Law of Rajm.

Kuffaar and Muslims alike are agreed that Rajm was ordered by Allah Ta'ala. This command exists to this day in the scriptures of the Yahood and Nasaaraa.

BARBARIC?

If Rajm is 'barbaric', the charge is directed by the accusers to Allah Azza Wa Jal. The attempt to shift the 'blame' of Rajm to the 'Maulanas' of the Indo-Pak subcontinent is to display rational bankruptcy.

APPEASEMENT

The insane desire of the modernist heretics and atheists to appease their western intellectual masters does not detract from the conclusively proven truth that Rajm is by the Command of Allah Azza Wa Jal.

The recent feverish attempts by modernists to negate the Islamic validity of *Rajm* (Stoning the death for adultery), ensuing in the wake of the adverse kuffaar media publicity centering around the *Rajm* sentence decreed by a Nigerian Shariah court, was motivated solely by the mad desire to placate their western intellectual masters who were all screaming from the rooftops that *Rajm* is barbaric.

For the sake of appeasing the western masters, the modernist *zindeeqs, mulhids and munaafiqs* masquerading as Muslims, embarked on their usual exercises of baseless interpretation of the Qur'aan and flagrant rejection of the sacred Ahaadith of Rasulullah (sallallahu alayhi wasallam). They have failed to realize, in fact, they cannot be concerned, that rejection of the Ahaadith is tantamount to rejection of the Qur'aan. Without the Ahaadith, there is no Qur'aan, no Islam.

The mental derangement of some of these modernists has constrained them to label the Ahaadith — all the Ahaadith — of Nabie -Kareem (sallallahu alayhi wasallam) an 'evil spirit'. There can be no doubt in the kufr of these agents of shaitaan.

Since unwary Muslims and those who lack sound Deeni Ilm have been thrown into doubt by these evil modernists, a need developed to respond to the drivel and kufr which the ignoramuses have presented in substantiation of their claim that *Rajm* is not an Islamic punishment. By such denial they hoped to curry favour with the western kuffaar. They have chosen to abase themselves to the West by depicting Islam in a mould which assuages the palates of the kuffaar. In this exercise they conspicuously exposed themselves by revealing the kufr hidden in their hearts. Emergence from the restrictive confines of the Shar'iah to enter into the domain of unbridled interpretation which is beyond the bounds of the principles of the Shariah gives rise to kufr. This is precisely what the modernist deniers of *Rajm* are guilty of.

RAJM — THE COMMAND OF ALLAH

In the intense desire to appease the western kuffaar, *Munaafiqeen* (Hypocrites) hibernating in the folds of the Ummah, were compelled by the Nigerian episode to reveal their true colours of *nifaaq* (hypocrisy) by overtly decrying the *Rajm* command of Allah Ta'ala. The western intellectual masters had indoctrinated these hypocrites during their secular educational period with the atheist cult of 'enlightenment' and liberalism. It is this cult of 'enlightened' kufr which has constrained the *modernist munaafiqeen* to flagrantly brand the Law of Allah Ta'ala as being 'barbaric'. In so doing, they were loyally and dutifully mimicking and aping their masters from whom they have inherited the mental disease of intellectual paralysis.

As an imperative corollary of this mental aberration, the brains of the *modernist munaafiqeen* operate under extreme duress in the straitjacket of western kuffaar mentalism. It is this chronic mental disease which compels them to eternally and baselessly interpret the *Ahkaam* of Allah Ta'ala to accord His Immutable Shariah accommodation within the confines of the concepts of life fabricated by the western kuffaar. But this accommodation can be effected only at the expense of jettisoning Imaan right out from the heart. Kuffaar can be placated only by means of kufr. Hence, the product of any interpretation offered by the *modernist munaafiqeen* has to necessarily be kufr.

The pleasure of the kuffaar cannot be attained without submission to kufr. Thus the Qur'aan Majeed warning the Mu'mineen, states :

“Never will the Yahood and Nasaaraa be pleased with you as long as you do not follow their cult.”

But following the cult and culture of the kuffaar leads inevitably to kufr and everlasting disaster, loss and failure. Sounding this Warning, the Qur'aan Majeed says:

“O People of Imaan! If you follow those who have embraced kufr, they will turn you on your heels (to abandon Islam). You will then become the (everlasting) losers (in this world and the Akhirah). (Don't appease them because) in actual fact, Allah is your Friend (and Protector), and He is the best of helpers.”

THE NIGERIAN EPISODE

When the Nigerian Shariah Court handed down the sentence of *Rajm* the world of the k

uffaar braying like asses shouted that the sentence was 'barbaric'. In the noise they kicked up, there is nothing of surprise. This reaction was entirely expected. It is indeed a futile exercise to even comment on the reaction of aliens. But there is a need to expose the *munaafiqeen* who masquerade as Muslims. From within the fold they feverishly labour to undermine Islam. Their strategy for achieving this nefarious goal is to ostensibly present Qur'aanic proof in substantiation of the cries of the western critics of Islam.

The kuffaar claim that the Immutable Law of *Rajm* is 'barbaric'. It logically devolves on their vassals, namely, the *modernist munaafiqeen*, to fabricate 'enlightened' interpretation of the Qur'aan to confirm the decree of 'barbarism' which the enemies of Islam have levelled against the Law of Allah Ta'ala.

In the desperate attempt to denounce and refute *Rajm* the *modernist munaafiqeen* have surfaced with two of the flimsiest arguments — arguments devoid of the slightest vestige of Shar'i substance. These two ridiculous grounds advanced to corroborate the 'enlightened' view of the aliens are:

(1) *Rajm* is barbaric, hence it cannot be a law of Islam

(2) There is no Qur'aanic substantiation for *Rajm*.

These are two stupidities, the fallacy of which should be conspicuous to every Muslim who had enjoyed a basic Madrasah ta'leem at primary level. There is absolutely no valid ground for the refutation of *Rajm*. In fact, the *modernist munaafiqeen* languishing in intellectual paralysis have been unable to add even a third stupidity in their attempt to justify their kufr denial of a Shar'i *Hukm* which is based on the highest category of Shar'i evidence, viz., *Ahaadith Mutawaataarah*, which have the force of Qur'aanic aayaat.

Before presenting the evidence of the Shariah to conclusively substantiate the validity and immutability of Allah's Law of *Rajm*, we shall examine and demolish the arguments of the *modernist munaafiqeen* — their arguments which are in fact devoid of any Shar'i substance.

'BARBARIC'

Their first flimsy argument which may have deceived people of shallow understanding and those who lack in basic or primary Madrasah education, is the charge of 'barbarism' which the kuffaar level at Islam. Since the west believes that the punishment of *Rajm* is 'barbaric', it has become imperative for their vassals whose intellectual vessels are deranged by the mental slavery of their educational indoctrination, to echo the same theme.

In taking up the defence of the kuffaar on this issue, the *modernist munaafiqeen* are tacitly proclaiming that Allah Azza Wa Jal and Rasulullah (sallallahu alayhi wasallam) have commanded an act of barbarism — *Nauthubillaah*! Since there is not the slightest loophole for assaulting the validity of the Law of *Rajm*, the logical conclusion in terms of the view propounded by the *modernist munaafiqeen* is that the entire Penal Code of Islam is barbaric.

In fact, there is no need for anyone to arrive at this conclusion by deduction because the western kuffaar do believe and have made no secret of it that the *Hudood* (Prescribed Punishments) as well as *Ta'zeer* (Discretionary Punishment) of Islam are barbaric. In fact, their hatred for Islam is not restricted to criticism of the Islamic Penal System. They direct their invective against even the loftiest concept of Monotheism, i.e. the doctrine of *Tauheed*,

which in spite of its uncompromising stand of Allah's Unity and the total denunciation and rejection of the slightest vestige of idolatry, even photographs— they brand this doctrine of *Tauheed*, idolatry. The Qur'aan Majeed has stated the truth:

“Verily, hatred (for Islam and Muslims) has spewed from their mouths, but what their breasts conceal is worse.”

Therefore, by aligning themselves with the kuffaar on the issue of *Rajm*, the *modernist munaafiqeen* imply their concurrence as far as all Shar'i punishments are concerned. The further implication is their total rejection of the Islam which was presented, interpreted and taught by Rasulullah (sallallahu alayhi wasalam) and his noble Sahaabah.

There is no intelligent reason for restricting the notion of 'barbarism' to the punishment of *Rajm*. While the kuffaar conception of 'barbarism' of Islamic punishments and its penal code is uniform, the *modernist munaafiqeen* and other *mulhids* are in a quandary. They are at a loss in their selection. Which punishment of the Shariah is 'barbaric' and which is 'humane'? In the view of the kuffaar every Shar'i punishment is 'barbaric'. The *modernist mulhids and zindeeqs* are at pains to convince Muslims and the kuffaar critics that the Islamic punishment for adultery is 100 lashes, not *Rajm*. Since the 100 lashes are stated by a Qur'aanic aayat too explicit and emphatic for interpretation and rejection, at least at this stage in the progress towards kufr, they have no alternative other than to concur with the 100 lash *Hadd*. But according to the very same *shayaateen* who brand *Rajm* as barbaric, the 100 lash *Hadd* is also barbaric. Their mental quandary and frustration have thus become grounded in incongruity and terrible confusion on this score.

The Qur'aan decrees a tooth for a tooth, an eye for an eye, 100 lashes for fornication committed by unmarried persons, cutting the hands of thieves, impaling dacoits and cutting off their hands and feet at opposite sides, etc. None of these punishments is acceptable to the kuffaar since all these *Hudood* are 'barbaric' in the conception of the 'enlightened' kuffaar who have sanctified and legalized infanticide, homosexuality, lesbianism, prostitution and other immoral crimes of debauchery.

While the *modernist munaafiqeen* have hitherto been constrained to maintain silence on the 'barbarism' of the aforementioned constituents of Islam's Penal Code on account of explicit Qur'aanic references, they believe that they have sufficient scope for manoeuvring on at least the *Rajm* question to soothe and placate their western intellectual and cultural masters. This false belief based on their *nifaaq* has now been overtly proclaimed because there is no explicit reference to *Rajm* in the Qur'aan Majeed. But in the attempt to trade their belief of kufr (viz. the refutation of *Rajm*), the *modernist munaafiqeen* have no option other than to bare their *kufuran* and *nifaaq* by denying the validity of the ordinances and teachings of Rasulullah (sallallahu alayhi wasalam). In so doing they are in diametric conflict with the Qur'aan which they cite as the Book in which they believe. But every Muslim of true Imaan can understand the worth of their claim of belief in the Qur'aan.

In rejecting the validity of *Rajm*, the logical consequence is so glaring that it is incorrect to say that the *modernist munaafiqeen* imply or indirectly reject the Qur'aan. The only conclusion is that they directly reject the Qur'aan. If, for example, a *zindeeq* or a *munaafiq* claims that Islam does not have as its fundamental belief performance of Five Salaat daily and then backs up his kufr by claiming that there is no Qur'aanic reference for this practice, we shall not be in error for declaring that this criminal has overtly, directly and outrightly rejected the Qur'aan. It is the Qur'aan which commands obedience to Rasulullah (sallallahu alayhi wasalam). The Qur'aan is replete with such commands to follow and

obey the Nabi of Allah Ta'ala. In sha'Allah, this angle will be presented later when discussing the second baseless argument of the *modernist munaafiqeen*.

Let us revert to their claim that *Rajm* is 'barbaric' The very people who put up a howl against Islam's Penal Code, freely, flagrantly and without the slightest pang of conscience subject thousands of civilians to brutal bombing from the skies. People who are not involved in hostilities — men, women, children, the old, the sick — hospitals and orphanages, are all pummeled and brutalized with thousands of tons of bombs, poisonous and other sophisticated incendiary devices which not only kill, but horribly maim, deform and disfigure human beings. But this is not

barbaric!!!

The brutal torture camps in Guantanamo Bay, the numerous prisons of torture operated by kuffaar governments in which countless thousands are hideously and horribly subjected to the most inhuman types of physical torture, the punishment of horrible hangings, the electric chair and death by poison are all supposedly humane acts which are no secrets. In the conception of the kuffaar these acts of torture and death are 'humane' while in the understanding of Muslims all these acts are truly barbaric.

While execution with the sword is the most humane form of killing ordained by Allah Ta'ala, it is 'barbaric' in the western conception. From these few examples it should be clear that an act which is barbaric to kuffaar is valid and humane to Muslims and vice versa.

In view of the Penal Code of Islam being divine, being the product of *Wahi* (Revelation) from Allah Ta'ala, it is the best and the most humane system. On the contrary, the system of punishment of the kuffaar is the product of the human mind, hence it cannot be termed humane in comparison to the Divine Code. The charge of barbarism rebounds directly on the very people who level it against Islam.

It is quite obvious that there is no uniform definition for the term 'barbaric' nor does the word have the same meaning for people of different cultures. In spite of the differences of concepts, Muslims can claim with emphasis that the Islamic system is best since it is the Code revealed by Allah Ta'ala and was implemented by Rasulullah (sallallahu alayhi wasallam). Any Muslim who denies this reality has the obligation of producing his Shar'i evidence, not the figments of his opinion and instincts which have been corrupted by kuffaar indoctrination and culture. In the words of the Qur'aan : **“Bring forth your proof if indeed you are truthful.”** So far, not a single one of the *modernist munaafiqeen* has surfaced with Shar'i evidence to bolster the kuffaar claim which the miscreants in our midst are echoing and mimicking. They simply bandy figments of their opinion which cannot be taken seriously and which definitely have no semblance whatsoever with what could be termed evidence of the Shariah.

THEIR ATTITUDE

It is not difficult to fathom the reason for the attitude of the *modernist munaafiqeen*. Years of indoctrination in the educational institutions of the western kuffaar have impregnated their hearts, with scepticism, agnosticism, hereticism and hypocrisy — *kufr and nifaaq*. Like Siamese twins, their brains have become conjoined with the brains of their intellectual masters. They are therefore wholly incapable of independent and rational thinking. Their mental procedures are inextricably interwoven with the conceptual attitudes of the so-called enlightened western kuffaar. But at the same time the pressure of the

society in which they thrive does not permit them to proclaim their hidden ideology acquired from the tutors of kufr. They thus profess themselves to be Muslims while they are immersed in a cauldron of kufr.

In this mental imbroglio in which they happen to discover themselves, they feel obliged to satisfy irreconcilable opposites — Muslims and Kuffaar. The attempt to placate both groups is motivated by worldly and *nafsaani* aims. There is nothing of altruism in the stupid, ridiculous and impossible endeavour to tread two divergent paths at the same time.

When there is absolutely no latitude for mental gymnastics and manoeuvring on account of explicit evidence or entrenched acceptance by the community, the *munaafiqeen* exercise restraint and sulk in silence because of their inability to overtly support their intellectual masters. Thus, on the issue of cutting off the hand of the thief, the *modernist munaafiqeen* are compelled to suffer in silence and feel that at least at this juncture in history, they may not join the chorus which rings into the ears the charge of 'barbarism' because even the Muslim in the street knows what the Qur'aan Majeed declares most explicitly on this issue.

However, on the issue of *Rajm* they have become audacious and openly denounce this immutable law of Allah Ta'ala because there is no explicit Qur'aanic textual reference. This point will, Insha'Allah, be discussed later.

The Islamic system of *Thabab* (Slaughtering) is 'barbaric' to the west, but to us it is the most humane system. The kuffaar systems of killing animals such as shocking, pithing, shooting, scalding, hammering, etc., are barbaric according to Islam, but 'humane' according to the kuffaar. Hanging and all other methods of execution are barbaric for Muslims, but humane for the kuffaar. Islam permits execution by only the sword and nothing else. For the kuffaar this is barbaric while for us it is humane.

The overt support which the *modernist munaafiqeen* are offering the kuffaar on the question of *Rajm* is their agreement and acceptance of the charge of 'barbarism' which has been hurled at Islam. But this charge does not negate the validity of the Law. It is not evidence to substantiate the claim that *Rajm* has not been ordained by Allah Azza Wa Jal. In order to dismiss the validity of *Rajm* it is necessary for the *modernist munaafiqeen* to substantiate their claim with proofs of the Shariah. Their personal ideas, attitudes, interpretation and opinion are not evidence of the Shariah.

Furthermore, it is essential for sustaining the charge of barbarism to prove that at no stage in the world's history did Allah Ta'ala ordain *Rajm* for fornicators. The charge of *Rajm* being 'barbaric' falls flat and has absolutely no substance if at any time in man's history *Rajm* had been a Divine Punishment. Any claim of barbarism would then be tantamount to saying that Allah Ta'ala Himself is 'barbaric' — *Nauthubillaah !* Insha'Allah, we shall revert to this point later.

Suffice to observe here that besides the charge of barbarism being false, and even if we had to momentarily assume that in the understanding of human beings it is 'barbaric', then too, it is not a ground for the averment that there is no *Rajm* in Islam. Should it be argued that ritual ablutions (wudhu) five times a day and Salaat five times a day are an excessive imposition and burden, hence it is not a tenet of Islam, then everyone will understand the absurdity of this line of argument and the falsity of the claim. Similarly, the argument that *Rajm* is not Islamic because it is 'barbaric' is absurd, emotional and irrational even if it is momentarily assumed that it is 'barbaric'.

The summary of our negation of first semblance of an argument presented by the followers of the 'enlightened' kuffaar is:

(1) There is no consensus of mankind on the definition and conception of barbarism.

(2) Even if there is unanimity on the conception or meaning of barbarism, it is not a ground for refuting a properly substantiated Law of Allah Ta'ala. A refutation has to be based on facts and evidence, not on emotional attitudes.

(3) The Ummah of Islam rejects with contempt the charge that *Rajm* is barbaric.

(4) The aim of the anti-*Rajm* protagonists is nothing but to appease the kuffaar with apologies and personal opinion presented by way of baseless interpretation.

(5) The claim that *Rajm* is not an Islamic injunction is kufr which expels such a believer from the fold of Islam.

(6) Numerous practices, laws and rituals of both western kuffaar and eastern kuffaar despite their acceptance, are regarded as barbaric by Islam.

(7) The exercise to appease the 'enlightened' west is the direct consequence of the kuffaar educational system which breeds kufr in *Aqaaid* (Beliefs) and immodesty in *Akhlaaq*

(moral character).

RAJM IS NOT IN THE QUR'AAN

The next claim which they posit as an argument in negation of

Rajm is that the Qur'aan is silent in this regard. The Shariah of Islam is Immutable. This Shariah is the product of *Wahi* (Divine Revelation). It is not the consequence of man's opinion. Affirming this transcendental Truth, the Qur'aan Majid proclaims:

“Then, We established you on a Shariah. Therefore, follow it, and do not follow the vain desires of those who do not know.”

This Aayat of the Qur'aan confirms that the *Shariah is Divine and Immutable*. That the Qur'aan is the Fountainhead of this Divine Shariah is an incontestable axiomatic fact stemming from the irrefutable Qur'aanic assertion that Allah Ta'ala handed Islam to Rasulullah (sallallahu alayhi wasallam) and the Sahaabah in the Completed and Perfected Form which tolerates no change, no diversion and no interpretation which conflicts with the fundamental basis of the Shariah's Immutability due to its Divine origin. Beautifully and emphatically expressing this fact of Islam, the Qur'aan declares:

“This Day have I (Allah) perfected for you your Deen, and (on this Day) have I completed for you My Ni'mat (Bounty), and I have chosen for you Islam as your Deen.”

Another axiomatic fact arising from the claim that Islam has been divinely completed, perfected and chosen for the Ummah until the Day of Qiyaamah, is the sustainment and endurance of its authenticity throughout the ages, from its inception until the time of the world's demise is ushered in with the disappearance of the last Muslim who recites the Name

of Allah Ta'ala. Confirming this reality, the Qur'aan Shareef states:

“Verily, We have revealed the Thikr and, verily, We are its Protectors.”

“They (the kuffaar and munaafiqeen) intend to extinguish the Noor (Shariah) of Allah, but Allah will complete His Noor even though the kaafiroon abhor it.”

Further elucidating the Divine Protection decreed for Islam, Rasulullah (sallallahu alayhi wasallam) said:

“This Knowledge (of the Deen) will remain by the Pious of every generation. They will eliminate from it the interpolation of the deviates, the falsehood of the people of baatil, and the baseless interpretation of the ignoramus.” (Mishkaat)

Thus, the assurance of the Immutability of the Shariah is given by the Qur'aan and by Rasulullah (sallallahu alayhi wasallam).

KHAIRUL QUROON

Rasulullah (sallallahu alayhi wasallam) further added that the noblest of ages are the *Khairul Quroon* — the Age of the Sahaabah, the Age of the Taabieen and the Age of the Tab-e-Taabieen. It was in this glorious epoch of Islam which adjoined the Age of Rasulullah (sallallahu alayhi wasallam) that all the illustrious Authorities of Islam — the Fuqaha, Muhadditheen and Mufasssireen — had flourished. It is inconceivable that Islam had been distorted, mutilated and interpolated beyond recognition by the very first generations of Islam for whose reliability and uprightness Rasulullah (sallallahu alayhi wasallam) and the Qur'aan Majeed testifies.

The Shariah as it existed during the era of *Khairul Quroon* was the perfect and complete Shariah which Allah Ta'ala speaks of in the Qur'aan. From this we understand that the principle of authenticity of any act, tenet or injunction is its existence and acceptance by the illustrious Authorities of Islam during the *Khairul Quroon* era. It is perfidious and kufr to claim that an injunction which the Sahaabah, the Taabieen and Tab-e-Taabiheen upheld is baseless and a fabrication of the 'Maulanas' of the Indo-Pak subcontinent. This is a notorious crutch of the Ahl-e-Baatil in general in the South African scenario of misinterpretation by the deviates, heretics, skeptics and *modernist munaafiqeen*.

To the best of the world's knowledge, the era of the “Maulanas” of the Indo-Pak subcontinent had not yet dawned during the *Khairul Quroon* epoch. The era of the “Maulanas” began more than 11 centuries after the *Khairul Quroon*. Thus, the undermentioned claim made by one *munaafiq* and *murtadd* so-called sheikh in appeasement of his western kuffaar masters, is manifestly displaying the *jahaalat* of the lost soul who asserts in his exposition of *Jahaalat*: “If you, the reader, wish to find peace of mind and certainty of knowledge on this question, then come back to Allah's pure unadulterated word. Only the Holy Quran is absolutely free of vexing, infuriating contradictions, whereas the hadith (on which the “maulanas” base all their so-called “arguments” in favour of stoning is full of elisions (sic), evasions and absurdities. May Allah save our souls from being entangled with the asphyxiating incubus of Hadith. The solution to ALL our problems lies ONLY in the Quran.” Before we proceed to demolish the muck and the kufr which the *zindeeq* has gorged out here, it is necessary to furnish the definition of the word ‘incubus’ to enable readers to

gain an insight into the mindset of this evil 'sheikh'. The dictionaries defining *incubus*, say:

An evil spirit said to descend on people while they sleep and to have sexual intercourse with women. ”

This is the vile epithet which the evil 'sheikh' has coined for the sacred words of Rasulallah (sallallahu alayhi wasallam) — words which the Qur'aan describe as follows:

“He (Muhammad) does not speak of vain desire. It (his Hadith) is nothing but Wahi which is revealed (from Allah).”

The Hadith which is part of Divine Revelation except that it does not form part of the Qur'aanic text, is depicted by the vile 'sheikh' as *“an evil (satanic) spirit which possesses women and indulges in sexual intercourse with them. ”* Can there be any doubt in the kufr of this man. The entire edifice of Hadith which represents the knowledge and the Deen which Allah Ta'ala inspired into the heart of Rasulallah (sallallahu alayhi wasallam) is labeled an *incubus* by the miserable soul in his satanic endeavour to negate *Rajm* in pursuance of the objective of appeasing the kuffaar masters.

Indeed, this unfortunate 'sheikh' has scraped the very bottom of the barrel of kufr. One cannot descend further into the pit of kufr than this evil 'sheikh' who has branded the 'Revelation from Allah' to be an incubus. The 'Wahi' which Allah Ta'ala inspired into the *mubaarak* heart of Rasulallah (sallallahu alayhi wasallam) and which emanated on his blessed tongue in the form we know as the Hadith is vilified by the *murtad* with an expletive with which the sacred Hadith (*Wahi Ghair Matluw*) has hitherto never been maligned. Truly, this man is the evil spirit — the *incubus* — the human shaitaan from which we are instructed in Surah Naas to seek refuge in Allah

“Say: I seek refuge in the Rabb of mankind, The King of mankind, The Deity of mankind from the evil of Waswaas, the Khannaas who whispers (his evil) into the breasts of people — (the Khannaas or the shaitaan) from among jinns and men.”

It is only a human *khannaas* who will revile the *Wahi of Allah* with the vile epithet, 'incubus' and shamelessly say that the entire sacred Edifice of Ahaadith - Nabawi is an evil spirit which descends on people during the night, possesses women and indulges in sexual intercourse with them. Intelligent discussion with such a *khannaas* cannot be possible.

THE EVIDENCE

The evidence which we shall present, Insha'Allah, will be acclaimed by all Muslims who lack bias in favour of kufr, kuffaar and their 'enlightened' cults and cultures. The evidence will show if *Rajm* came into effect with the advent of the era of the

“maulanas” or had it existed in all previous Divine Shariahs as well as the Shariah of Muhammad Rasulallah (sallallahu alayhi wasallam). Remember that the era of the *“maulanas”* of the Indo-Pak subcontinent had dawned on mankind only about 150 years ago while the *Khairul Quroon* epoch was under the direct Spiritual Shadow of Rasulallah (sallallahu alayhi wasallam). It was the time of the Sahaabah and their illustrious Students. Let us ask the *munaafiq sheikh*: *“Was Rajm ever effected in the*

Indo-Pak subcontinent since the inception of the era of the *“maulanas”*? Is the Law of *Rajm* discussed or not in ALL the Kutub of Islam — Fiqh, Hadith and Tafseer books —

which existed from the earliest times of this Deen more than a millennium prior to the age of the “Maulanas” on the Indo - Pak sub-continent? Who were the authors of all the thousands of Deeni kutub in the pre - maulana era, from the inception of Islam? Were Hadhrat Umar, Hadhrat Uthmaan, Hadhrat Ali and the countless Sahaabah (radhiyallahu anhum) “maulanas” from India, Pakistan and Bangladesh? Was Imaam Maalik, Imaam Abu Hanifah, Imaam Shaafi, Imaam Ahmad Bin Hambal and the innumerable Fuqaha of these ages “maulanas” of the Indo -Pak subcontinent? Did all these Authorities of the Shariah order and discuss *Rajm* or not? Do the present non - maulana Ulama all over the Muslim World believe in the validity of *Rajm* or not? Let the miserable *munaafiq and murtadd* “sheikh” answer!

Is the Nigerian Qaadhi and the Nigerian Ulama of the Maalik Mathhab — those who handed down the sentence of *Rajm* — products of the Daarul ulooms of the “maulanas” of the Indo - Pak subcontinent? Did they acquire the law of *Rajm* from the “maulanas”? This will suffice to demonstrate the utter nonsense and trash that the *munaafiq and murtadd* “sheikh” has gorged out from his belly of kufr.

For the benefit of unwary Muslims, *Rajm* is expounded in the greatest detail in all the Books of Islam from the earliest time of this Deen.

(1) Hadhrat Umar Ibn Khattaab (radhiyallahu anhu) said:

“Verily, Allah Ta’ala sent Muhammad (sallallahu alayhi wasallam) with the Haqq (Truth), and He revealed the Kitaab (Qur’aan) to him. Among the (aayaat) which Allah had revealed to him was the aayat of Rajm. I recited it, understood it and memorized it. Rasulullah (sallallahu alayhi wasallam) executed Rajm, and we (the Sahaabah) after him executed Rajm. I fear that due to the long duration of time on people they may say: ‘We do not find Rajm in the Kitaab of Allah.’ Thus, they will go astray by abandoning an injunction which Allah Ta’ala had revealed

(Know) that Rajm is incumbent on the one who commits zina when he or she is (of the quality of) Ihsaan (i.e. married), when evidence has been established or there is pregnancy or confession.” (Bukhaari and Muslim)

(2) Hadhrat Ibnus Saamit (radhiyallahu anhu) — a Sahaabi — narrated: “Verily, the Nabi (sallallahu alayhi wasallam) said :

‘Take from me! Take from me! Verily Allah has made a way for them (adulteresses) — (The punishment) for an unmarried person with an unmarried person is 100 lashes and banishment of one year; for married persons it is 100 lashes and Rajm.” (Muslim and Abu Daawood)

(3) “Sha’bi narrated that on the occasion when Ali Ibn Taalib (radhiyallahu anhu) executed *Rajm* on a woman on the Day of Jum’ah, he said: ‘I applied *Rajm* on her by the Sunnat of Rasulullah (sallallahu alayhi wasallam).” (Bukhaari)

In this incident, Hadhrat Ali (radhiyallahu anhu) had flogged the man, Shuraahah on Thursday and executed *Rajm* on the woman on Friday. When it was said to Ali (radhiyallahu anhu) :”You have combined *Jald (flogging)* and *Rajm* (stoning).” He said: “I flogged him on the authority of the Kitaab of Allah and executed *Rajm on the authority of the Sunnah of Rasulullah (sallallahu alayhi wasallam).*”

(4) *“Jaabir Bin Abdullah Ansaari (radhiyallahu anhu) narrated that a man from (the tribe of) Aslam came to Rasulullah (sallallahu alayhi wasallam) and said that he had committed zina. He testified against himself four times. Then Rasulullah (sallallahu alayhi wasallam) ordered that he be stoned. Rajm was then inflicted on him. He was a married person.” (Bukhaari)*

(5) *“Abu Hurairah (radhiyallahu anhu) narrates that while Rasulullah (sallallahu alayhi wasallam) was in the Masjid a man approached him and exclaimed: ‘O Rasulullah! Verily, I have committed zina.’ Rasulullah (sallallahu alayhi wasallam) ignored him. When he had testified against himself four times, Nabi (sallallahu alayhi wasallam) called him and said: ‘Are you insane?’ He replied: ‘No.’ Rasulullah (sallallahu alayhi wasallam) asked: ‘Are you married?’ He said: ‘Yes.’ Then Nabi (sallallahu alayhi wasallam) ordered (the Sahaabah): Take him away and execute Rajm on him.”*

(6) *“Abu Hurairah (radhiyallahu anhu) narrated that Nabi*

(sallallahu alayhi wasallam) said: ‘The child is for the bed (of the husband, i.e. it is his legitimate child notwithstanding the accusation of adultery leveled at his wife), and for the adulterer are stones (i.e. Rajm).’ (Sahih Muslim)

(7) A man had committed adultery with his employer's wife. The man's father had secured the release of his son from his apprehenders by ransoming him with 100 sheep and a slave. When the matter was presented to Rasulullah (sallallahu alayhi wasallam), he said:

“I take oath by The Being in Whose control is my life! I shall decide by the Kitaab of Allah. The 100 sheep and the slave should be returned to you, and your son be flogged 100 lashes and banished for a year.” Then (instructing a Sahaabi) whose name was Unays, Rasulullah (sallallahu alayhi wasallam) said:

‘O Unays! Go to the wife of this man. If she confesses to having committed zina, then execute Rajm on her.’ He went to her. After she confessed, he inflicted Rajm on her.” (Sahih Bukhaari)

Besides these few quotations from the authentic Hadith kutub, all other Hadith Books report on Rajm. All Authorities report that Rasulullah (sallallahu alayhi wasallam) had commanded the infliction of Rajm. The Sahaabah had inflicted Rajm during the lifetime of Rasulullah (sallallahu alayhi wasallam), and the Khulafa - e - Raashideen had done the same during their respective khilaafats.

None of these Hadith books was the work of any Maulana of the Indo - Pak subcontinent. None of these illustrious personalities was a Maulana who had graduated at any Daarul Uloom of the Indo - Pak subcontinent. Only confirmed *munaafiqeen and mur-taddeen* can venture such drivel.

The evidence to substantiate Rajm is overwhelming and conclusive. It is impossible for a man whose sanity is intact to deny his torical facts which no one has ever refuted in the past fourteen centuries of Islam's history. The only exception is the deviated sect, the Khawaarij. These heretics were the only criminals in the history of Islam who had denied Rajm. Insha'Allah, we shall elaborate this issue later. But, they never denied the historical fact that Rajm was practiced. They denied its validity as an Islamic injunction. But the modernist *zindeeqs* deny even the historical reality of the Rajm.

Irrespective of the *fiqhi* (juridical) differences regarding the details of pertaining to *Rajm* in terms of the different *Mat h - habs* which present their proofs on valid Hadith and Qur'aanic basis, there is complete consensus of all Authorities and *Mat h - habs* on the validity of *Rajm*. No one has ever disputed that Rasulallah (sallallahu alayhi wasallam) and his Khulafaa - e - Rashideen had inflicted the punishment of *Rajm* on adulterers. The only differences pertain to the type and degree of evidence required to secure conviction. But on *Rajm* itself, there is no dispute. There is only unanimity.

The modernist munaafiqeen and murtad d so - called sheikhs and scholars are at pains in their endeavour to confuse Muslims by introducing differences in details. They have embarked on this futile and devious exercise in a bid to divert attention from the validity of Rajm and from the irrefutable fact that Rajm had existed in Islam from the time of Rasulallah (sallallahu alayhi wasallam).

HISTORICAL FACTS

Islamic, Hadith and historical facts cannot be denied and dismissed on the basis of Qur'aanic silence. If an event is not recorded in the explicit text of the Qur'aan Shareef, it does not follow as a logical or incumbent conclusion that such an event never existed in history. Consider the existence of the Khulafaa - e - Rashideen. No person, be he Muslim, Shia or any other brand of kaafir denies the historical fact of the Khilafat of the four Khulafa of Islam. While the Shiah deny the Islamic legality and legitimacy of the Khilafat of the first three Righteous Khulafa of Rasulallah (sallallahu alayhi wasallam), they do not refute the historical fact of the Khilafat of Hadhrat Abu Bakr, Hadhrat Umar and Hadhrat Uthmaan (radhiyallahu anhum).

To claim that Hadhrat Abu Bakr (radhiyallahu anhu) and the other Khulafa were not installed as the Rulers of Islam merely on the basis of the silence of the Qur'aan Majeed on this issue, is palpably absurd. In exactly the same manner is it absurd to claim that *Rajm* was not a punishment inflicted by Rasulallah (sallallahu alayhi wasallam) and the Khulafaa - e - Rashideen because the Qur'aan nowhere mentions it.

If any *munaafiq* or *murtad d* has a rabid desire to appease his kuffaar masters by a denunciation of *Rajm*, he should tender a refutation of the Islamic legality and validity of *Rajm* in which the Ummah believes. He should present facts in refutation, not display absurdity and puerility by asserting the very non - existence of *Rajm* in Rasulallah's time. Such a stupid denial is a vivid commentary of the stark ignorance and downright stupidity of these westernized *munaafiqeen* and *murtaddeen*.

We have furnished conclusive evidence from the Ahaadith for the belief and contention of the Ummah that *Rajm* was commanded and executed by Rasulallah (sallallahu alayhi wasallam) and the Khulafaa - e - Rashideen.

RAJM AND THE FUQAHA

Let us now see what the illustrious Authorities of the Shariah — the Aimmah Mujtahideen and the Fuqaha in general — have to say on this issue. Summing up the Verdict of these noble Authorities — the *Sal f - e - Saaliheen* — the following appears in *Al - Mughni* of Ibn Qudaamah, the Hambali (non - Maulana) authority:

“The compulsion of *Rajm* for a married adulterer and adulteress is the view of all the People of Ilm among the Sahaabah, the Taabieen and those Ulama who followed after them in all the lands (of Islam). We do not know of any opposing view except that of the Khawaarij.

As for us (the Ahlus Sunnah Wal Jama'ah) *Rajm* is proven on the authority of Rasulullah (sallallahu alayhi wasallam) by way of his statement and his practice in such narrations which resemble *Mutawaatar*. There is consensus of the Ashaab (Sahaabah) of Rasulullah (sallallahu alayhi wasallam) on *Rajm*. Verily, Allah Ta'ala had revealed it (*Rajm*) in His Kitaab. However, only its written text has been abrogated, not its *hukm* (effectiveness as law).”

(In substantiation, *Al-Mughni* cites the narration of Hadhrat Umar which we have recorded on page ?) xxxthe above passage in a smaller type. As well as the following quotation

The following appears in *Mathaabib Ar'ba - ah* :

“The Aimmah are unanimous that the Hadd of *Rajm* is compulsory for the adulterer and adulteress if the condition of *Ihsaan* is found in them. Stoning them is compulsory until they die. This is based on the statement of Rasulullah (sallallahu alayhi wasallam): When the married man and married woman commit *zina* stone them absolutely as a punishment from Allah.” The Hadith is *Muttafaq Alayhi* (i.e. narrated by Imaam Bukhaari and Imaam Muslim). Also on the basis of the statement of the Nabi (sallallahu alayhi wasallam): “Verily, *Rajm* is a Command in the Kitaab of Allah for the one who commits *zina* if he or she is a married person.....This Hadith is *Muttafaq Alayh*.”

And also on the basis of the fact that Nabi (sallallahu alayhi wasallam) inflicted *Rajm* on *Maa'iz* (radhiyallahu anhu) and he inflicted *Rajm* on Hadhrat *Ghaamadiyyah* (radhiyallahu anha) and others besides them. And, also the fact that the *Khulafaa - e - Rashideen* inflicted the Hadd of *Rajm*. For this there is *Ijma'* (Consensus) without any criticism from anyone among them (the Sahaabah). Thus the Hadd of *Rajm* is substantiated on the basis of *Ahaadith - e - Mutawaatarah*, the practice of Rasulullah (sallallahu alayhi wasallam) and the *Ijma'* of the *Ummah*. ”

THE CLEAR RULINGS OF THE MATH-HABS

Maaliki Math-hab : “*Rajm* will be executed against the adult Muslim....” (Mawaahibul Jaleel)

Hanafi Math-hab : “When the *ihsaan* of the adulterer has been substantiated by means of evidence or confession, *Rajm* will be inflicted on him on the basis of *Nass* (categorical Hadith Proof), and on the basis of rational proof. The *Nass* is the *Mash - hoor* Hadith of Rasulullah (sallallahu alayhi wasallam): ‘ *The blood of a Muslim is not lawful except with one of three factors — Kufr after Imaan; Zina after Ihsaan; Killing a person without valid cause .* ” (Badaaius Sanaa'i)

Shaa fi Math-hab : “When the adulterer is a *muhsin*, his (or her) *hadd* (prescribed punishment) is *Rajam*. ” (Raudhatut Taalibeen)

Hambali Math-hab : “The Aimmah are unanimous that the *Hadd* of he adulterer and adulteress is *Rajm*.... ” (A l -Mughni)

These few references have been cited merely as a sample of the vast volume of unequivocal proofs stated in the innumerable Books of the Shariah right from the very beginning of Islam down to this day. The consensus of the Ummah in every age on the validity of **Rajm** is complete and unique. There is not a single dissenting voice on this issue among the authorities of the Shariah in Islam's 14 century history . The consensus on *Rajm* is of the same degree as the *Ijma'* (Consensus) on 100 lashes for unmarried fornicators.

COMPLETION AND PERFECTION OF ISLAM ISLAM ' S PERFECTION

It goes without saying that Islam with its Shariah and Sunnah, had attained completion and perfection during the very lifetime of Rasulallah (sallallahu alayhi wasallam). This is confirmed by the Qur'aan: “*This day have I perfected for you your Deen, and I have completed for you My Favour, and I have chosen for you Islam as your Deen.*”

The most incontrovertible evidence for the perfection and completion of Allah's Shariah is the Finality of Nubuwwat. The self-evident consequence of the Finality of Nubuwwat is that the Shariah brought by Muhammad (sallallahu alayhi wasallam) is the Final, the Complete and the Perfect Shariah which will not tolerate any adulteration, interpolation, excess and deletion. Whatever was part of this immutable Shariah during the age of Rasulallah (sallallahu alayhi wasallam) and the *Khairul Quroon* (the Three Noble Ages after him), will remain integral constituents of this Divine Shariah until the Day of Qiyaamah. Whatever was not part of this Shariah during the *Khairul Quroon* epoch is not part of the immutable Shariah of Allah Ta'ala.

THE YARDSTICK

A very very important yardstick for the determination of the truth or falsity of a view is the existence or non-existence of that view/belief/injunction during the era of the *Khairul Quroon*. Rasulallah (sallallahu alayhi wasallam) had demarcated the limits of goodness and truth with the ending of this noble era. The ascendancy of falsehood and innovation was initiated after the *Khairul Quroon*. Hence, any view, belief, tenet or practice which enjoyed the Consensus (*Ijma'*) of the Ummah during the *Khairul Quroon* was an integral constituent of the inviolable and sacred Deen . Which was completed and perfected by Allah Ta'ala during the lifetime of Rasulallah (sallallahu alayhi wasallam).

In the light of this Shar'i Yardstick, the substantiation of the chronological inception of the belief that *Rajm* is not an Islamic injunction and that it was not ordered by Rasulallah (sallallahu alayhi wasallam) is an imperative devolution on these modernist *juhhaal*, *zindeeqs* and *munaafiqeen* who have blindly joined the kuffaar chorus labeling *Rajm* 'barbaric'. It rests squarely on the shoulders of these ignoramus who pipe the theme and song of the western kuffaar to produce irrefutable evidence that *Rajm* was not the mandatory punishment for adulterers of the *Ihsaan* class. For the sake of brevity we shall content ourselves with saying that married persons are of the *Ihsaan* classification although the term has a much wider meaning.

It is necessary for the denouncers of *Rajm* to substantiate with Shar'i evidence that *Rajm* did not exist in the age of Rasulallah (sallallahu alayhi wasallam) nor in the era of the *Khairul*

Qur'oon, nor in the entire history of Islam, nor did Rasulullah (sallallahu alayhi wasallam) ever execute the punishment of *Rajm*, nor did the Sahaabah ever mete out this punishment and that there exists no *Ijma'* on the validity of *Rajm* from the time of Rasulullah (sallallahu alayhi wasallam).

It furthermore devolves on these miserable miscreants who have traded their souls to appease the western kuffaar for whatever *nafsaani* designs they may be having, to state when precisely in the history of Islam did their view develop, that is, the view that *Rajm* is not an Islamic injunction. If they fail to present a satisfactory response — and most assuredly they must fail — to these queries, their case falls flat. In fact, their claim is devoid of Shar'i substance.

THE INCEPTION OF RAJM

Even the enemies of *Rajm* join the consensus of the Ummah in upholding the claim that Rasulullah (sallallahu alayhi wasallam) did in fact mete out *Rajm* to two Yahooid adulterers. In a ludicrous attempt to provide credibility for their view, the *mulhids* aver that such *Rajm* which was ordered by Rasulullah (sallallahu alayhi wasallam) was in terms of the Tauraah —the Shariah of Hadhrat Nabi Musaa (alayhis salaam).

Be that as it may. The irrefutable fact inherent in this averment is that *Rajm* was a prescription of the Tauraah. It is a known fact on which every Muslim has to incumbently have Imaan, that the Tauraah was the Divine Scripture which Allah Ta'ala had revealed to Hadhrat Musaa ((alayhis salaam). The fact that Rasulullah (sallallahu alayhi wasallam) issued the decree of *Rajm* in compliance with the Shariah, testifies to the truth and the divinity of the punishment of *Rajm*.

In other words, Allah Ta'ala had commanded *Rajm* for adulterers. Now when *Rajm* is irrefutably a command of Allah Ta'ala and it was ordered to be inflicted on adulterers by Rasulullah (sallallahu alayhi wasallam), then by which attribute of Imaan can a Muslim deny the validity of this punishment, and by which stretch of Imaani intelligence can he join the kuffaar chorus to sing the song of 'barbarism'?

COMMAND OF THE QUR'AAN

Besides the command of *Rajm* in the *Mansukhut Tilaawat* (ayat whose recitation alone is abrogated), the Qur'aan commands that Muslims accept *Rajm* in the same way as they accept that there are five *Fardh* Salaat in a day. Issuing this command, The Qur'aan Majeed states:

“Obey Allah and His Rasool”

“Whatever the Rasool brings to you, hold on firmly to it, and whatever he forbids you of, abstain from it.”

“Verily, in the Rasool of Allah is a Beautiful Pattern (of life and law).....”

*“It is not lawful for a believing man nor a believing woman when Allah and His Rasool have ordained a matter that they have **any choice** regarding their affairs.”*

“By your Rabb! They do not believe (i.e. they are not Mu'min) as long as they do not appoint you (O Muhammad!) as the arbiter in their mutual disputes. Then they find no

fault with what you (O Muhammad!) have decided, and they wholly submit.”

“The Mu'mineen are only those who believe in Allah and His Rasool, then they have no doubt.....”

“Say (O Muhammad!) Obey Allah and the Rasool. If you turn your backs, then (know that) verily, Allah does not love the kaafireen. ”

“O People of Imaan! Believe in Allah and in His Rasool...”

“...Those who believe in Our aayaat, they are those who follow the Rasool who is the Ummi Nabi ”

The Qur'aan repeatedly commands obedience to Allah's Rasool. Minus this obedience the claim of following the Qur'aan is a baseless and absurd. The Qur'aanic theme of this twin obedience testifies to the incumbency of obeying what Rasoolullah (sallallahu alayhi wasallam) had commanded. He had commanded innumerable *Ahkaam* (laws of the Shariah) for which there is no explicit reference in the Qur'aan. But to argue that *Fajr does not have two rakats Fardh* on account of the silence of the Qur'aan is not an implied rejection of the Qur'aan. It is a clear and a direct refutation of the Qur'aan. The demand to produce explicit textual reference from the Qur'aan for every injunction of the Shariah is preposterous and stems from kufr hidden in the heart.

BOOK OF NASEEHAT

The Qur'aan itself describes that it is a *Thikr* or an admonition. The Qur'aan is not a book of Fiqhi (juridical) details. The Deen of Islam is not confined to the Qur'aanic text. This fact is too obvious for dilation. Broad immutable principles are deduced from Qur'aanic aayaat, on which are based innumerable details of the Shariah. Among these inviolable Principles is the principle of *Ita'at-e-Rasool* (or obedience to the Messenger of Allah.

This principle is substantiated by numerous Qur'aanic verses. The incumbency of obedience to the Rasool is in the same category as obedience to Allah Ta'ala. Those who seek to create a division between the twin obediences (which in reality is ONE obedience – the obedience to Allah Ta'ala) explicitly deny the many Qur'aanic verses commanding obedience to the Rasool, e. g.

“O People of Imaan! Obey Allah and obey the Rasool...”

The copious Qur'aanic verses and the Ahaadith Mutawaatarah leave absolutely no scope for doubt or difference in the incumbency of obeying the Rasool.

It is Rasulullah (sallallahu alayhi wasallam) who had commanded *Rajm* and who had practically executed this punishment to married adulterers. It is unintelligent to refute this historical reality on the basis of this punishment being 'inhuman', and that there is no explicit reference to it in the Qur'aan. Allah Ta'ala and His Rasool are more aware of what constitutes humanity and inhumanity. Allah Ta'ala, The Creator understands the need of a punishment for a crime. The command to punish with a specific form of punishment is the prerogative of Allah Ta'ala. No creation of His has any right whatsoever to find fault with such a divine decree. The very questioning of the validity and humanity of *Rajm* is kufr which renders a Muslim a *murtad* (renegade — outside the pale of Islam).

THE ARGUMENTS OF THE ZINDEEQS, MULHIDS, MUNAAFIQS AND INCUBUSES

In their abortive attempt to refute the validity of *Rajm*, the aforementioned enemies of the Deen from within, resort to the following arguments:

- (1) The Qur'aan is silent on *Rajm*.
- (2) The aayat in Surah Noor orders 100 lashes for zina.
- (3) Summary dismissal of all the Ahaadith which make explicit reference to *Rajm*.
- (4) The *Rajm* decreed by Rasulullah (sallallahu alayhi wasalam) on two Jewish culprits was in terms of the Tauraah, and was not an injunction of Islam.

RESPONSE TO THEIR FIRST ARGUMENT

Silence of the Qur'aan on any issue is not evidence for the non-existence of an injunction. The Qur'aan is silent on the number of times Salaat is Fardh daily. It is silent on the number of rak'ats; silent on the manner in which Salaat has to be performed; silent on the hundreds of rules pertaining to Salaat such as Qiraa't, Qiyaam, Sajdah, Sajdah Sahw, Tashahhud, Qa'dah Ulaa, Qa'dah, Akheerah, Tashahhud, Durood, Salaam, etc., etc.; silent on the details of Zakaat, Saum and the innumerable other rites and acts of ibaadat. The Qur'aan is silent on the method of *Tha-bah* (Islamic ritual slaughter); silent on the detailed *masaail* related to Tahaarat; silent on the Islamic system of burial and the performance of ghusl and Janaazah Salaat; silent on Eid Salaat; silent on thousands of issues on which there exists *Ijma'* (Consensus) of the entire Ummah from the very inception of Islam.

In view of this situation of *Qur'aanic Silence*, the denial of all Ahaadith by the *murtadd incubus* is the ranting of a man whom shaitaan has driven to insanity by his wicked touch. There is no need for intelligent comment on this issue as every Mu'min with understanding does understand the fundamental importance of the Ahaadith in the formulation of the structure of the Divine Shariah. Only an *incubus* can claim that there can be an 'islam' bereft of the Hadith of Rasulullah (sallallahu alayhi wasalam).

RESPONSE TO THE SECOND ARGUMENT

The punishment of 100 lashes is the *Hadd* for unmarried adulterers. This is the unanimous Ruling of the entire Ummah from the very beginning of Islam, there being no difference of opinion on this issue. *Ijma'* on this fact has existed from the inception of Islam. In view of the complete unanimity of the entire Ummah for the past fourteen centuries on the applicability of this *Hadd*, the stupid argument of the *mulhids and incubuses* is dismissed with contempt. Further argument on this issue in the face of the Wall of Consensus is redundant.

RESPONSE TO THE THIRD ARGUMENT

This averment is too ludicrous for intelligent comment. We dismiss it with the brief

comment, that thousands of Islamic teachings, tenets, injunctions and beliefs are structured on the Ahaadith of Rasulallah (sallallahu alayhi wasallam). The names of the famous Muhadditheen such as Imaam Bukhaari and Imaam Muslim are household names. Suffice to say that minus the Ahaadith there is no Qur'aan and no Islam. No Muslim will proffer an ear to this kufr drivel of the *incubus*.

RESPONSE TO THE FOURTH ARGUMENT

Assuming that Rasulallah (sallallahu alayhi wasallam) did in fact, sentence the two Jews to be executed by *Rajm* in terms of the Tauraah, it is a confession made by the deniers of *Rajm*. In this confession they have been compelled to concede that, after all, Rasulallah (sallallahu alayhi wasallam) did order the execution of *Rajm*.

Rasulallah (sallallahu alayhi wasallam) came to abrogate all previous Shariahs and Laws and impose only the Final Shariah of Allah Ta'ala — Islam. He did not govern by the earlier Shariahs. There are many issues on which there is the agreement of this Final Shariah with the Shariah of the Tauraah, since both were revealed Laws of Allah Ta'ala. There is absolutely no substantiation for the claim that the *Rajm* which Rasulallah (sallallahu alayhi wasallam) ordered for the two Jews on the basis of the Tauraah does not apply to Muslims. Any such suggestion is debunked by the example of Rasulallah (sallallahu alayhi wasallam), the Sahaabah and the *Ijma'* of the Ummah.

The Ahaadith substantiating *Rajm* are of the *Mutawaatar* class which is the highest category of Hadith. This category of Hadith gives rise to the consequence of *Qatiyaat* (Absolute Certitude, not brooking the slightest vestige of doubt) in the same way as the Qur'aan.

None of the Sahaabah and Fuqaha of the *Khairul Quroon* had ever ventured the interpretation ventured by the *incubuses* to refute *Rajm*. Whatever valid interpretation was made by the Authorities of the Shariah, it did not conclude in the rejection of *Rajm*. On the contrary all the *Fuqaha and Mufasssireen* notwithstanding interpretations, confirmed the validity and *Qatiyya* of the injunction of *Rajm*.

THE KHAWAARIJ

The very first deviate sect of *kufur* to develop in the Ummah was the *Khawaarij*. These deviates were mercilessly pursued and exterminated by Hadhrat Ali (radhiyallahu anhu). Like the *incubuses*, this sect denied *Rajm*. Discussing the denial of the *Khawaarij*, Allamah Zafar Ahmad Uthmaani (rahmatullah alayh) states in *I'laaus Sunan* :

(this quotation in smaller print

“ *Rajm* is proven by the statements and actions of Rasulallah (sallallahu alayhi wasallam). The Narrations of Rasulallah (sallallahu alayhi wasallam) in this regard are comparable to *Mutawaatar*. The Sahaabah of Rasulallah (sallallahu alayhi wasallam) had enacted consensus on it (*Rajm*).

Muhaqqiq states in *Al-Fath*: “The denial of the *Khawaarij* is *baatil* because they deny the evidence of the *Ijma'* of the Sahaabah, hence it (their denial) is compound ignorance of the evidence. In fact it (the Law of *Rajm*) is *Ijma' Qatiyya*.....

The substantiation of Rajm from Rasulullah (sallallahu alayhi wasallam) is *Mutawaatar* in meaning just as the courage of Ali, the generosity of Haatim and the justice of Umar (are substantiated by such narrations of *Mutawaatar* meaning).

There is absolutely no doubt in the basis of *Rajm*.....*Verily, Umar said: "I fear that after a lapse of considerable time, people (like today's incubuses) will say: 'We do not find Rajm in the Book of Allah, while Allah has revealed it (Rajm) in His Kitaab.'" Only its text has been abrogated, not its hukm. It has been narrated from Umar Ibn Khattaab (radhiyallahu anhu) that he said: 'Verily, Allah Ta'ala sent Muhammad with the Truth and revealed to him The Kitaab (Qur'aan). Among that which He (Allah) had revealed to him was the Aayat of Rajm. I recited it, understood it and memorized it. Rasulullah (sallallahu alayhi wasallam) ordered Rajm and after him we too ordered Rajm. I fear that after a considerable time has lapsed, people will say (like the incubuses say today): 'We do not find Rajm in the Book of Allah.' Thus they will go astray by abandoning a compulsory command which Allah has revealed.....He recited: 'When the married man and married woman commit zina, then stone them as an absolute punishment from Allah. And Allah is The Mighty, The Wise.' This Hadith is Muttafaq Alayh (i. e. Narrated by Imaam Bukhaari and Imaam Muslim)."*

ENLIGHTMENT FOR THE INCUBUS

A delegation of the Khawaarij came to Hadhrat Umar Bin Abdul Azeez (Umar, The Second), and said : *"In the Book of Allah is nothing other than lashes."* Umar Bin Abdul Azeez

(rahmatullah alayh) said: *"You say nothing (by way of proof))*

except what is in the Qur'aan." They said : *"Yes."* He said:

"Inform me about the number of the Fardh Salaat, the number of their Ark a an and raka'ts, and of their respective times. Where do you find these in the Book of Allah Ta'ala? And, tell me about the things in which Zakaat is compulsory — their quantities and their Nisaabs." They said : *"Give us time ."* Thus, they departed and returned the same day (after having checked the Qur'aan). They said : *"We did not find these things in the Qur'aan."* Umar Bin Abdul Azeez said : *"How did you then accept these?"* They said : *"Because, verily the Nabi (sallallahu alayhi wasallam) practised these and so did the Muslims (the Sahaabah) after him."* He then said to them : *"Similarly is Rajm. Verily the Nabi (Alahis Salaam) stoned and the Khulafa after him stoned as well as the Muslims thereafter."*

The Khawaarij in spite of their deviation, at least possessed sufficient intelligence to refrain from refuting the Ahaadith of Rasulullah (sallallahu alayhi wasallam) in the immoral way of the *incubus*. They had to concede by their silence the validity of the the Argument of Hadhrat Umar Bin Abdul Azeez (rahmatullah alayh).

FURTHER EVIDENCE

In *Al-Mughni* it is recorded : *"With regards to the compulsion of Rajm for the Muhsin adulterer, man or woman — this is the view of all the People of Knowledge among the Sahaabah, the Taabieen and the Ulama of the lands (of Islam) in all ages after them (the Taabieen). We do not know of any difference in this regard except that of the Khawaarij."*

The following appears in *Al-Fiqhul Islaamiyyu wa Adillatuhu*: *"There is consensus of the*

Ulama on the Hadd of the muhsin adulterer. And, it (t he Hadd) is Rajm. This is substantiated with the proof of the Sunnah Mutawaatarah, the Ijma' of the Ummah and rational argument.

As for the Sunnah — there are numerous Ahaadith (to substan t i- ate Rajm). Among them is:

"The blood of a Muslim is not lawful except on the basis of one of three reasons — a married adulterer, life for life (in case of murder), and one who abandons his Deen, dissen t- ing from the Jama'ah (Ahlus Sunnah Wal Jama'ah). (Bukhaari, Muslim from Ibn Mas'ud, Uthmaan, A i-shah, Abu Hurairah, Jaabir, Ammaar Bin Yaaasi r — Referto Nasbur Raayah. Also Al - Majmauz Z awaaid and A l - Arbaeenun Nawawiyyah).

“The episode of Aseef who had committed adultery with a w o ma n, then Rasulullah (sallallahu alayhi wasallam) said if to a man from Aslam: ‘O Unais! Go to this woman, and she confesses, then stone her.’”(Bukhaari, Muslim, Muatta, Ahmad, Abu Daawood, T irmizi, Nasaai, etc.)

.“The story of Maaiz, which has been narrated from various sources. Verily he confessed to hav i ng committe d adultery. Rasulullah (sallallahu alayhi wasallam) then commanded Rajm to be inflicted on hi m. ”(Muslim, Abu Daawood, Ahmad, Bukhaari, Tirmizim Baihqi, Abu Ya'la, Tabaraani)

The incident of Maa - iz has been narrated by a group of th e Sahaabah, and it has reached the level of Mutawaat a rah.

.“The episode of A l - Ghaamadiyyah. She had confessed to zina. Rasulullah (sallallahu alayhi wasallam) had her stoned. after she gave birth.” (Muslim, Abu Daawood, Nailul Autaar)

The Ummah has enacted Ijma' on the legality of Rajm.” A l - Mathaahibul Arba - ah states :
“The Aimmah are unanimous that the man and w o man in whom the conditions o f *Ihsaan* are fulfilled, when they commit ad u l- tery, the n *Rajm* is compulsory on both of them until they die. The proof for this is the statement of Rasulullah (sallallahu alayhi wasallam) :
“*When the married man and the married woman commit adultery, then stone both of them as a punis h- ment from Allah.* ” This Hadith is Muttafaq Alahy (i.e. it has been narrated by Bukhaari and Muslim.

And on account of the state m ent of the Nabi (alayhis salaam):

“The blood of a person is not lawful except for one of three re a- sons. The married adulterer, life for life (murder), and the one who renounces his Deen, dissenting from the Jama'ah.” This has been narrated in Bukhaari and Muslim from Aishah (radhiyallahu anha), Abu Hurairah and Ibn Mas'ud (radhiyallahu anhuma).

And because Nabi (sallallahu alayhi wasallam) stoned Maa - iz, and he stoned A l - Ghaamidiyyah and others besides them.

And because the Khulafa Raashideen execute d *Rajm* by virtue of Ijma' without anyone among them (the Sahaabah) objecting. Thus th e *Hadd* o f *R aj m* is based on Ahaadith

Mutawaatarah, on the practice of the Rasool (sallallahu alayhi wasallam) and the Ijma' of the Ummah. And, it is also proven on the basis of the Qur'aan in terms of the view of those who say that the Hadith of *Rajm* was an aayat of the Qur'aan, then its recital was abrogated while its *hukm* was retained.”

NUSKH OR ABROGATION

Nusk h or abrogation of Qur'aanic verses and laws of the Shariah is the prerogative of Allah Azza Wa Jal. No one has the right to question the authority and prerogative right of Allah Ta'ala. Stating the Qur'aanic Principle of *Nusk h*, Allah Ta'ala says:

“*Whatever We (Allah) abrogate of any aayat or cause it to be forgotten, We bring (another) better than it or similar to it. What, do you not know that verily Allah has power over everything?*” (Surah Bqarah, aayat 106)

There is *Ijma' (Consensus)* of the Sahaabah and the Ummah on the *nusk h* of *tilaawat* of the aayat of *Rajm*. There is also *Ijma'* on the retention of the *hukm* of this abrogated aayat. The law remains effective. Only *incubuses* have the audacious stupidity of denying what the entire Ummah has believed in since the very inception of Islam.

Declaring the lofty status of Ameerul Mu'mineen, Umar Bin Khattaab (radhiyallahu anhu), Rasulullah (sallallahu alayhi wasallam) said: “*If a Nabi had to come after me, it would have been Umar.*”

He possessed the qualities, attributes and qualifications of a Nabi. If Nubuwwat had not been sealed in Muhammad (sallallahu alayhi wasallam), the next Nabi would have been Hadhrat Umar (radhiyallahu anhu). His attributes of Nubuwwat — his insight, foresightedness and wisdom — are conspicuous in many acts and statements. In the matter of *Rajm* this is manifest in his prediction that a time will come when people will refute the validity of *Rajm* by claiming that the Qur'aan is silent on this *Hadd*. He, therefore, closed the avenue for the *incubuses* by reciting the *Mansuk h* aayat of *Rajm*, and by his categorical affirmation of *Rajm* having been executed by Rasulullah (sallallahu alayhi wasallam) and by himself (as the Ameerul Mu'mineen) after Rasulullah (sallallahu alayhi wasallam).

Not a single Sahaabi contested the statements of Hadhrat Umar (radhiyallahu anhu). The *Ijma'* of the Sahaabah on *Rajm* is an irrefutable fact which only *mulhids*, *zindeeqs*, *munaafiqs* and *incubuses* will stupidly deny. The denial proffered by these criminals is calculated to appease their western mentors who have propounded the concept of “international standards of human rights”.

THE AHAADITH

The numerous Ahaadith on *Rajm*, accepted by all authorities of the Shariah, leave absolutely no scope for the denial of *Rajm* and for any interpretation to refute *Rajm*.

Some *incubuses* (evil spirits who ravage women at night) have vainly tried to peddle the notion that *Rajm* was the law of the Tauraah, which Rasulullah (sallallahu alayhi wasallam) had inherited prior to the revelation of the verse ordering 100 lashes for zina. This claim is palpably fallacious.

Not a single authority, right from the time of the Sahaabah, ever entertained this baseless opinion which is the idea of the *mulhids* of this age. There is absolutely no evidence for this baseless claim. Incidents of *Rajm* inflicted by Rasulullah (sallallahu alayhi wasallam) were carried out after the revelation of this verse which applied to only unmarried fornicators. The *Rajm* executed by the Khulafa Raashideen is absolute confirmation for this truth. The *incubuses* have nothing to stand on other than the figments of their imagination and their personal opinions which meet with the approval of only the western kuffaar who rant and rail against the injunctions of Islam in general. Their vilification is not confined to *Rajm*.

One *incubus* who styles himself as a 'sheikh' attempted to deny the *Rajm* Hadith by saying that this narration is of the *Aahaad* class. Firstly, he has no right to present the Hadith categories to substantiate his *baatil* and *kufur* denial of *Rajm* because he believes and propagates that ALL Ahaadith are fabrications and 'evil spirits'. According to the insane *incubus*, only the Qur'aan has to be accepted, nothing else. When it suits his fancy, he conveniently forgets his total denial of Hadith, and seeks to use the Hadith as a crutch to support his corrupt view of *kufur*.

Secondly, all the Sahaabah and the illustrious Authorities of the Shariah of the *Khairul Quroon* era, had greater knowledge of the Hadith categories than the *incubuses* of this day. Yet they elevated these *Aahaad* narrations to the pedestal of *Mutawwatur* — the highest category of Hadith on par with the Qur'aan in so far as belief and derivation of *Ahkaam* are concerned.

Thirdly, the *incubus* is a *Jaahil* (ignoramus) who has neither knowledge nor authority to voice himself on the classification and application of Ahaadith.

Fourthly, an opinion of an *incubus* of this age can not be cited in negation of the fourteen century *Ijma'* of the Ummah.

Fifthly, the widespread acceptance by the Authorities of Hadith of the *Aahaad* class and the *Ijma'* of the Sahaabah and all the subsequent Authorities on such narrations being valid basis for such *Ahkaam* which require *Qat'i* proof for their validity, elevates the meaning and applicability of these Ahaadith to the pedestal of *Mutawwatur*.

INSULT TO ALLAH AND HIS RASOOL

Sight should not be lost of the one single 'proof' of those who deny the validity of *Rajm*. They structure their denial on the basis of *Rajm* being 'barbaric'. Their denial is motivated solely by the desire to vindicate the cry of the enemies of Islam who brand the Islamic Penal System *barbaric*. For upholding this view of the kuffaar, these *incubus* deniers of *Rajm* present their utterly baseless interpretations and rejection of all the authentic Ahaadith which confirm the Law of *Rajm*. In their inordinate desire to appease their western masters and mentors, they imply that Allah Ta'ala and Rasulullah (sallallahu alayhi wasallam) are

'barbaric' — Nauthubillah!

That Rasulullah (sallallahu alayhi wasallam) had ordered *Rajm* to be inflicted on two Yahudi adulterers is undeniable. Regardless of whether he had ordered *Rajm* in terms of the Tauraah or in terms of the Qur'aan. It is immaterial. The undeniable reality is that Nabie - Kareem (sallallahu alayhi wasallam) did execute *Rajm* on the Yahudi adulterers. If *Rajm* is 'barbaric', the charge of barbarism is leveled at Rasulullah (sallallahu alayhi wasallam)

and Allah Ta'ala because the Rasool acts only in obedience to the Command of Allah Ta'ala. The *kuffar* and *irtidaad* of the *incubuses* should therefore be manifest to all.

CONCLUSION

The discussion in these pages conclusively establishes that *Rajm* has been an injunction of Islam from the time of Rasulullah (sallallahu alayhi wasallam). In fact, it was an injunction in the Shariats prior to the Shariah of Rasulullah (sallallahu alayhi wasallam). No one, not even the *kuffaar*, deny the fact of *Rajm* having been the Law in the Shariah of the Tauraah. The Christian Bible too confirms this fact. Only the *incubuses* slinking in the folds of the Ummah deny the validity of *Rajm*.

Rajm is substantiated by the Qur'aan which commands obedience to the Rasool and which equates obedience of the Rasool to obedience to Allah Ta'ala. The Qur'aan upholds

Rajm with a *Mans ukhut Tilaawat* ayat as has already been explained.

Rajm is substantiated by Ahaadith of the *Mutawaatur* category. Such Ahaadith have the same degree of absolute certitude as the Qur'aan.

Rajm is upheld by the *Ijma'* of the Sahaabah, the Taabieen and all the Authorities of the *Khairul Quroon era*.

Rajm is confirmed by the *Ijma'* of the Ummah in every age from the beginning to this day. Never was there a difference of opinion on the question of the validity of *Rajm*. Only the deviate *Khawaarij* sect had denied the legal validity of *Rajm*, not its historical reality.

The mass and volume of evidence in support of the validity of *Rajm* cannot be dismissed on the basis of the personal ideas and baseless opinions of a handful of modernists, *zindeeqs*, *mulhids*, *munaafiqs* and *incubuses* of this age.

In refutation of the fallacies of the deniers of *Rajm*, the Qur'aan Majeed states :

“Those who dispute in the matter of Allah after He (i.e.His Law) has been accepted, their disputation is baseless by their Rabb. And, on them is the Wrath (of Allah) and for them there is a dreadful punishment.” (Surah Shuraa, Aayat 16)

THE OPERATION OF RAJM

Alhamdulillah! By the *fadhil* of Allah Ta'ala, we have explained the Shar'i Proofs for the Law of *Rajm*. The overwhelming volume of evidence from all Sources of the Shariah establishes the validity of this injunction of Islam beyond the slightest vestige of doubt. It cannot be a Muslim who will view with insensitivity the formidable volume of Shar'i evidences there exists to substantiate the validity of *Rajm*. How a person professing to be a Muslim can scrape the dregs of *kuffar* in an attempt to deny an injunction in whose wall of evidence there is not the slightest crack, beggars Islamic imagination.

It is our belief that *murtadd*s who profess to be Muslims, then blasphemously describing the Hadith of the Nabi (sallallahu alayhi wasallam) as an evil spirit which indulges in

sexual intercourse with women during the night times when it manages to gain possession of them, deserve the punishment of *Rajm*. Undoubtedly, if Daarul Islam had existed, such punishment would have been forthcoming for such vile *incubuses*.

We shall now, Insh a 'Allah, proceed to explain how *Rajm* would operate in a truly Islamic State.

DEFINITION

Rajm is a prescribed form of punishment called *Hadd* (plural: *Hudood*). In the Shariah, *Hadd* is a fixed prescribed punishment, the execution of which is compulsory as a *Haqq* (Right) of Allah Ta'ala.

It is unlike *Qisaas* (life for a life, for example) because in *Qisaas* is the *Haqq* of others besides Allah Ta'ala, hence waiving the punishment of *Qisaas* by forgiveness or compromise is permissible, although it is also a prescribed form of punishment. But, the class of *Hudood* to which *Rajm* is assigned does not entertain forgiveness, waiver or compromise if the crime is proven by way of *Bayyinah* (the testimony of witnesses).

HADD OF ZINA

There are two kinds of *Hadd* for zina — *Jald* (lashes) and *Rajm* (stoning to death). In this treatise we shall deal with only the operation of *Rajm*.

IHSAAN

Rajm comes into effect with the condition of *Ihsaan*. *Ihsaan* for the validity of *Rajm* is a combination of attributes which the Shariah stipulates for the execution of *Rajm*. In the absence of *Ihsaan*, the punishment of *Rajm* will not be applicable. There are seven such attributes as follows:

- (1) *Aql* or sanity. The adulterer must be a sane person.
- (2) *Buloogh* or puberty. The adulterer must be an adult.
- (3) *Hurriyyat* — The adulterer must be a free person, not a slave.
- (4) *Islam* — The adulterer must be a Muslim.
- (5) *An-Nikaahus Saheeh* — The adulterer must have been married in a valid *Nikah*.
- (6) Both husband and wife in the *Saheeh Nikah* should be of these attributes. In other words, both (i.e. the husband and wife) should be sane, adults, free and Muslims. The presence of these attributes in them both is a condition for the validity of their *Ihsaan*. When these attributes exist in both of them, they (husband and wife) will be said to be *muhsan*, i.e. the quality of *Ihsaan* in each one.
- (7) Consummation of the marriage (i.e. sexual intercourse) must have taken place in the *Saheeh Nikah* posterior to the existence of all the aforementioned six attributes.

If any one of these attributes is lacking in the adulterer, *Rajm* will not apply since he/she will be lacking in the condition of *Ihsaan* which is imperative for the *Wujoob of Rajm*.

Thus, if a married man commits adultery before he consummated his Nikah with sexual intercourse, he will not be a *muhsin*, hence *Rajm* cannot be inflicted on him. If a husband or wife had contracted a *Faasi d Nikah*, e.g. only one witness was present, the *Rajm* cannot be inflicted on any one of them, should they commit adultery, i.e. indulge in sexual relations with another woman/man, even if they had consummated their *Faasi d Nikah*.

Similarly, if one of the spouses is a minor, i.e. has not attained *buloogh* (puberty), then even if the Nikah is consummated, none of the spouses will be a *muhsin*. Should even the adult spouse commit adultery, *Rajm* will not be inflicted.

ZINA OR ADULTERY

In the meaning of the Shariah *zina* is the voluntary indulgence in unlawful vaginal sexual intercourse with a living woman in Darul Islam by a person on whom the laws of Islam are incumbent, while the union is totally devoid of any semblance of *mielk*

(right/ownership) such as a resemblance with Nikah or a marriage of doubtful validity. The slightest doubt in the application of this comprehensive concept of *zina* to the act of adultery will cancel the punishment of *Rajm*.

The principle underlying the cancellation of *Rajm* with the introduction of the slightest doubt is the statement of Rasulullah (sallallahu alayhi wasallam): “Cancel *Hudood* with doubts.” In other words, if a doubt develops in establishing either the definition of *zina* or in the determination of the attribute of *Ihsaan*, the punishment of *Rajm* falls away.

Any other haraam sexual act committed, while it will be morally *zina*, in the technical terminology of the Shariah it will not be *zina*, hence neither *Rajm* nor *Jald* will apply.

EVIDENCE

Zina will be proven in the court of the Qaadhi in Daarul Islam in two ways: *Iqraar* (Confession) or *Bayyinah* (Eye Witnesses).

Iqraar (Confession)

Zina is proven by the confession of the adulterer, The following conditions are essential for the validity of *Iqraar*:

- (1) *Buloogh* (Puberty): The confessor must be an adult (one who has attained *buloogh*).
- (2) *An-Nutq* (Verbal Confession): The confession must be made verbally by the adulterer. A written confession is not valid. The Qaadhi will not entertain a written confession. If a dumb person (one who does not have the power of speech) presents a written confession, it will be rejected by the Qaadhi.
- (3) *Adad* (Number): The confession has to be made four times, each confession in a separate session.
- (4) Each confession should be made in the presence of the Qaadhi. A confession made in the absence of the Qaadhi is not valid. Thus, if the adulterer made three confessions in the presence of the Qaadhi, and one in the presence of some other official, his confession will not be valid. Even if four witnesses testify that the adulterer had made a confession, it will not be valid if the Qaadhi was not present.

(5) *Aq l* (Sanity): The confessor must be sane. The confession of an intoxicated person is not valid.

(6) The person with whom adultery was allegedly committed should be one who is able to defend himself/herself verbally. Thus, if a man confesses to adultery which he committed with a dumb woman, his confession will not be valid.

In all cases where the confession is not valid, it will be dismissed by the Qaadhi and there will be no punishment for the self-confessed adulterer.

AFTER THE CONFESSION

After the adulterer had made four confessions in the presence of the Qaadhi in four different sessions, it is mandatory for the Qaadhi to institute an investigation to establish the sanity and other essential attributes of the confessor. If the investigation confirms the confessor's sanity, etc., the Qaadhi will then interrogate him and ask him to explain the definition of *zina*, how he had committed it, where he had committed it, with whom he had committed it, and when he had committed it.

After he/she has satisfactorily answered all questions, the Qaadhi will question him regarding his state of *Ihsaan*. Is he a *muhsin* or not?

If the confessor says: 'I am a *muhsin*.' , the Qaadhi will impose on him to explain the Shar'i concept of *Ihsaan*. The reader will be aware from the explanation on *Ihsaan* (See page 38) that *Ihsaan* is a concept comprising a number of conditions. These conditions are not within the knowledge of every man in the street. Most people will fail to correctly explain the concept of *Ihsaan*. If there is any flaw or deficiency in his/her explanation, *Rajm* will not be imposed..

After all these hurdles have been cleared, and all conditions for *Rajm* have been satisfied beyond the slightest vestige of doubt, the Qaadhi will convict the adulterer and the sentence of *Rajm* will be passed. . If after conviction and sentence, the adulterer retracts his confession, it will be accepted and the sentence falls away.

It is significant that the Shariah does not allow the Qaadhi to accept a confession or to convict the confessor or the one who has been charged, on the basis of his (the Qaadhi's) awareness of the crime to which he was an eye witness. His judgement must not be influenced by his own awareness of the crime which he had seen being committed.

Another significant factor is the wording of the definition of *zina* which the confessor has to explain. If he says, for example: "I indulged in haraam sexual intercourse.", his confession will be dismissed even if he thereafter presents the technical definition.

RETRACTION

The confessor has the right to retract his confession at any time even while the *Rajm* is in progress. The adulterer who has been sentenced on the basis of his/her confession, will not be shackled or tied in any way. He will stand in an open place observing the crowd and the mounds of stones in front of him. If fear overcomes him and he walks away, his departure will be registered as retraction. The *Rajm* falls away. If he flees under the barrage of stones, his flight will be registered as a retraction. *Rajm* will fall away and he will be proclaimed not guilty.

If the confessor after his conviction adheres to his confession, but withdraws his confession in relation to him being a *muhsin*, *Rajm* falls away.

The Procedure of executing Rajm

The Qaadhi will have to initiate the stoning. The Shariah exhorts the Qaadhi to induce the convicted adulterer to retract his confession. A form of inducement is that the Qaadhi should say: "Perhaps you only touched her or kissed her." If in spite of all these opportunities and inducement to retract, the adulterer refuses and resolutely insists that *Rajm* be executed, then of course, there is no other option but to carry out the punishment. However, as mentioned earlier, the adulterer still has the opportunity of 'retracting' by simply fleeing or walking away either before the stoning begins or during the course of the stoning.

Every unbiased person can now pass his/her judgment. The Shariah has left no stone unturned in a bid to save the adulterer from *Rajm*.

BAYYINAH

Adultery can theoretically be proven by means of *Bayyinah* as well. In relation to *zina*, *Bayyinah* is the testimony of four eye-witnesses. The extremely rigid conditions essential for valid *Bayyinah* will explain why we say: *Adultery can be theoretically proven by Bayyinah*. The type of *Bayyinah* the Shariah requires to secure a conviction in a *zina* charge makes it practically impossible to secure such a conviction. The conditions for the validity of *Bayyinah* are:

- (1) The eye-witnesses must be males. The testimony of even a thousand saintly females is not admissible in all crimes of *Hudood*.
- (2) The witnesses must be Muslim.
- (3) The witnesses must be adults.
- (4) The witnesses must be sane.
- (5) The testimony must be verbal, not written.
- (6) The testimony must be in the presence of the Qaadhi.
- (7) The witnesses must be *Aadil*, i.e. uprighteous, honest, truthful and saintly men who are well-known in society for their moral integrity and piety.
- (8) The number of witnesses must be four. The severity of the demands of this condition is more than adequate to deter any man who contemplates testifying in a case of *zina*. Only eye-witness accounts are admissible. If three eye-witnesses come forward to testify, but there is no fourth witness, each one of the four will be flogged 80 lashes. If after four *Aadil* witnesses testified, one of them retracts his testimony, all four will be flogged 80 lashes each.

The Qaadhi will institute public and private investigations to establish the integrity (*Adaalat*) of the four witnesses. If he discovers a discrepancy in the *adaalat* of even one witness, all four will be flogged 80 lashes each. These severe and stringent requirements make it too dangerous for eye-witnesses to come forward to testify.

Furthermore, saintly people will not come forward to testify. They know that the Shariah exhorts Muslims to conceal sins and not to publicize them. The Shariah does not make it incumbent on eyewitnesses to report sins or to testify. It is therefore, practically impossible to secure a conviction on the basis of *Bayyinah*.

The Qaadhi's Procedure

The Qaadhi, after having established the Islamic integrity of the Four witnesses will interrogate them in the same manner described in the explanation of the procedure for the confessor. A further requirement is that the witnesses will have to testify as follows :

“We saw him having intercourse with her in her vagina like the stick inside the surmnaah container (i.e .like a key inside the lock).”

No man, leave alone a saintly man, can ever hope to witness *zina* being committed in this naked manner. This very impossible requirement stipulated by the Shariah is to ensure that there can be no conviction on the basis of *Bayyinah* . The practical impossibility of four pious, saintly men observing in the darkness, under cover of blankets

Zin a being committed so explicitly as the Qaadhi demands, should be self-evident.

HOW DO THE SHARIAH COURTS MANAGE CONVICTION

From the explanation in the aforesaid pages, it will be abundantly clear that it is well nigh impossible for a Shariah court to convict people of adultery on the basis of *Bayyinah*. Shar' i *B a y- yina h* is not practically possible to achieve. Conviction can be secured only on the basis of the Shar'i process of *Iqraar* (Confession) which itself is an extremely difficult process as the requisites confirm.

Only men and women whose hearts are saturated with Divine Fear and Divine Love, and who have the accountability of the Divine Court of the Akhirah uppermost in their minds — only such people will demand that *Rajm* be inflicted on them . In other words, it will be *Rajm* by the demand of the adulterers, and in most cases their demand will not be satisfied on account of the technicalities of the Shariah's legal process.

Three *zin a* convictions in recent years testify to the incompetence of the Qaadhis manning the Shariah courts. A few years ago a Saudi princess and her lover who was not a member of the Saudi royal family, were executed by firing squad. The method of execution was neither *Rajm* nor *Jald* , which are the only prescribed forms of punishment for adultery and fornication according to the Shariah. Neither was the crime proven on the basis of *Iqraar* (Confession) nor by *Bayyinah* (*the testimony of four saintly persons*) . There were conflicting reports on the status of the couple. The ambiguity and doubt were clear facets of this case. It is quite evident that neither were the proceedings proper nor the punishment in accordance with the Shariah, yet a so-called Shar'i court handed down the punishment . It is therefore improper to equate the Saudi court's conviction and sentence with the Shariah. Although the sentence was handed by the Saudi 'Shariah' court, it cannot be substantiated on Shar'i grounds.

The second case was truly bizarre. A woman was convicted of *zina* in Pakistan during the then 'Islamic' State of Pakistan while Ziyaul Haq was the president. A properly constituted

Shar'i court found the woman guilty of *zina* and decreed *Rajm* for her. We learnt of this case via the Evening Post, our local daily in Port Elizabeth. From the facts mentioned in the press report, we were convinced that the Shariah Court had committed a grievous error in its judgement. It had handled the case very incompetently and the Hadith Principle of

“Ward off Hudoos with doubts.”, was completely ignored. Several valid and serious doubts clouded the whole case. In spite of these grave doubts, the Court convicted the woman and ordered *Rajm*.

The relevant press report is reproduced here for better understanding of the readers.

Press Report

The sentence was set to be meted out in a matter of days. In the execution of our duty of *Amr Bil Ma'roof Nahy Anil Munkar* (Commanding Righteousness and Prohibiting evil), we sent the following telegram (there were no fax machines in 1987) to the President of Pakistan:

“In the Name of Allah stay execution of Shahida Parveen and Mohammed Sarwar. Rajm in this case not applicable in terms of Shariah. Rasulullah said Hudoos are cancelled by the element of doubt. Our letter of explanation has been posted to you today. Stay execution at least until you have read our letter stating the Law of Allah in this case.”

TEXT OF OUR LETTER TO THE PRESIDENT

ASSALAMU ALAIKUM 12th Rabiuth Thaani 1408

4th December 1987

President Ziyaul Haq Government of Pakistan Islamabad, PAKISTAN

Muhtaram,

Enclosed herewith is a press report which appeared in our local press. We have no facts and information on the case mentioned other than what appears in the press report. Since the matter is of the gravest importance in view of the lives of Muslims being involved, we are presuming that the report is correct. Until further facts come to light we have no grounds to dismiss the report as false.

According to the report, one sister, Shahida Parveen of Faisalabad has been sentenced to be stoned to death (*Rajm*) for having committed adultery. However, from what we have gleaned from the report, there is insufficient evidence for the imposition of the *Rajm* sentence or for even *Jald* (100 lashes) in terms of the Shariah. Rasulullah (sallallahu alayhi wasallam) has made it abundantly clear that *Hudoos* are waived by the introduction of the element of doubt. In this regard Rasulullah (sallallahu alayhi wasallam) said :

“Hudoos are waived with doubts.”

In the case under discussion there seems to be the strong element of doubt (in fact doubts). This element exists very strongly in view of the woman's claim that she is married to Sarwar. Her claim of marriage is sufficient in the Shariah for waiving of *Rajm*. In fact the sentence of *Rajm* cannot be handed in view of this strong doubt. The *Kutub* of the Shariah make this fact abundantly clear.

Furthermore, even if she is not legally married, we fail to understand how the crime of *zina* has been proved against her in view of the stringent conditions imposed by the Shariah for proving the crime of adultery. The enclosed article which we had published sometime ago in our Islamic periodical, *The Majlis*, explains in detail the requirements stipulated by the Shariah for the capital punishment of *Rajm* to become legally applicable. We plead with you to peruse the article carefully, and should any miscarriage of Islamic justice have been committed, it should be rectified.

The matter is of vital importance to Muslims and we feel strongly about this matter. The life of a woman, most probably innocent, is at stake. While the introduction of the Islamic Penal system in Pakistan is laudable, it is imperative to ensure that all the conditions and requirements of the Shariah in this regard are fulfilled.

A man and a woman living together illegally, while abominable and sinful, is not *zina* in the technical language of the Shariah. If the police found Shahida and Sarwar living together as man and wife, such discovery does not prove the commission of *zina* in terms of the Shariah. If the *nikah* claimed by Shahida has been confirmed to be illegal in the Shariah, the Qadhi can only issue a decree of separation. But no Islamic court has the right to impose the *Hadd* of *Rajm* (or *Jald*) on the couple because they happen to be living together illegally.

Zina can only be proved if four pious/saintly (*Aadil*) male witnesses observed with their own eyes the couple had indulged in the actual act of sexual intercourse. We are certain that the police (four *Aadil* ones among them) could not have observed the commission of the act of sexual intercourse in its explicit and naked details allegedly committed by the two. The Shariah stipulates that the actual sexual act of intercourse in its naked details has to be observed by four pious male witnesses with their own eyes. But it is practically impossible for such explicit evidence forthcoming from pious persons even if they had witnessed the act with their own eyes (which of course, is not practically possible).

It is clear to us and quite obvious that the court has overstepped the limits of the Shariah and has imposed the sentence of *Rajm* without having obtained the required Shar'i evidence. The due Islamic or Shar'i process of Justice has not been followed. In the circumstances it is imperative that you as the Father of the Nation, as President of Pakistan, urgently look into the matter and prevent the execution of an act of *zulm* of the gravest degree. May Allah Ta'ala bestow to you the necessary taufeeq.

Was - salaam MUJLISUL ULAMA OF SOUTH AFRICA

***** *Alhamdulillah!* The lady was granted a reprieve and the sentence set aside most probably due to international kuffaar pressure, not due to any concern for the Shariah. This is the lamentable condition of Muslims in this age.

THE SHAR'I VIOLATION

Let us now examine the Shariah court's ruling in the light of the Shariah. Rasulullah (sallallahu alayhi wasallam) instructed that the introduction of doubts cancel s *Hudood*. This principle applies to all *Hudood* punishments, not only to *Rajm*. In the Pakistani case, the following factors established the incidence of *doubts beyond any shadow of doubt*:

(1) The lady resolutely claimed that she was legally married to the man.

(2) She claimed that her former husband had divorced her

(3) She held divorce papers to prove that she was divorced. These three factors are more than ample for the introduction of doubt as far as the trial and the Qaadhi are concerned. As far as the accused are concerned, they did not commit an unlawful act. Hence, assuming that she was caught red-handed indulging in sexual intercourse, it would not be *zina*. The court, therefore, had no right to convict her of *zina* and order her to die by *Rajm*. According to the Shariah, the validity of divorce is not reliant on witnesses nor on documentary evidence. Thus, if a man issues three divorces or one *Talaaq Baa-in* to his wife, then she is fully within her Shar'i right to consider herself divorced. In fact, she is under obligation to separate herself from the man and not allow him to approach her. Even if he denies having issued *Talaaq*, the Shariah's ruling is "The woman is like the *Qaadhi*." In other words, in the matter of decreeing *Talaaq*, just as the *Qaadhi* executes this function, so too can the woman decree that she is finally divorced from the man if she is convinced that he had given her three *Talaaqs* or one *Talaaq Baa-in*.

If in an Islamic court in *Daarul Islam*, the *Qaadhi* rejects the woman's claim of *Talaaq* due to lack of evidence (witnesses) and orders her to return to her husband, she will have to submit to the *Qaadhi's* ruling. However, in view of the strong element of doubt in the ruling of the *Qaadhi*, and the certainty of *Talaaq* in the woman's mind, she will not be sinful if she resorts to some stratagem to escape from the clutches of the man whom she honestly believes is not her husband. When a woman in such a situation claims that she has been divorced, then even if it is not accepted by a court, the element of doubt does exist, and this does not allow the imposition of the *Hadd* punishment.

Furthermore, the fact that she claimed that she was married to the man, Sarwar, is a very strong factor for her acquittal. An Islamic marriage for its validity does not require any documents or certificates. Only two witnesses will suffice for the validity of the *nikah*. The court had rejected the validity of her *nikah*, not because there were no witnesses to the *nikah*, but on the basis that she was still 'legally' married to another chap. But she persisted in her claim that this chap was no longer her husband and that she had married another man. Thus, her *Nikah* with Sarwar was in dispute. A disputed *Nikah* is termed *An-Nikaahul Mukhtalaf Feeh* which makes an acquittal mandatory.

Even if her claims could have been disproved with proper Shar'i evidence — which was not done — then too the doubt remained in a very very strong degree of probability, hence a conviction in any crime necessitating *Hadd* is simply not valid.

According to the Shariah a marriage termed '*Shubhatun Nikah*' (Doubtful *nikah*) wards off the sentence of *Hadd*. Neither *Rajm* nor *Jald* can be imposed if there had transpired such an invalid *nikah*, e.g. *nikah* without witnesses. So, even if the woman had failed to produce the witnesses to her *nikah* with Sarwar, the *shubah* (doubt) is a Shar'i verdict which cannot be dismissed. It has to be incumbently taken into consideration by the *Qaadhi* who is compelled by the Shariah to acquit the accused on the basis of this *shubah*.

The Court also had committed a grievous error in opening up an investigation into her claim of divorce and subsequent marriage. The court was over-zealous in striving for a conviction in the way prosecutors do in a western court.

The court had no right to initiate another trial within the trial of *zina*. If the man who claimed that he was the husband of this lady, wanted her back believing her to be his wife, he was supposed to have instituted legal proceedings in a separate case. It was improper to have brought up this matter in the *zina* trial. But the Shariah court conducted the proceedings in a manner unfitting a proper Shariah court. It befitted a western court. This attitude for a Shariah court is most despicable and haraam since Allah Ta'ala and Rasulullah (sallallahu alayhi wasallam) had exhorted and emphasized that the crime should be concealed and as far as possible the culprits be exonerated.

The very fact that the court had investigated her claim regarding divorce and marriage is sufficient to prove the element of doubt. If there was no doubt, the need for an investigation to establish the worth of her claim would not have arisen.

Of crucial importance is the fact that Khushi (the ex-husband according to Shahida) brought the case of adultery against her. The accuser had not produced four pious male eyewitnesses to prove that she had committed *zina*. In terms of the Shariah the court had to order him to receive a flogging of 80 lashes.

The most bizarre aspect of this case was that the Shariah court had convicted the woman of *zina* and had imposed the sentence of *Rajm* without the mandatory four eyewitnesses. The police arrived at her home and simply arrested her and the man whom she claims was her husband. Then they were charged with adultery. It is difficult to believe that the judge was a Shar'i Qaadhi. He must have been a secular magistrate of a westernized secular court promoted to the post of a Qaadhi, hence he issued the stupid ruling of *Zina bil Jabar* (rape).

The question of rape does not arise, not in terms of the Shariah nor in terms of western law. A man and woman are living together willingly. Even if they were not married, the question of rape does not feature anywhere. It appears as if the qaadhi or perhaps the secular magistrate did not understand the meaning of *Zina bil Jabar*.

Another significant fact is that according to the technical meaning of *zina* in the Shariah, it (*zina*) is the perpetration of the man, not of the woman. Thus, *Zina bil Jabar* is a crime which accords to the

The hatred for Islam harboured by the kuffaar becomes manifest in their blindness of the Shariah to conclusively prove the validity of *Rajm*.