

Islamic Punishment for Rape

Rape is an abhorrent crime and an abominable sin. This heinous crime is forbidden not only in Islam but in all religions, and all people of sound thinking and pure human nature reject it.

The prominent Saudi Islamic lecturer and author **Sheikh Muhammad Saleh Al-Munajjid** states the following: The Arabic word *ightisab* (rape) refers to taking something wrongfully by force. It is now used exclusively to refer to transgression against the honor of women by force.

This is an abhorrent crime that is forbidden in all religions and in the minds of all wise people and those who possess sound human nature. All earthly systems and laws regard this action as abhorrent and impose the strictest penalties on it.

Islam has a clear stance which states that this repugnant action is *haram* (forbidden) and imposes a deterrent punishment on the one who commits it.

Islam closes the door to the criminal who wants to commit this crime. Western studies have shown that most rapists are already criminals who commit their crimes under the influence of alcohol and drugs, and they take advantage of the fact that their victims are walking alone in isolated places or staying in the house alone. These studies also show that what the criminals watch on the media and the semi-naked styles of dress in which women go out also lead to the commission of this reprehensible crime.

The laws of Islam came to protect women's honor and modesty. Islam forbids women to wear clothes that are not modest. In addition, Islam encourages young men and women to marry early, and many other rulings that close the door before rape and other crimes. Hence it comes as no surprise when we hear or read that most of these crimes occur in permissive societies, which are looked up to by some Muslims as examples of civilization and refinement! It is worth mentioning here that in America , for example, Amnesty International stated in a 2004 report entitled "Stop Violence Against Women" that every 90 seconds a woman was raped during that year.

The punishment for rape in Islam is the same as the punishment for *zina* (adultery or fornication), which is stoning if the perpetrator is married, and one hundred lashes and banishment for one year if he is not married.

Moreover, Ibn ` Abdul-Barr (may Allah bless his soul) said: The scholars are unanimously agreed that the rapist is to be subjected to the *hadd* punishment if there is clear evidence against him that he deserves the *hadd* punishment, or if he admits to that. Otherwise, he is to be punished (that is, if there is no proof that the *hadd* punishment for *zina* may be carried out against him because he does not confess and there are not four witnesses, then the judge may punish him and stipulate a punishment that will deter him and others like him). There is no punishment for the woman if it is true that he forced her and overpowered her. (*Al-Istidhkaar*, 7/146).

In addition, the rapist is subject to the *hadd* punishment for *zina*, even if the rape was not carried out at knifepoint or gunpoint. If the use of a weapon was threatened, then he is a *muharib*, and is to be subjected to the *hadd* punishment described in the verse in which Allah says **(The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter)** (Al-Ma'idah 5:33).

So the judge has the choice of the four punishments mentioned in this verse and may choose whichever he thinks is most suitable to attain the objective, which is to spread peace and security in society, and ward off evildoers and aggressors.