



IS THE STONING PUNISHMENT, *RAJM*, HIDDEN IN THE QUR'AN?*

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ABSTRACT

The source of stoning, *rajm*, in Islamic Law literature is an attractive point, and open to discussion. It is possible to extend this debate up to Second Caliph Umar. The various form of *r-j-m* appears throughout the Qur'an, but none of them refers specifically to the punishment of stoning for adulterers. Around the fourth century of Islam, although there is no Qur'anic reference to this punishment, a type of abrogation, *naskh*, was reformulated in order to justify that the stoning verse has Qur'anic evidence. However, the so-called stoning verse was never versified in the Qur'an.

Key Words: Rajm, Stoning, Naskh, the Qur'an, Punishment of Adultery.

RECM CEZASI KUR'AN'DA GİZLİ MİDİR?

ÖZET

İslam Hukuku literatüründe *recm* uygulamasının kaynağı her zaman tartışılan bir konudur. Bu tartışmayı Hz. Ömer'e kadar götürmek mümkündür. Tartışılan noktalardan birisi bu uygulamanın Kur'anî referansı üzerindedir. Halbuki, *r-c-m* kökünden muhtelif kalıplarda kullanılan bu kelimenin geçtiği hiç bir Kur'an ayeti *recm* cezası adıyla taşıyarak öldürmeyi ifade etmez. Ancak, zaten tartışmalı olan nesh konusu ile ilgi kurularak hicri dördüncü asırdan itibaren bir nesh çeşidi ile *recm* cezasının kaynağının Kur'an olduğu iddiaları ortaya atılmıştır. Bu araştırmamızda ulaştığımız neticelere göre, bu tarz bir nesh çeşidi ile Kur'an'da taşıyarak öldürmeyi ifade eden *recm* ayetinin varlığını kabul etmek mümkün değildir.

Anahtar kelimeler: Recm, Nesh, Kur'an, Zina cezası.

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In the texts of all major schools of Islamic law, *rajm*, stoning to death, is cited as the punishment for adultery.¹ The reliable Hadith collections contain a couple of narratives in which the command for stoning is attributed to the Prophet Muhammad in the Medinan period. However, these accounts appear to challenge Qur'anic verses on the subject, al-Nur (24), 2 which state the punishment of flogging not the stoning for adulterers. Therefore this question arises: "If flogging had been the official penalty for *zina* [adultery] since the revelation of the flogging verse, and if the Muslims had regularly recited these verses thereafter, how did the discontinuity set in?"² Although the Qur'an does not contain a verse about stoning, a number of classical commentators, applying the theory of abrogation, *naskh*, a method of hermeneutical device for the Qur'an that evolved in the early period of Islam, maintain that the verse about stoning is hidden in the Qur'anic text. The theory of the hidden verse about stoning – as John Burton indirectly implied – is just an interpretive device of classical period Qur'anic scholars to reconcile the inconsistencies between Qur'anic verses and Prophetic practices, and these attempts have led to the reformulation of abrogation theory in order to justify the stoning verse beginning from the fourth century of Islam.

"Patricia Crone and Michael Cook point out that Islamic Law maintained a preference for stoning as the penalty for adultery even though the Qur'an makes it clear (Q 24:2) that the penalty is flagellation."³ However, Madigan argues that "The argument for the authority of the stoning punishment rests just as much as on *sunna* as they do on *qur'an*. The attempt to justify it by

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- ¹ Shafii, Muhammad ibn Idris, *Mawsūat al-imām al-Shāfi'i: al-kitāb al-ummī*, ed. Ahmad Badr al-Din Hassun, 10 vols. (Beirut : Dar Qutaybah, 1996) VII, 496-500; Sarakhsi, *Kitāb al-mabsūt: al-Mubtawā alā kutub zhābir al-rivāya li-Muhammad ibn al-Hasan al-Shaybānī an Abi Hanīfa*, ed. Muhammad Radi al-Hanafī, reprint of the Cairo edition of 1324-31, 2nd edn, 30 vols. in 15 (Beirut: Dar al-Marifa [197-?]) IX:36-39; Ibn Qudama, Muwaffaq al-Din Abd Allah ibn Ahmad, *al-Mughnī*, ed. Abd Allah ibn Abd al-Muhsin al-Turki, Abd al-Fattah Muhammad al-Hulw, 15 vols. (Cairo: Hajr, 1986-1990) XII, 309-310; Sahnun, Abd al-Salam ibn Said, *al-Mudawwana al-kubrā: li-Malik ibn Anas al-Asbahi: riwayat Sahnun ibn Said al-Tannukhī an Abd al-Rahman ibn Qasim*, ed. Hamdi al-Damardash Muhammad, 9 vols. (Sayda : al-Maktabah al-Asriyah, 1999) VIII, 2439-2444; Ibn Hazm, Abu Muhammad Ali ibn Ahmad ibn Said, *al-Muhallā sharh al-Mujallā*, ed. Ahmad Muhammad Shakir, 14 in 8 vols. (Beirut: Dar Ihya al-Turath al-Arabi: Muassasat al-Tarikh al-Arabi, 1997), XIII, 96-99.
 - ² Patricia Crone, "Legal Problems Bearing on the Date of the Qur'an " in *The Formation of Islamic Law*, ed. Wael b. Hallaq, Ashgate Publishing, Great Britain-USA 2004", p. 88. Moreover Crone asks "... Qur. 24:2, which prescribes flogging for both men and women guilty of unlawful intercourse; but why should they [the lawyers] have quarreled over stoning?" in page 91.
 - ³ Daniel A. Madigan, *The Qur'an's Self Image: Writing and Authority in Islam's Scripture*, Princeton and Oxford 2001, p. 51, n. 137.

positing the existence of a ‘stoning verse’ is really an elaborate to avoid saying explicitly that *sunna* can abrogate *qur’an*.⁴

In classical Qur’anic studies, scholars generally discuss three types of abrogation relevant to legal issues: (1) complete abrogation, by which both the text of a verse and its legal authority are removed; (2) abrogation of the text’s legal authority only, while the text itself is kept without any legal implications; and (3) abrogation of the text only, while its legal force is maintained. John Burton have worked on this issue repeatedly and clarified the details of the abrogation, *naskh*, issue in general. My focus will be on the third type of abrogation: *naskh al-tilāwa dūn al-hukm*, “abrogation of the text without suppression of the legal force” which is the most debated one.⁵ This type of abrogation has very few examples and the most common one is so-called the stoning verse. According to this category of abrogation, the legal force of stoning can stand without any reference to it in the Qur’an. In other words, punishment of stoning is an invisible command of the Qur’an.

Burton provides few examples from the authentic sources regarding the issue, but he does not clarify the historical development of the third type of abrogation. I will examine the topic through historical development. Madigan summarizes this issue as follows:

“The key issue arose in situations where a Qur’anic text seemed to contradict a universally accepted customary law –for example, the punishment for adulterers of death by stoning. The punishment given in Q 24:2 is one hundred lashes, yet the majority of the schools of law prescribe stoning. The authority for this is generally found in Muhammad’s own practice. Yet such would indicate that the *sunna* was capable of overriding a clear Qur’anic command –a position many legal theorists were not prepared to accept. So they found their authority for the practice in a verse that is

⁴ Madigan, *Self Image*, p. 51, n. 137.

⁵ Hibatullah b. Salamah, Nasr ibn Ali al-Baghdadi, *al-Nāsikh wa-al-mansūkh fī al-Qurān al-karīm*, ed. Muhammad Amin al-Dinnawi, (Beirut: Dar al-Sharq al-Awsat, 1997), pp. 14-15; Zarkashi, Muhammad ibn Bahadur, *al-Burhān fī ulūm al-Qurān*, ed. Muhammad Abu al-Fadl Ibrahim, 4 vols. ([Cairo] : Dar Ihya al-Kutub al-Arabiyyah, 1957-1958), III, 35-39. Supposition of the Qur’an as the source of this theory is not a reliable fact; it is rather a scholarly approach to the commentary of Qur’an by some of the scholars in the formative period of Islam. Because of this reason, there is no consensus about the number of abrogated verses; it varies between 200 and 6. See for details: David S. Powers, “On the Abrogation of the Bequest Verses,” *Arabica*, T. 29, Fasc. 3 (Sep., 1982), pp. 246-295; John Burton, “The Exegesis of Q. 2: 106 and the Islamic Theories of ‘naskh: mā nansakh min āya aw nansahā nati bi khairin minhā aw mithlihā””, *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 48, No. 3 (1985), pp. 452-469; John Burton, *The Sources of Islamic Law: Islamic Theory of Abrogation*, Edinburgh, 1990; A. Rippin, “Al-Zuhrī, “Naskh al-Qur’ān” and the Problem of Early “Tafsir” Texts”, *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 47, No. 1 (1984), 22-43.

not in the official text, but still carries the weight of Qur'anic authority. This kind of abrogation they referred to as *naskh al-tilāwa dīna-l-hukm*, suppression of the text without suppression of its legal force."⁶

The so-called inconsistency between the Qur'an and the Sunna on the issue was in early application of this punishment. Caliph Ali b. Abi Talib (r. 655-661) sentenced Shuraha b. Hamdan to the stoning punishment during his reign in the first century of Islam. He condemned the adulteress to two penalties, 100 lashes on Thursday, to be followed the next day by stoning to death. He explained the execution as follows: "I have applied the flogging punishment according to the Qur'an, and the stoning sentence according to the Sunna of the Prophet."⁷ This wording supply that during Caliph Ali's rein the hidden verse interpretation was not born yet.

In the formative period of Islam, the Qur'anic source of the stoning punishment was not the case. Jurists did not mention the abrogated stoning verse in their books. Abu Yusuf (d. 182/798) was silent on the issue. He gave many detailed reports of the punishment of adultery by stoning without any reference to the abrogated stoning verse.⁸ Muhammad b. Idris al-Shafii (d. 204/820) stated in his legal text, *al-Umm*, that the *rajm* punishment became a tradition after the execution of Jewish culprits by the Prophet Muhammad in the early Medinan period.⁹ Shafii's interpretation suggests that stoning punishment was borrowed from the Judaic tradition. However this point was not mentioned loudly in later times, and also, it was not widely accepted as Shafii declared.

The first three authors of abrogation literature, *al-Nāsikh wa al-mansūkh* genre, in the formative era, Qatada (d. 117/735),¹⁰ Ibn Shihab al-Zuhri (d. 123/741)¹¹ and Qasim b. Sallam (d. 218/838)¹², did not mention anything about the abrogated stoning verse in their books.

⁶ Madigan, *Self Image*, p. 32.

⁷ al-Nasai, Abd al-Rahman Ahmad ibn Shuayb, *Kitāb al-sunan al-kubrā*, ed. Hasan Abd al-Munim Shalabi, 12 vols. (Beirut: Muassasat al-Risalah, 2001) IV, 404; Ibn Hajar al-Asqalani, Shihab al-Din Abu al-Fadl, *Fath al-bārī bi-sharh al-Bukhārī*, 13 vols. (Beirut: Dar al-Maarif, 1959) XII, 118.

⁸ Abu Yusuf, Yaquub b. Ibrahim, *Kitāb al-Kharāj*, (Beirut: Dar al-Marifa, 1979) pp. 162-164.

⁹ Shafii, *al-Umm*, VII, 520.

¹⁰ Qatada, Daama al-Sadusi, *al-Nāsikh wa-al-mansūkh fī Kitāb Allāh Taāla*, ed. Hatim Salih Damin, in *Arbaata kutub fī al-nāsikh wa-al-mansūkh*, (Beirut: Alam al-Kutub : Maktabat al-Nahdah al-Arabiyyah, 1989).

¹¹ al-Zuhri, Muhammad b. Maslam ibn Shihab, *al-Nāsikh wa-al-mansūkh* ed. Hatim Salih Damin, in *Arbaata kutub fī al-nāsikh wa-al-mansūkh*, (Beirut: Alam al-Kutub: Maktabat al-Nahdah al-Arabiyyah, 1989) See also: A. Rippin, "Al-Zuhri, "Naskh al-Qur'an" and the

In this period, jurist and hadith compiler Imam Malik (d. 218/795),¹³ historian Ibn Hisham (d. 219/834),¹⁴ and other well-known hadith compilers reported a narrative from Caliph Umar (r. 13-23/634-644) for the source of the stoning punishment. However, they did not touch on the abrogated stoning verse in their books. Al-Bukhari (d. 256/870) provides the longest and the most detailed version of the abrogation of the stoning verse, which reads –related part– as follows:

“...Allah sent Muhammad (may peace be upon Him) with the Truth, and revealed the Holy Book to Him, and among what Allah revealed was the Verse of the *Rajam* [*siġ*] (the stoning of married person, male & female) who commits illegal sexual intercourse, and we did recite this Verse and understood and memorized it. Allah's Apostle did carry out the punishment of stoning and so did we after him. I am afraid that after a long time has passed, somebody will say, 'By Allah, we do not find the Verse of the *Rajam* [*siġ*] in Allah's Book,' and thus they will go astray by leaving an obligation which Allah has revealed. And the punishment of the *Rajam* [*siġ*] is to be inflicted to any married person (male & female), who commits illegal sexual intercourse, if the required evidence is available or there is conception or confession...”¹⁵

According to Bukhari, Caliph Umar made this declaration about stoning as a supplement to a much longer Friday sermon he delivered. This sermon was one of his last before he died, inspired while Umar was making his last pilgrimage to Mecca, when a man came to him and said, “O Chief of the Believers! What do you think about so-and-so who says, ‘If Umar should die, I will pledge allegiance to such-and-such person, as by Allah, the pledge of allegiance to Abu Bakr was nothing but a prompt sudden action which got established afterwards.’ Hearing this, Umar became angry and said, ‘Allah willing, I will stand before the people tonight and warn them against those who

Problem of Early "Tafsir" Texts”, *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 47, No. 1 (1984), pp. 22-43.

- 12 Abu Ubayd al-Qasim ibn Sallam, *al-Nāsikh wa-al-mansūkh fī al-Kitāb wa al-Sunna : annwal kūtāb musannaġ fī al-nāsikh wa-al-mansūkh wa-murattab alā abwāb al-fiqh*, ed. Mustafa Abd al-Qadir, (Beirut: Dar al-Kutub al-Ilmiyyah, 2006), pp. 15-16; Imam Shafīī does not state this type of abrogation in his books, *al-Risāla* and *Abkām al-Qur’ān*.
- 13 Malik b. Anas, *al-Muwattā*, ed. Muhammad Fuad Abd al-Baqi, 2 vols. (Dar Ihya al-Kutub al-Arabiyyah, 1951) II, 824.
- 14 Ibn Hisham, Abu Muhammad Abd al-Malik, *Sīra al-Nabi*, ed. Muhammad Muhyi al-Din Abd al-Hamid, 4 vols. (Egypt: al-Maktabah al-Tijariyyah al-Kubra 1938) IV, 337.
- 15 Bukhari, Muhammad b. Ismail, *Sahīb al-Bukhārī : The translation of the meanings of Sahīb al-Bukhārī: Arabic-English*, tr. Muhammad Muhsin Khan, 9 vols. (Gujranwala: Talim al-Quran Trust, 1971)VIII, 539. The same narrative with a slight difference took place in other collections: *Muslim*, *Tirmidhī*, *Abū Dāwūd*, *Ibn Māja*, *Dārimī*, and Ahmad b. Hanbal’s *al-Musnad*.

want to deprive others of their rights [to rulership]”¹⁶; but Abd al-Rahman b. Awf suggested to him that it would be better to cope with this issue in Medina, not in Mecca. Umar accepted his suggestion and consequently gave his speech at Medina with this problem in mind. He reminded the congregation of what he had done for the sake of the *umma*, the Muslim community, and declared that the stoning punishment was a command by God in His Book.

This narrative of Umar regarding stoning punishment is reported in hadith collections; but it addresses and claims the stoning command to be a Qur’anic verse. Although the stoning command was not in the Qur’an, Umar argued that the stoning punishment was divine revelation; it was a command in *Kitābullah*, the Book of God. And he warned people to follow this unseen rule of God in His book, or they would go astray.

When, starting from the second part of the third century, this claim became widely known through hadith collections; most probably scholars intended to reconcile what Umar stated was God’s command with what the Qur’an ordains regarding the punishment of adultery. The former states that the punishment should be stoning to death while the latter demands 100 lashes. It seems likely that classical commentators created the third type of abrogation theory, abrogation of the text without legal ruling, to reconcile this disagreement.

While Abu Muslim al-Isfahani (d. 322/934) does not accept any type of abrogation,¹⁷ Abu Jafar al-Nahhas (d. 339/950) was the first author to touch upon the hidden verse discourse in his book, *al-Nāsikh wa al-mansūkh*, although without citing a specific example of it. He accepts Caliph Umar’s statement reported in the hadith literature as reliable, but he does not accord it the same level of authority as the Qur’an.¹⁸ Hibatullah b. Salamah (d. 410/1019) is the first scholar who refers to the hidden verse discourse and accepts the report of Umar regarding the stoning punishment as an example of this category of abrogation.¹⁹ Ibn Hazm, (d. 456/1064) an advocate of abrogation theory, mentions this type of abrogation at the beginning of his book, *al-Nāsikh wa al-mansūkh*; but he does not provide any

¹⁶ See for much more details: Bukhari, *Sahih*, VIII, 537–541.

¹⁷ Cerrahoğlu, İsmail. *Tefsir Usulü*, Türkiye Diyanet Vakfı yayınları, No: 3 (Ankara: Türkiye Diyanet Vakfı Yayınları, 2004), p. 125. According to Cerrahoğlu, Isfahani takes Qur’anic verses 41:42 as a reference to his complete rejection of the abrogation (Isfahani, Abu Muslim Muhammad b. Bahr, *Jāmiu al-ta’wil li-mubkam al-Tanzil*, ed. Sad al-Ansari, Calcutta: 1993).

¹⁸ Nahhas, Abu Jafar Ahmad ibn Muhammad, *Nāsikh wa-al-mansūkh fi al-Qur’an al-karim*, ed. Muhammad Abd al-Salam Muhammad (Kuwait: Maktaba al-Falah, 1988), p. 61.

¹⁹ Hibatullah b. Salamah, *al-Nāsikh wa al-mansūkh*, pp. 15-16.

example of it.²⁰ These opinions in early sources show that punishment by stoning had been considered a Prophetic practice until the first half of the fourth century.

Lack of exact textual reference to the stoning punishment in the Qur'an is clear and almost there is no dispute on it. The Arabic term *rajm* comes from the verb root *r/j/m*, which literally means "to throw stones, to curse, to cast out, and to speak conjecturally."²¹ Its different meanings appear throughout the Qur'an fourteen times, but none of them refer specifically to the punishment of stoning for adulterers, and no one has cited these other meanings in relation to the stoning punishment.²²

²⁰ Ibn Hazm, Ali ibn Ahmad al-Andalusi, *al-Nāsikh wa-al-mansūkh fī al-Qurān al-karīm*, ed. Abd al-Ghaffar Sulayman al-Bandari (Beirut: Dar al-Raid al-Arabi, 1986), 9, 51. According to Ibn Hazm, the abrogated verses are 33:48 and 52.

²¹ Lane, Edward William, *An Arabic-English Lexicon: derived from the best and the most copious eastern sources*, Photo-offset of the edition published in London with imprint: Williams and Norgate, 1863-1893, 8 vols. (Beirut: Librairie Du Liban, 1868) III, 1047-1048.

²² (1) The expressions of *rajīm* (accused/rejected) and *rujūman* (projectiles) occur in relation to Satan in seven different verses of the Qur'an as noun or adjectival forms. Four of them are used as the famous adjective referring to Satan: "*al-Shaytān al-rajīm*" (Satan the rejected). The first of these four is narrated as Hannah's statement, Mary's mother. When Hannah had delivered Mary, she prayed God to protect her new baby and her offspring from Satan: "*innī uḍhubūhā bika wa min dhurriyyatāhā min al-shaytān al-rajīm*" (I give her into Your keeping. Preserve her and her offspring from Satan the Rejected) The Qur'an, 3:36. In the second instance, Satan is referred to as *al-rajīm*, "the cursed." This verse states that God guards the heavens against Satan: "*wa hafiznāhā min kulli shaytān al-rajīm*." [And (moreover) We have guarded them from every cursed devil] The Qur'an, 15:17. The third verse commands the readers of the Qur'an to take refuge to God from the cursed Satan while reciting the Qur'an. Accordingly, Muslims always repeat the formula given by this verse each time when they begin to recite the Qur'an: "*fa idhā qarata al-Qurāna fastaidh billāhi min al-shaytān al-rajīm*" (So when you recite the Qur'an, seek refuge with Allah from the accursed Satan) The Qur'an, 16:98. Finally, the Qur'an attributes itself to the divine source saying: "*wa mā huwa bi qawli shaytān al-rajīm*" (Nor is it the word of an evil spirit accursed) The Qur'an, 81:25. Thus the term "*al-rajīm*" is used to denote Satan's being the rejected and cursed one. The other three uses of *r/j/m* occur in a conversation between Satan and God. When God created Adam, God tempted the angels to prostrate themselves to Adam. At that time, Satan was still among the angels and he refused to prostrate himself before Adam; and thus God said to Satan in two different verses the same expression: "*fa innaka rajīm*" (for thou art rejected, accursed) The Qur'an, 15:34 ; 38:77. The last use of *r/j/m* does not appear as an epithet, but rather denotes the projectiles which are thrown at Satan. This expression "*rujūman li al-Shaytān*" (projectiles to drive away the Evil Ones) The Qur'an, 81:25, is different than the usages above. It is about the objects that are thrown at Satan. As it is shown above some derivatives of *r/j/m* are used in connection with Satan in order either to describe him as "accursed" and / or "rejected" or to describe the "projectiles" that were cast at him; there is no connection between these expressions and the punishment for adultery: *rajm*.

Although the Qur'an has nothing explicit about punishment by stoning, some contemporary scholars insist there are indirect references to it; but their argument is not as compelling as the statement of the Caliph Umar.²³ His

(2) In this subject, words with the root *r/j/m* are used as both nouns and verbs in order to describe various threats in seven verses of the Qur'an. Most of these threats were made by the masses against the Prophets whose stories are told in the Qur'an. The verb form of the *r/j/m* is used in four different verses. In the first instance, the people of the prophet Shuayb threatened to stone him (but never carried out their threat). They used the following expression when they made the threat: "*larajamnāka*" (we would surely stone you) The Qur'an, 11:91. The next instance involves the story of the Seven Sleepers. Upon awakening from their lengthy slumber and still in fear of the persecution of the pagan Emperor Decius (r. 249-251), they warned one another not to return to the public eye because the pagans would have killed them. They used the following verb form of *r/j/m*: "*yarjumnūkum*" (they would stone you) The Qur'an, 18:20. The next instance involves the story wherein the Prophet Abraham's pagan father disowned him; when he cast Abraham out he also issued the threat: "*laarjumannāka*" (I will indeed stone you) The Qur'an, 19:46. The final usage of *r/j/m* in verb form occurs in the chapter called Yāsīn wherein the people of a village threatened the messengers of God by using the same verb in plural form "*lanarjumannakum*" (we will certainly stone you) The Qur'an, 36:18. In all of these cases, it should be noted that while the threat of stoning was an imminent possibility, the threat was never actually carried out and certainly never referred to anyone guilty of the crime of adultery. In addition to the finite verb form, the root *r/j/m* also appears in two verses as a noun and a gerund. The first case concerns the story of Noah. After Noah got revelation from God and brought it to his community, the people rejected his message and threatened him with the following words: "*ya Nuhū latakūnanna min al-marjūmīn*" (O Noah, you shall most certainly be of those stoned to death) The Qur'an, 26:116. The second occurrence involves the story wherein Moses revealed to the Pharaoh and his people that there is only one true God and that no other gods should be worshipped. The Pharaoh and his people began to threaten to take Moses' life and he then took refuge in God in an expression which ends with the words "*an tarjūmīn*" (against your injuring me) The Qur'an, 44:20. (3) The last usage of *r/j/m* is an idiomatic one and involves the story of the Seven Sleepers. While in the Christian tradition the number of sleepers is generally established, i.e. "seven," in the Islamic tradition the exact number of the sleepers is uncertain. The idiomatic phrase, *rajman bi al-ghayb*, used in the verse that can be translated as "taking a shot in the dark" expresses the uncertainty about the number of the sleepers. The Qur'an, 18:22. İsmail Acar, "İslam Hukukunda Zina Suçu ve Cezası Üzerine Karşılaştırmalı Bir İnceleme", unprinted PhD dissertation, DEU, Social Science Institute, 1999, pp. 147-149.

²³ Although the accounts in which the derivatives of *r-j-m* are irrelevant to the punishment of rajm, there is a counter interpretation to this statement. Taqī al-Uthmānī (b. 1943, -) does not accept the hidden verse discourse, but he argues that Maida 43 indicates to the rajm in the Qur'an. He states that the phrase "[...] *The Torah is with them which contains judgment of God*" in this verse, and its occasion of revelation, *sabab al-nuzūl* which was the stoning case of two Jewish culprits support the idea that Maida 43 have indirect indication for the punishment of adultery, *rajm*. (Taqī al-Uthmani, *Takmilah*, 2:247) However this opinion has some problems: First, the Maida chapter was reported to have been revealed at the end of the Medinan period, and the rajm case of Jewish people took place at the beginning of this period according to Ibn Hisham, the most famous sira narrator. When narrating the story Ibn Hisham states that: "When the Prophet Muhammad came to Medina ... they [Jews wanted to ask the Prophet's opinion about the punishment of adultery] said send this man and woman

account in hadith collections is considered the principal source of the argument for the Qur'an's hidden verse. However, this perception creates another a hierarchical problem between the Qur'an and the Sunna which is not reasonable according to Islamic legal theories.²⁴

Besides Caliph Umar's report, there are two other arguments that are cited in support of the Qur'an's hidden verse regarding the stoning punishment: the length of the Qur'an's Ahzab chapter, and attempts at recording the hidden verse into the Qur'an. I will examine these two arguments after further discussing the statement of Caliph Umar on the stoning verse.

The Caliph Umar's Report on the Stoning Verse

Caliph Umar referred in his sermon to the Book of God, *Kitābullab*, to support the existence of the stoning verse; he did not quote the Qur'an directly. According to Islamic theology, all received transmissions -the Torah, the Gospel, the Psalms, and the Sheets (*subuf* in Arabic)- contain the revelations of God. These, along with other forms of written commands from God, are considered to comprise the Book of God.²⁵ Therefore the term "Book of God" could be used for the Qur'an, as well as other revealed texts. Umar does not specifically cite the name of the Book in which the stoning verse is supposed to exist; while the Prophet, in the case of Jewish adulterers, used the term "*Kitabaka*" (your Book [Book of God]) to refer to the Torah, stating that "*fa inni ahkumu bi al-Tawrat*" (I judge with the Torah). Thus M. Hamidullah (d. 1423/2002) argues that the phrase "Book of God" in Umar's sermon would refer to one of the previous books as the source of the stoning verse, not the

[adulterers] to him and ask his judgment." (Ibn Hisham, *al-Sira*, 1:664-665.) Second, this verse may refer to other judgments of the Prophet because of the Medina Agreement between Muslims and Jews. According to this contract the Prophet was considered as a moderator for both Muslims and non-Muslims in Medina. Both articles of Medina Agreement 23 and 42 say that disputes are to be referred Muhammad: 23 - "Wherever there is anything about which you differ, it is to be referred to God and to Muhammad (peace be upon him)"; 42 - "Whenever among the people of this document there occurs any incident (disturbance) or quarrel from which disaster for it (the people) is to be feared, it is to be referred to God and to the Muhammad, the Messenger of God (God bless and preserve him). God is most scrupulous and truest (fulfiller) of what in this document." (Watt, W. Montgomery, *Muhammad at Medina*, London: Oxford University Press, 1966, pp. 223-226.) Jewish community might bring him other cases until the end of the agreement in fifth year of Medinan period, up to the battle of Trench. For example, in the issue of blood compensation between Bani Nadr and Bani Qurayza, they came to the Prophet for his decision, and he decided on the equal compensation among them, which was not egalitarian before his judgment. (Ibn Hisham, *al-Sira*, I, 566.)

²⁴ Hüseyin Tekin Gökmenoğlu, "Kur'an-ı Kerim'de Olmayan ve Onunla Çelişen Ceza: Recm, *İslâm Hukuku Araştırmaları Dergisi*, 2003, vol. 2, p. 127.

²⁵ See The Qur'an, 2:4; 3:3

Qur'an.²⁶ Umar's general reference without citing a specific chapter of the Qur'an supports Hamidullah's argument.²⁷

Interestingly, none of the congregation, at the Friday prayer at which Umar spoke, rejected or even discussed Umar's assertion. Rather, according to the reports below, they all remained silent. This silence could be interpreted in two ways: Either they were unable to respond to his declaration because they were consigned to the silence of the Friday prayer;²⁸ or they all simply accepted what Umar told them. The thirteenth-century hadith scholar Nawāwī (d. 686/1287) supports the second explanation for the silence of the congregation, and concludes that it was evidence of the authenticity of the stoning punishment as Qur'anic verse. Since there was no rejection of the sermon, it should be considered *ijmā'*, as representing the consensus of the congregation.²⁹

However, the fifteenth-century jurist Ibn al-Humam (d. 861/1457) opposes Nawawī, stating that neither member of the congregation nor any companions of the Prophet support Umar's account. Umar's account is only one weak narrative, *ẓannī*, so "his account alone on the hidden verse discourse should not be considered strong enough to support acceptance of the stoning command as a Qur'anic rule. It would be better to accept this account as a hadith report on the subject, at the secondary level."³⁰ According to Ibn Humam, it was clear that it was a Prophetic Sunna, not a Qur'anic verse, to

²⁶ Muhammed Hamidullah, *Kur'an-ı Kerim Tarihi: Özellikleri, Tedvini, Türkçe ve Batı Dillerinde Yapılan Tercümeleeri*, tr. Salih Tuğ, Marmara Üniversitesi İlahiyat Fakültesi Vakfı yayınları, No: 57, (Istanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı [IFAV], 1993), pp. 91-92; Since the Prophet used the term "*Kitab Allah*" in the case Jewish execution because of adultery, Hamidullah argues that it would be addressing earlier books before the Qur'an. Further, Patricia Crone states "The stoning penalty reflects Pentateuchal doctrine, not Middle Eastern practice." (Crone, "Legal Problems," p. 87 and footnote 34).

²⁷ During caliph Umar's reign the Qur'anic text was considered in the *mushaf* form, bunch of papers. The Qur'an as a book form was considered after caliph Uthman's reign.

²⁸ This declaration took place in the last month of Umar's life. There are a couple of narratives that the congregation have dispute with the Caliph Umar during his Friday sermon. But these debates regarding caliph Umar's policy took place at the beginning of his reign, roughly ten years earlier than this declaration. It is known that caliph Umar established more bureaucratic system than Abu Bakr that it was not easy to dispute with him in his late caliphate.

²⁹ Muslim b. al-Hajjaj al-Qushayri, *Sahib Muslim: bi-sharh Muhyi al-Din al-Nawawi*, ed. Khalil Mamun Shiha, 19 volumes in 10 (Beirut: Dar al-Marifa, 1994), IX, 192.

³⁰ Ibn al-Humam, Muhammad b. Abd al-Wahid, *Sharh Fath al-qadir lil-ajuz al-faqir*, (Bulaq : al-Matbaa al-Kubra al-Amiriyya, 1315-1318 [1897-1900]. Beirut: Dar Sadir, [1972]) V, 230. Ibn Humam states, because of the weakness of the Umar's account, Caliph Ali explained that he applied the rajm punishment as a practice of the Prophet, and did not mention the hidden verse as a Qur'anic rule.

which Umar referred. However, Caliph Umar claimed that it was a command of God in His Book.³¹

If this was the case, then the stoning command would be Umar's singular interpretation of what the Prophet Muhammad applied before the Qur'anic verse on the subject, which is 100 lashes. Caliph Umar might have taken a temporary interpretation of the Prophet as permanent. Since he was not a *hāfiẓ*, one who knows the entire Qur'an by heart, he might have assumed that the Prophetic practice of punishment by stoning was a part of the Qur'an.

Narratives in other hadith collections, Abu Dawud's Sunan and Muwatta, imply that Umar resisted writing the stoning punishment into the Qur'an because he feared the people would fault him for it. Umar is reported to have said, "*If the people would not have said that Umar added something to the Book of God, I would have written it* [the stoning punishment into the Qur'an]."³² Although this quote certainly provides us with a good reason—fear—for Umar not to include the stoning punishment as a verse, it alone does not confirm that the verse existed though its text was abrogated. It only confirms that Umar was afraid to include it in the Qur'an without further supporting evidence.

And if we consider Umar's professed fear more deeply, it appears that there is an inaccuracy in the quotation above. Umar was the second Caliph of the first Islamic state and highly revered and respected by his people. Anything serious he would have said about the Qur'an would have been readily accepted by the community. Therefore he had—and knew he had—nothing to fear from the people had he decided to add the stoning punishment as a verse. However, if we grant the claim that the verse was indeed abrogated without legal force by divine revelation, then Umar *did* have to fear eternal damnation—not the fear of the people—for adding something that had been removed. While this scenario makes sense if it is conceded that the verse had been abrogated by revelation, it creates another dubious contradiction: that Caliph Umar would want to restore something that the Prophet had removed by command of God.

Although there is no Prophetic report of recording the stoning verse in the Qur'an first and removing it later, narratives do report that Caliph Umar actually intended to write the stoning verse into the Qur'an. In a report from Said b. Musayyab, it is said that Umar clearly stated his

³¹ Acar, "Zina Suçu ve Cezası," p. 151.

³² Azimabadi, Muhammad Shams al-Haqq, *Aḥm al-mabūd: sharḥ Sunan Abī Dāwūd*, ed. Abd al-Rahman Muhammad Uthman, 2nd edn. 14 vols. (al-Madina al-Munawwara: Maktaba al-Salafiyya, 1968-9) XII, 97-98; Malik b. Anas, *al-Muwattā*, II, 826.

intention to add the *rajm* verse: “*la katabtuhā fī āk̄bīr al-Kitāb*” (I would certainly write it [the stoning verse] at the end of the Book.)³³ In Ahmad b. Hanbel’s report there is a more detailed explanation, that Umar wanted to write it in the margins of the Qur’an, “*la katabtuhā fī nāhiya al-mushafī*” (I would write in the margins of the Qur’an.)³⁴ While these reports reflect Umar’s intention to record the stoning punishment in the Qur’an, they show he meant to write it *next to* the Qur’anic verses, not as one of them. In early periods of Islam as well as later, writing interpretive and supplemental notes in the margins, where it was clear they were not the Qur’anic text itself, was common.³⁵ Had he intended the verse to be included as Qur’anic text, he would have cited the chapter in which the stoning verse should appear.

Moreover, according to the reckoning of most scholars of Islam, the Qur’an had not yet been transformed into book format during Umar’s reign. Rather it was recorded on loose raw materials: skins, bones, leaves, woods, and so on. The raw materials were transferred to paper to create the first Qur’an in book form only after Umar’s reign, during the third Caliph Uthman.³⁶

If the Caliph Umar had known that the stoning punishment was ordained by an original Qur’anic verse, he would have—and should have—recorded the verse in the Qur’an without the need for further documentation; but he did not do it. When the Qur’an was first compiled during the reign of the first Caliph Abu Bakr, Zayd b. Thabit, companion of the Prophet, at least two witnesses from among the reporters of the Qur’anic verses were required to testify that the text in question originally had been written down in Muhammad’s presence.³⁷ Umar’s statement

³³ Ibn Hajar, *Fath al-Bārī*, II, 143.

³⁴ Ahmad b. Hanbal, *al-Musnad*, I, 23.

³⁵ Ibn Abd al-Barr, Abi Umar Yusuf al-Nimari al-Qurtubi, *Jāmi bayān al-ilm wa-fadlībi wa-mā yanbaghī fī riwāyatībi wa-bamlīb*, ed. Abd al-Rahman Hasan Mahmud, 2 vols. (Cairo: 1975, Dar al-Kutub al-Hadīthah) I, 63-72.

³⁶ Muslims believe that they have only one copy of the Qur’an which goes back to early Islam. It was compiled in reign of Caliph Abu Bakr, and was copied in the reign of Caliph Uthman. It is a common perception that the current copies of the Qur’an originate from Uthman’s copy; other compilation theories do not have enough evidence. Therefore, Muslims, both Shīi and Sunnī, generally speaking, have the same copy of the Qur’an. For further information about the counter thesis see: John Wansbrough, *Qur’anic Studies: Sources and Methods of Scriptural Interpretation*, London Oriental Series, 31 (Oxford: Oxford University Press, 1977)

³⁷ A public proclamation required whoever kept any portion of the Qur’an learnt directly from the Prophet to bring it forward, and to produce two witnesses who would confirm that they

implies that the verse it refers to was not recorded as a Qur'anic verse in the presence of the Prophet; therefore, Zayd did not accept it as a Qur'anic verse. However, there was an exception to this requirement: Zayd accepted verses 9:128-129 with only one witness.

Khuzayma b. Thabit al-Ansari, companion of the Prophet, stated that he heard verses Al-Tawba (9), 128-129 of the *Tawba* chapter from the Prophet, and had evidence that they were written in his presence. Zayd states this situation as follows: "I started searching in the Qur'an till I found the last two verses of the *Tawba* chapter as witnessed by Khuzayma, and I could not find these verses witnessed by anybody other than him."³⁸ Still he included what Khuzayma brought into the Qur'an without demanding any other witness. However, while Zayd accepted Khuzayma's claim, he did not accept Umar's under similar conditions. It was not the case that Umar was inferior to Khuzayma, but Umar did not have the written evidence that the verse he wanted included was written in the presence of the Prophet as a Qur'anic verse. However, classical explanation of this situation is explained in the *riḥāl* books of hadith literature as follow: Khuzayma is mentioned as a man whose testimony is equal to two men. It seems here that since Umar was alone in his report, his testimony was not accepted.

But, a hadith report from Aisha, the wife of the Prophet, states that Umar was not the only witness to refer to this stoning verse. She reported a lost Qur'anic verse about punishment by stoning. The narrative recounts that "a sheet on which two verses,³⁹ including the one on stoning, were recorded had been under Aisha's bedding, and that after the Prophet died, a domestic animal [*dājīn*] got into the room and gobbled up the sheet while the household was preoccupied with the Prophet's funeral."⁴⁰ Thus while Umar's account implies that the stoning verse was not recorded in the Qur'an, but was preserved as a hidden command, Aisha's report states that it was not a hidden verse, but one

had seen the particular verses in written form during the Prophet's lifetime. (Farid Esack, *The Qur'an: A User's Guide*, Oxford: Oneworld Publications, 2005, pp. 85-88.)

³⁸ Mukhsin Khan, *Bukhārī Translation*, 6:509; Ibn al-Athir, Izz al-Din Abi al-Hasan Ali b. Muhammad Abd al-Karim al-Jazri, *Usd al-ghābah fi ma' rifa al-sahāba*, 5 vols. (Cairo : Jamiyat al-Maarif, 1869-1871) II, 170-171; Darwaza, Muhammad Izzat, *al-Tafsir al-hadith : al-suwar martabatan hasab al-nuzūl*, 12 vols. (Cairo: Isa al-Babi al-Halabi, 1962-64) X, 9.

³⁹ Saeed states that the other verse in this text was "related to breastfeeding ('suckling' or *radā'*) and it is an example of complete abrogation: recitation and ruling together. (Saeed, Abdullah, *Interpreting the Qur'an: Towards Contemporary Approach*. London and New York: Routledge, 2006, p. 79.)

⁴⁰ Moderrisi, Hossein. "Early Debates on the Integrity of the Qur'an: A Brief Survey" *Studia Islamica*, No. 77 (1993) 5-39, pp. 10-11.

that was accidentally lost.⁴¹ The report of Aisha implies that the stoning verse had had written evidence that was lost in a reckless incident. Although there is a contradiction in terms of written copy of the stoning verse between these two accounts, the number of witnesses reached the necessary level, two, and at least the second one maintained that the stoning verse was written in the presence of the Prophet. It seems that the requirements for recording a verse in the Qur'an became stricter than those applied to Khuzayma. Zayd did not even accept Umar's and Aisha's records together as proof of a Qur'anic verse. If these two well-known companions of the Prophet declared that stoning was a Qur'anic command, Zayd could not be against them; but he was.

One can surmise that Umar tried to convince Zayd that the stoning command was a Qur'anic verse; but resources did not mention any similar attempt made by Aisha. She had such a strong character that she did what she believed even though her decisions might lead to huge disagreements and clashes within the Muslim community.⁴² The hadith collections are full of narratives describing her reproofs of the Prophet's companions and the second generation of the Muslim community. If Aisha knew that the hidden verse discourse were part of the Qur'an, she would have made sure it was transcribed in copies of the Qur'an; but she never made any such attempt.

According to the commentator al-Zamakhshari (d. 538/1143) the narrative regarding Aisha's account is a fabrication of the Rafidites, the Imamate Shi'ites.⁴³ Most probably, because of al-Zamakhshari's commentary, the narrative of Aisha's was not considered as seriously as was Umar's report in later periods.

Thus, neither Umar's nor Aisha's narratives were sufficient to convince Zayd to record the verse about stoning as a Qur'anic verse. Since Umar and Aisha were each alone in their narratives, and the narratives contradict each other in terms of their recording nature, they are considered in hadith literature as *habar al-wāhid*, individual reports, which are not considered substantial

⁴¹ However, according to Moderrisi, Aisha's and Zayd b. Thabit's accounts supported Umar's account on the subject (Moderrisi, "Early Debates" p. 27)

⁴² Aisha was on the one side of the first civil war in the history of Islam. She insisted that the criminals who killed the third Caliph Uthman should be found and punished immediately before anything else. However the fourth Caliph Ali who succeeded Uthman was trying to stabilize the Muslim community first, and then he was planning to punish responsible culprits. Consequently these two different opinions brought the Muslim community to its first civil war, Battle of Camel.

⁴³ Zamakhshari, Abi al-Qasim Jar Allah Mahmud ibn Umar, *al-Kashshāf 'an haqāiq al-tanzīl wa-nyūn al-aqāwīl fi wujūh al-tawīl*, ed. Abd al-Mawjud Muhammad Muawwad, 6 vols. (Riyadh: Maktabat al-Ubaykan, 1998) V, 41-42.

enough for a new command to be integrated into the Qur'an. According to Abu Ishaq al-Shatibi (d. 790/1388) "authorities agreed that *habar al-wāhid*, individual reports, cannot add to or change the Qur'anic judgment."⁴⁴ These reports, individual narratives,⁴⁵ both challenge the Qur'anic punishment of adultery of 100 lashes.

Although neither Umar's nor Aisha's accounts of the stoning verse were taken as reliable enough to warrant recording it as a Qur'anic verse, there are other reports of the stoning verse as a lost part of the 33rd chapter of the Qur'an, *al-Ahzāb*

The Length of the Ahzab Chapter in the Qur'an

One of the most frequent arguments for the existence of a hidden verse on the stoning punishment in the Qur'an is the claim that the Ahzab chapter was originally longer, and that the hidden verse was included in it. It is argued that this chapter of the Qur'an originally had 200, 330-370 verses, or double the number of verses, before a substantial number of them were expunged. According to this view, all but 73 verses (this is the current number in the chapter) were abrogated, and the stoning verse was among them. That around two hundred or more verses, a substantial portion of the Qur'an, were missing was realized only by one or two companions of the Prophet, and none of these few reports is a direct narrative from the Prophet. This lack of evidence from the Prophet implies that the defenders of the so-called "longer" Ahzab chapter insisted on their opinion without relying on solid prophetic tradition. Moreover, this discussion did not arise in the first three centuries of Islam, but in later centuries.

Generally speaking, classical commentators do not discuss the alternative length of the Ahzab chapter. Some of them do not touch on the subject at all; some just mention the accounts; and a few of them comment on relevant reports. In the prefaces of their books, Muqatil b. Sulayman (d. 150/767), and Ibn Jarir al-Tabari (d. 310/923) do not refer at all to the previous length of the chapter and the hidden verse as among its verses. Two famous authorities of the abrogation genre, al-Nahhas and Ibn Hazm, also do not mention the previous length of the Ahzab chapter, nor any but two of its numerous abrogated verses, and those two are irrelevant to the

⁴⁴ Al-Shatibi, Abu Ishaq Ibrahim b. Musa, *al-Muwāfaqāt fī usūl al-Shariyah*, ed. Abd Allah Darraz, Muhammad Abd Allah Darraz, and Abd al-Salam Muhammad, (Beirut: Dar al-Kutub al-Ilmiyya, 2009), p. 530.

⁴⁵ Yusuf Ziya Keskin, *Reem Cezası: Ayet ve Hadis Tablilleri*, (Beyan Yayinlari: Istanbul, 2001), pp. 108-109.

stoning discourse.⁴⁶ The authorities' lack of interest in the previous length of this chapter creates doubts in the textual abrogation without legal force of the stoning verse and the chapter's other missing verses as well.

While earlier commentators are silent on the subject, their later counterparts mention the length of this chapter and the missing part of it.

Ibn Kathir (d. 775/1373) cites reports of the chapter's previous length from Ahmad b. Hanbal's (d. 241/855) and al-Nasai's (d. 303/915) hadith collections, and concludes that the stoning punishment was a Qur'anic command at the beginning, but its text and judgment were later abrogated altogether.⁴⁷ His interpretation eliminates the possibility of the hidden verse discourse in the Qur'an, an abrogation of the verse as well as its legal power; while he defends the Prophetic tradition as the source of the stoning punishment.

Al-Suyuti (d. 849/1445) cites almost all reports on the subject without commenting on any of them.⁴⁸ In *al-Itqān fī 'ulūm al-Qurān* he concludes that the third type of abrogation of the hidden verse discourse was intended to reduce the harshness of the stoning punishment for the sake of the Muslim community. He does not explicitly defend this type of abrogation; rather he points out its implicit contradictions.⁴⁹

Although some classical commentators and scholars are interested in the so-called extra length of the Ahzab chapter without identifying the subjects of its other abrogated verses,⁵⁰ their modern period counterparts are not. Some of them criticize the fact that only one verse among several hundred seems to have survived. The fact that the rest of them were lost or unnoticed calls their existence into question. Modern commentators consider the hidden verse discourse strange, adding that if there is truth to it, it would create serious doubt about in the methods of compilation and preservation of Qur'anic texts.

⁴⁶ These two verses are 33:48 and 50. al-Nahas, *al-Nāsikh wa al-mansūkh*, p. 625; Ibn Hazm, *al-Nāsikh wa al-mansūkh*, IX, 51.

⁴⁷ Ibn Kathir, Abu al-Feda Ismail ibn Umar ibn Kathir al-Qurashi, *Tafsīr al-Qurān al-azīm*, ed. Sami ibn Muhammad al-Salamah, 8 vols. (Riyadh: Dar Tibah, 1997) VI, 378.

⁴⁸ al-Suyuti, Jalal al-Din Abd al-Rahman, *al-Durr al-manthūr fī al-tafsīr bi-al-mathūr*, ed. Abd al-Razzaq al-Mahdi, 8 vols. (Beirut: Dar Ihya al-Turath al-Arabi, 2001) VI, 492-494.

⁴⁹ Al-Suyuti, Jalal al-Din Abd al-Rahman, *al-Itqān fī 'ulūm al-Qurān*, ed. Muhammad Abu al-Fadl Ibrahim, 2nd edn. (Tehran: Manshurat al-Radi, 1984) III, 86-87.

⁵⁰ Ibn Jawzi states that all other verses were abrogated in a night. Ibn Jawzi, Abu al-Faraj Abd al-Rahman ibn Ali, *Nawāsikh al-Qurān*, ed. Muhammad Ashraf Ali al-Malabari, 2nd edn. 2 vols. (Medina: al-Jamia al-Islamiyyah, 2003) I, 160.

One of the pre-modern period commentators, Shawkanī (d. 1250/1834), mentions almost all reports of the hidden verse at the beginning of the Ahzab chapter, but he chooses not to comment on them.⁵¹ This may imply either that he is not clear on the subject, or that he cannot reconcile the narratives to his own ideas on the subject. Al-Alusi (d. 1271/1854) reports from al-Tabarsi (d. 548/1153) that the number of verses in the Ahzab chapter is 73, and there is a consensus, *ijmā*, on this point. Al-Alusi mentions the narratives around the claimed previous length of the chapter and the hidden verse⁵² without commenting on them.

Qasimi (d. 1332/1914) mentions Ahmad b. Hanbal's report from Ubay b. Ka'b regarding the hidden stoning verse without commenting on it. However, he does quote Ibn Kathir's statement that "the stoning verse existed in the Qur'an, but later both text and judgment were abrogated" as a strong argument against the hidden verse discourse. However, he adds that, this complete abrogation thought by Ibn Kathir of the stoning verse is not reported by reliable sources, so it is open to question.⁵³

Mawdudi (d. 1399/1979), who presents a wealth of background information at the beginning of each chapter, does not mention the previous length of the Ahzab chapter at the beginning of the Ahzab chapter. He provides at least ten pages of background information about the chapter and its occasion of revelation; but he is silent about its supposed previous length.⁵⁴

Izzat Darwaza (d. 1404/1984) considers these narratives weak and without coherent explanation of the previous length of Ahzab chapter. He quotes from *al-Itqān* by al-Suyuti in which Aisha is said to affirm that "during the lifetime of Muhammad this chapter was about 200 verses, although when Uthman collected the Qur'an, she [Aisha] found [the Qur'an] what was available in his text." Darwaza comments as follows: "It is a fact that the text of the 'Uthmanic *mushaf* was adapted from the text that was created during the caliph Abu Bakr's reign (10-12/632-634), and there

⁵¹ Al-Shawkanī, Muhammad ibn Ali ibn Muhammad, *Fath al-Qadīr : al-Jāmi bayna fannay al-rivāya wa-al-dirāya min ilm al-tafsīr*, ed. Samir Khaled Rajab, 5 vols. (Beirut: Dar Ihya al-Turath al-Arabi, 1998) IV, 281.

⁵² Al-Alusi, Abu al-Fadl Shihab al-Din al-Sayyid Mahmud al-Baghdadi, *Rūb al-maāni fī tafsīr al-Qurān al-‘azīm wa-al-sab al-mathāni*, ed. Ali al-Bari Atiyah, 16 vols. (Beirut: Dar al-Kutub al-Ilmiyah, 1994-1996) XI, 140.

⁵³ Al-Qasimi, Muhammad Jamal al-Dīn, *Tafsīr al-Qāsimi, al-musanima mabāsīn al-tawīl*, ed. Muhammad Fuad Abd al-Baqī, 17 vols. (Cairo: Dar Ihya al-Kutub al-Arabiyyah 1957-70) XIII, 4821.

⁵⁴ Mawdudi, *Tafhīm al-Qur' ān: Sūra al-ahzāb*, (Cairo: al-Mukhtar al-Islami, 1980), VII, 29.

is no possibility that a big portion of the chapter was lost. [Moreover], Aisha has a strong intellect in terms of Qur'anic and Prophetic references. It cannot be reasonable from such a character that she kept her silence about this loss, or that she ignored revealing her objection to it."⁵⁵

Although modern scholars oppose the hidden verse discourse, some sources cite attempts to record the verse in the Qur'an during the formation period.

Recording the Hidden Verse in the Qur'an

While the hidden verse discourse depends on weak and contradictory narratives, the claimed verse on the subject, stoning to death, supposedly ran thus:

"Al-saybku wa al-shaykbatu idbā zanayā farjumūhā al-battate nakālan min Allāh wa Allāhu Azīzun Hakīm" (If the shaykh (elderly man) and the shaykha (elderly woman) commit adultery, stone both of them outright as an exemplary punishment from God. God is mighty, wise.)⁵⁶

In addition to the report of Umar's campaign to institute the verse, a debate arose between Marwan b. Hakam (d. 65/685) and Zayd, the director of the collection of Qur'anic verses. According to the story, when Zayd was compiling the Qur'an, he did not include the so-called stoning verse, the hidden verse. This exclusion led Marwan to ask Zayd: "Why don't you write the stoning verse into the Qur'an?" Zayd replied: "No! Don't you see that married young adulterers are stoned?"⁵⁷ Here, he was referring to his disagreement with the expression *"al-shaykh wa al-shaykha"* (elderly man and woman) that refers only to elderly adults, and does not specify whether they are married or unmarried committers of adultery. And since, according to later developments in the Islamic tradition, only married adulterers would be sentenced to stoning, young married adulterers would be stoned as well as elderly ones; but this expression of the hidden verse does not make this distinction. Zayd wanted to point out this challenging vagueness.⁵⁸ But

⁵⁵ Darwaza, *al-Tafsīr al-Hadīth*, VIII, 238-239.

⁵⁶ Al-Qurtubi, *Abkām al-Qur'an*, XVI, 113; Ibn Kathir, *Tafsīr*, IV, 466; Ahmad b. Hanbal, *Musnad*, V, 132; Madigan, *Self Image*, p. 31.

⁵⁷ Marwan was born in 624, the second year of the hijra. When the Prophet passed away he was only 8-9 years old. How does a child argue a serious issue with Zayd b. Thabit and Umar in this age? Probably this debate took place in later period during the Abu Bakr's or Umar's reign. Moreover, the Prophet exiled his father Hakem to Taif and he came back to Medina during the reign of the Caliph Uthman, after the death of the Caliph Umar. (Irfan Aycan, "Mervan b. Hakem" *Diyanet Islam Ansiklopedisi*, XXIX, 225-227)

⁵⁸ The person who had the marriage experience in his/her life at least once. Divorced couples also are considered as married category in Islamic law.

Marwan did not accept Zayd's perspective, and since he was not able to resolve his conflict with Zayd, he went to Umar and informed him of the dispute. Umar recounted what had happened when he brought the issue to the Prophet Muhammad and asked Him to write the verse in the Qur'an.⁵⁹

Narratives indicate that Umar (it is not clear whether related to the story above or not) asked the Prophet at least twice to write down the stoning punishment in the Qur'an; but the Prophet refused to do so.⁶⁰ Hadith compiler al-Nasai recorded the Prophet's response to Umar as "*lā astat̃ īu,*" (I cannot do that).⁶¹ In another hadith text, the narrator described the Prophet Muhammad's response to Umar as: "*fa kaannabū karīha dhālika,*" (He seemed to disapprove of it).⁶² What do these two refusals mean? Why didn't the Prophet Muhammad give orders for the verse to be written down? If it were truly a Qur'anic verse, he easily could have – and would have – ordered a *katīb* (scribe) to record it, as he did often for other Qur'anic verses. Indeed, as the Qur'an itself explains, the Prophet was required by God to transmit everything that was revealed to him and to hide nothing. He must have had good reason not to record Umar's claim as a verse, since not recording something that was divinely revealed would have constituted an abandonment of his prophetic duty.⁶³ Therefore, it seems most likely that, except in Umar's or the narrator's mind, the so-called stoning verse simply never existed and never should have been claimed to exist in the Qur'an.

Now while the evidence seems to indicate that the stoning command was never versified in the Qur'an at any time, there are some other reports that claim that the Prophet Muhammad orally recited the phrase above. Indeed, according to one report, Zayd claimed that he heard the stoning expression directly from the Prophet, but then he did not write it into the Qur'an as a verse.⁶⁴ But if he had heard the expression as a Qur'anic verse from the Prophet, he would have written it into the Qur'an unless he had

⁵⁹ al-Nasai, *al-Sunan*, IV, 271; Ibn Hajar, *al-Fath al-Bārī*, XII, 143.

⁶⁰ For more info about these two reports see: Taqi al-' Uthmani, Muhammad, *Takmilat Fath al-Mulhim bi-sharh Sabīh al-Imām Muslim*, 6 vols. (Damascus: Dar al-Qalam, 2006) II, 246. He concludes that these two reports show that the so-called verse was never been in the Qur'an.

⁶¹ al-Nasai, *al-Sunan*, IV, 271.

⁶² Ibn Hajar, *Fath al-Bārī*, XII, 143.

⁶³ This command appears in the following passages in the Qur'an: "O Messenger! deliver what has been revealed to you from your Lord; and if you do it not, then you have not delivered His message" 5:67; "And if the messenger was to invent any sayings in Our name, We should certainly seize him by his right hand, And We should certainly then cut off the artery of his heart" *The Qur'an*, 69:44-46.

⁶⁴ al-Hakim al-Nisaburi, Muhammad ibn Abd Allah, *al-Mustadrak ala al-Sahīhayn fi al-badīth*, 10 vols. in 5 (imprint 1915-1923) VIII, 211.

been told otherwise by the Prophet. Moreover, Umar's and Aisha's accounts, mentioned above, would support his recording it into the Qur'an. But Zayd didn't write it even when Umar asked him to do so, which is to say that Zayd did not treat the stoning discourse as Qur'anic verse even with three witnesses, including himself. This leads to the conclusion that Zayd had ample reason to decide that the stoning punishment should not be included among the Qur'anic verses. It seems that Zayd considered the stoning punishment as an individual and contradictory case.

The hidden verse is cited as a hadith, not as Qur'anic verse.⁶⁵ Few Qur'anic scholars address the ambiguities and disagreements associated with the stoning verse. Ibn Hajar, (d. 904/1449), in his Bukhari commentary, gives both hadith and verse versions of the stoning command. Then he gives one more example to support the verse version: Usama b. Sahl's aunt recounts that "*The Prophet Muhammad recited the verse of stoning to us.*" Ibn Hajar concludes that the stoning verse was not recorded because of its literal contradiction, that there was an unresolved ambiguity about the origin of the stoning punishment that Muslim scholars were still arguing.⁶⁶ Some of the scholars were not sure whether it was a verse or a hadith. Historian and commentator al-Tabari wrote that the Prophet Muhammad applied the stoning punishment in accordance with earlier revealed texts, but not as a command of the Qur'an. Al-Tabari concludes that Muslim scholars disagreed on whether Muhammad intended the stoning punishment to be mandatory or optional.⁶⁷

While the custom of writing was not common at the very beginning of Islam, the Prophet encouraged his companions to record the Qur'anic revelations. Most probably to keep revelation from adulteration, the Prophet asked his companions to record and preserve only the Qur'anic verses that came through him. To make this point stronger, the Prophet said: "*Whoever has written anything from me other than the Qur'an should erase it.*"⁶⁸ This prophetic order is interpreted by Nawawi as follows: There was a fear

⁶⁵ Muslim, the hadith compiler, reports another example for the unclearness of statement; some compilers narrate this phrase as a hidden verse or totally abrogated one. "Anas b. Malik reported Allah's Messenger (may peace be upon him) as saying: 'If there were two valleys of gold for the son of Adam, he would long for another one. And his mouth will not be filled but with dust, and Allah returns to him who repents.' Anas adds another version in the same chapter 'I heard the Messenger of Allah (may peace be upon him) as saying this, but I do not know whether this thing was revealed to him or not, but he said to.'" (Muslim, *Sahih*, Kitab al-Zakat, 37)

⁶⁶ Ibn Hajar, al-Asqalani, *Fath al-Bari*, XII, 143.

⁶⁷ Al-Tabari, *Jami al-Bayan*, XII, 243

⁶⁸ Muslim, *Sahih*, *Kitab al-zuhd*, 17.

that the words of the Prophet might be confused with the Qur'an. He meant that the Qur'anic materials and the Prophetic interpretation of them should not be written on the same place.⁶⁹ According to the traditional view, the Prophet ordered Qur'anic verses to comprise the body of the Qur'an. He did not permit his companions to record his own speech and God's, the Qur'anic verses, in the same place. This was exemplified in the case of Umar, when he asked the Prophet to record the stoning punishment in the Qur'an; but since it was a temporary Prophetic command, and not a Qur'anic verse, the Prophet did not permit it to be recorded in the Qur'an.

It was probably for this reason that the stoning command was not recorded among the Qur'anic verses at any time. Umar's wording, "*If the people would not have said I would have written it,*" supports this perspective. After referring to the 57 scribes of the Prophet, one of the contemporary scholar M. Mustafa al-Azami states, "Based on the total number of scribes, and the Prophet's custom of summoning them to record all new verses, we can assume that in his own lifetime the entire Qur'an was available in written form."⁷⁰ Muslims commonly accept that no one has authority to add or extract any verse from this Qur'anic copy. In other words, ideally, if this verse were among the Qur'anic verses, no one could remove it; if it were not there, no one could insert it. Therefore if it were a Qur'anic verse, a hidden verse, the third type of abrogation, as is claimed, Umar should have asked the Prophet not to remove it from the Qur'an. Instead he asked the Prophet to record it, and the Prophet did not do so because it was not a Qur'anic verse. It seems that this so-called hidden verse did not have any Qur'anic base, but Umar wanted strong support for this punishment because of the circumstances that the Muslim community faced during his reign.⁷¹ According to some accounts, as we discussed above, he maintained his argument even after the Prophet's death.

⁶⁹ Nawawi, *al-Minhāj*, XVIII, 329; Fuat Sezgin, *Buhārī'nin Kaynakları Hakkında Araştırmalar*, Ankara Üniversitesi İlahiyat Fakültesi Yayınları, No:13 (Istanbul: Ibrahim Horoz Basimevi, 1956), pp. 4-5.

⁷⁰ Al-Azami, Muhammad Mustafa, *The History of the Qur'anic Text: From Revelation to Compilation: A Comparative Study with the Old and New Testaments*, (Leicester: UK Islamic Academy, 2003), p. 69.

⁷¹ New invasions to wealthy lands, Mesopotamia, increased the new Muslim community's life standard and brought new complicated problems from the abroad to the centre. Caliph Umar separated judiciary from the executive, and created the police department, *Abdāth* to cope with new problems. [Shibli Numani, *Umar the Great: The Second Caliph of Islam*, tr. Maulana Zafar Ali Khan [and Muhammad Saleem] , (Lahore: Sh. Muhammad Ashraf Press, [1956-57]) pp. 276-80; Musulmani, Malik, ' *Umar ibn al-Khattāb : al-sīra wa-al-mutawārīḡa*, (Dar al-Hiwar, 2006), pp. 257-262.

Earliest sources about the circumstances of the Qur'an's revelation do not allude to the hidden verse. All narratives about stoning appear in the hadith literature, which indicates that it was a temporary practice of the Prophet, based on hadith. Probably the Prophet decided on this practice based on the circumstances of the times and on law before the final revelation on the subject in al-Nur, (24) 2. Umar perceived it as part of the Qur'anic revelation and did not want to revise his understanding.⁷²

Along with the many contradictions among the accounts of the hidden verse, the hidden verse discourse created another conflict among Muslims about preserving the Qur'anic text. It was a common belief among Muslim scholars and the public that God has guarded, guards, and will continue to guard the Qur'an from any adulteration, from the time of its revelation until the End of the Day. The Qur'an, al-Hijr (15) 9, states, "*We have, without doubt, sent down the message; and we will assuredly guard it [from corruption]*" thus giving a foundation to this theological opinion. The assumption of the hidden verse, along with the other missing parts of the Ahzab chapter, disagrees with this Qur'anic verse.

Thus discussion of the source of stoning command became problematic in the eyes of early Qur'anic scholars, impelling them to develop a new interpretation to resolve the ambiguity and disagreement between the Qur'anic text and the hadith reports on the subject. This new interpretation claimed that a verse could be literally abrogated, or expunged, without losing its meaning and legal force. Madigan describes this outlook as an attempt to reconcile the authority of the Prophetic Sunna and the Qur'anic verses on the subject of stoning.⁷³ Many companions witnessed that the stoning punishment was carried out during the time of the Prophet and first four caliphs. Taqi al-Uthmani (b. 1930-) reports 52 accounts of a couple of stoning cases in the first century of Islam.⁷⁴ These narratives still exert a huge pressure on contemporary scholars of the Qur'an seeking a clear-cut explanation of the stoning issue, and to create a reasonable interpretation of other Qur'anic verses on the subject.

Conclusion

The hidden verse discourse concerning the punishment of *rajm*, stoning to death for the crime of adultery, has no Qur'anic basis. It was never versified in the Qur'an by the Prophet. While the root *r/j/m* does

⁷² al-Tabari mentions a narrative regarding the source of this verse. According to this report so-called *rajm* verse is a Biblical origin. (Tabari, *Tafsir*, V, 151)

⁷³ Madigan, *Self Image*, p. 31.

⁷⁴ Taqi al-Uthmani, *Takmilatu Fath al-Mulhim*, I, 249-252.

occur explicitly in the Qur'an fourteen times, the various usages of this word do not refer precisely to punishment by stoning for adultery. This lack of explicit evidence can only lead to the conclusion that there is no verse sanctioning stoning as a punishment for adultery in the Qur'an.

Although the stoning punishment does not appear explicitly in the Qur'an, some scholars of Islam, beginning in the fourth century, claim that at one point there was such a verse, but its textual reference was abrogated later. They claim that it became a command of the Qur'an without any textual reference to it, a hidden verse, so that its legal force was exerted as an unseen entity. They stated that a hidden verse is a type of *naskh*, abrogation, of which stoning punishment is only one example. Therefore, they argued, the stoning verse had once appeared in the Qur'an, but it was later abrogated, although its legal power remained.

Defenders of the hidden verse discourse argue that there are three main supportive sources: Caliph Umar's report on stoning punishment as a command from God, Qur'anic verse; the alleged previous length of the Ahzab chapter (33), with its numerous abrogated verses, of which the stoning verse was one; and finally, a couple of attempts to record the stoning verse into the Qur'an. However, the perspective of each of these three sources is flawed.

First, there is no clear and strong hadith report of the Prophet regarding the abrogated stoning verse. Only the Caliph Umar stated that it was a Qur'anic verse, and then only in the course of one of his last sermons regarding political issues and the election process of the new caliph; which weakens the reliability of this report. This sole and weak narrative, *zanni*, concerning the hidden verse was not considered strong enough to make the stoning punishment acceptable as Qur'anic up to the fourth century of Islam. Most probably, later attempts at reconciliation created "the hidden verse discourse" by elevating this frail reference with a third type of abrogation theory, textual abrogation without legal sanction. However, this type of abrogation is the weakest type of abrogation. Both the weakness of his arguments and the many contradictions within it are stacked against the claim of Umar, making it 'impossible' to accept it as Qur'anic verse.

Second, very few companions of the Prophet confirmed the argument that the stoning punishment is the sole survivor of around 200 otherwise unidentifiable abrogated or lost verses from the Ahzab chapter. Therefore none of the early commentators up to the fourth century accepted this narrative, and the majority of later commentators cited it only as a spurious report, or ignored it completely. There is no consensus regarding the lost part, but commentators all agree on the number of verses that now comprise this chapter, which is 73. Early scholars of Islam up to 11th century explicitly, and

majority of them later implicitly do not accept the claim of large lost section of this chapter. Thus, the argument of the lost chapter section is even weaker than Umar's claim as concrete evidence of the existence of the hidden verse.

Third, there is no evidence to prove that the stoning verse was recorded as a Qur'anic verse during the first century of Islam. Neither the Prophet nor Zayd b. Thabit, the head of the compilation committee, gave an order to record the stoning punishment as a Qur'anic verse. Although Umar strongly urged the recording of the stoning command as a Qur'anic verse, the Prophet Muhammad did not grant his request. Since the Prophet did not permit him to record this punishment as a Qur'anic verse, it follows that no one has a right to do it. Islamic theology teaches that the Qur'an is under the protection of God. The hidden verse discourse and reports concerning it go against the teaching that stems from verse 15:9: "*We have, without doubt, sent down the message; and we will assuredly guard it [from corruption]*)"

None of these three arguments offers concrete evidence to verify that the stoning punishment was a Qur'anic verse. And, according to the Qur'anic point of view, the Prophet had no right to add or change any Qur'anic verse based on his own or one of his companion's individual desires. It is most likely that the stoning command came to be considered a Qur'anic verse by scholars only after the fourth century and only because of the incredible amount of attention that it received in hadith narratives. However, none of the interpretations that these later scholars produced is strong enough to justify the stoning command as a Qur'anic verse.

Therefore, it is reasonable to conclude that the argument for literal abrogation without legal force, which has only one example, that of the stoning to death of adulterers, is a conception of early Qur'an commentators in their effort to reconcile the disagreement between Prophetic practice and the Qur'an concerning the punishment for adultery.

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