

Question 1685) - Why have you stipulated that the couple be people who can testify and that the woman be such whose slanderer is punished?

A: If the husband is a slave, or Kafir,* or has been punished for slander before accuses his wife of adultery, then he will be punished for slander without resorting to Li'an. If the husband is a man who can testify but she is a slave, Kafir, punished for slander, or a woman whose slanderer is not punished*, then there is neither Hadd upon him nor Li'an.*

* She became Muslim and he accused her of adultery before he was presented with Islam [al-Bahr (125/4)]

* i.e. she must be a chaste woman.

* No Hadd but because he has blemished her so he will be punished otherwise by Ta'zir.

~ al-Quduri~