205722 - Ruling on flogging a person who insulted Allah, may He be exalted, when he was intoxicated

the question

Is it permissible to flog a person who insulted Allah, may He be exalted, when he was in a state of intoxication?

Detailed answer

Praise be to Allah.

Firstly:

Consuming intoxicants is a major sin; intoxicants are the mother of all evils and a means that lead to reprehensible deeds and sin.

Secondly:

The intoxicated person is not to be brought to account for what he says when he is in an intoxicated state, because he is not in his right mind.

Ibn al-Qayyim (may Allah have mercy on him) said:

With regard to the intoxicated person, Allah, may He be exalted, says (interpretation of the meaning):

“O you who believe! Approach not As-Salat (the prayer) when you are in a drunken state until you know (the meaning) of what you utter”

[an-Nisa’ 4:43].

No ruling can be applied to the words of one who is intoxicated unless he is aware of what he is saying. Hence the Prophet (blessings and peace of Allah be upon him) instructed that the breath of

a man who admitted to zina should be smelled, to find out whether he knew what he was saying or not. And he did not punish Hamzah for saying, when he was in an intoxicated state [before the prohibition on intoxicants was revealed], “Are you any more than a slave of my father?” And he did not denounce as a kaafir the one who recited in the prayer when he was intoxicated, “I worship that which you worship, and we worship that which you worship.”

End quote from I‘laam al-Muwaqqi‘een, 3/87

Ibn ‘Uthaymeen (may Allah have mercy on him) said:

The correct view is that if a person consumes intoxicants even though that is forbidden, he is not to be punished with more than that which is mentioned in sharee‘ah, which is forty lashes, or eighty lashes, or more than that, depending on what will serve to deter people from drinking or consuming these haram things. With regard to taking him to task for his words or actions when he was not in his right mind, that is not possible. End quote.

Ash-Sharh al-Mumti‘, 14/443

If a person insults Allah, may He be exalted – Allah forbid – in a state of intoxication in which he does not know what he is saying, then he is not to be deemed a kaafir. Shaykh Muhammad al-Mukhtaar ash-Shinqeeti (may Allah preserve him) said:

The drunkard (or one who is in a state of intoxication) is not to be deemed an apostate if, whilst in an intoxicated state when he is not in his right mind, he says or does something that implies apostasy, because Allah, may He be exalted, (interpretation of the meaning):

“O you who believe! Approach not As-Salat (the prayer) when you are in a drunken state until you know (the meaning) of what you utter”

[an-Nisa’ 4:43].

Here Allah, may He be glorified and exalted, explains that the one who is in a state of intoxication does not know what he is saying, and the one who does not know what he is saying cannot be

taken to task for what he says. End quote.

Sharh Zaad al-Mustaqni‘, 9/396

Thirdly:

If people come across someone who is in this state, they should not beat him or flog him and so on, because carrying out the hadd punishments or disciplinary punishments (ta‘zeer) are matters to be dealt with only by the proper authorities.

Ibn Rushd said: As for who should carry out this hadd punishment – i.e., flogging one who drinks or consumes intoxicants – (the scholars) are unanimously agreed that it is the ruler who should carry it out, and this applies to all the hadd punishments.

Bidaayat al-Mujtahid, 2/233

And Allah knows best.