

13233 - Description of flogging for an unmarried person who commits zina

the question

The punishment for zina For unmarried person as in islam is

“The fornicatress and the fornicator, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allaah” [al-Noor 24:2]

For this punishment to be applicable, Allaah has laid down the condition that the act be witnessed by four men whose word can be trusted; a confession does away with the requirement of four witnesses.

1) My quistion is after 100 lashes the genrally(if person is of normal personality or not very strong) the man will remain alive or not ?

2) How hard or powerful this lashes will be? is there any standard to apply so much strength on each lash?.

Detailed answer

Flogging in the case of hudood punishments is not meant to kill, rather it is intended as a form of discipline and rebuke, and to purify the person of sin. Hence many fuqaha' have pointed out that it must be done with moderate force, and the person carrying out the punishment should not raise his arm so high that his armpit shows, and he should not use a new whip, or strip the person of his clothing unless it is something like a thick coat, which should be removed. The person being punished should be flogged standing, according to the majority of scholars; he should not be made to lie down and he should not be bound, and blows to the face, head and genitals are to be avoided.

Ibn Qudaamah (may Allaah have mercy on him) said: Rather the blows should be distributed all over the body, so that each limb will have its share, but most of them should be on the fleshy parts such as the buttocks and thighs, and the sensitive areas should be avoided, namely the head, face and genitals of men and women alike.

He said concerning the person being punished that he should not be made to lie down, or be bound, and we do not know of any difference of opinion concerning that.

Ibn Mas'ood said: It is not prescribed in our religion to make the offender lie down or to tie him up or remove his clothing. The companions of the Messenger of Allaah (peace and blessings of Allaah be upon him) flogged offenders but there is no report that any of them made the offender lie down or tied him up or removed his clothing.

His garment should not be removed, rather he is it acceptable if he is wearing one or two garments, but if he is wearing a thick coat, it should be removed, because if it is left on he will not feel the blows. Ahmad said: If winter garments are left on him, he will not feel the blows. Malik said: His clothes should be removed [apart from that which covers the 'awrah], because the command to flog implies that the blows should be directly to his body. We have the view of Ibn Mas'ood, and we do not know of any of the Sahaabah who differed with him. Allaah did not command us to strip the offender, rather he commanded us to flog him, so whoever is flogged through his clothes has been flogged.

And he said: Once this is established, then the whip should be of moderate quality, not so new that it would cause injury and not so worn out that it hardly hurts him. It was narrated that a man confessed to the Messenger of Allaah (peace and blessings of Allaah be upon him) that he had committed zina, so the Messenger of Allaah (peace and blessings of Allaah be upon him) called for a whip and he was given a broken whip. He said, "Better than this." So he was brought a brand new whip. He said, "Something between these two." Narrated by Malik from Zayd ibn Aslam in a mursal report; and it was narrated from Abu Hurayrah in a musnad report.

It was narrated from 'Ali (may Allaah be pleased with him) that he said: Moderate blows with a moderate whip. Not so harsh as to kill and not so weak as to be no deterrent. He should not raise

his arm completely, or keep it so low that it causes no pain. Ahmad said: His armpit should not show in any of the hudood punishments, i.e., he should not raise his arm so high, because the point is to discipline him, not kill him.

From al-Mughni, 1/141-142.

From the above it is clear that an ordinary person will not usually be killed by flogging; the purpose is to serve as a rebuke and discipline. And the believers should witness this punishment, as Allaah says (interpretation of the meaning):

“The fornicatress and the fornicator, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allaah, if you believe in Allaah and the Last Day. And let a party of the believers witness their punishment”

[al-Noor 24:2]

And Allaah knows best.