

21058 - The punishment for lesbianism

the question

I know that homosexuality is haram, but I wanted to know the punishment for it. I was told by a fellow sister that it is the same as if someone committed zinah. The lashing if you are unmarried, and stoning if your married. So which is correct for the punishment of this great sin?????

Detailed answer

Praise be to Allah.

Lesbianism means a woman having sexual relations with another woman. This is undoubtedly haraam, and some scholars regard it as a major sin.

See al-Zawaajir 'an Iqtiraaf al-Kabaa'ir, no. 362.

The imams are agreed that there is no hadd punishment for lesbianism because it is not zina (unlawful sexual intercourse), rather it is to be punished with a ta'zeer punishment in which the judge punishes the one who does that with a punishment which will deter her and others from doing this haraam action.

It says in al-Mawsoo'ah al-Fiqhiyyah (24/252):

The fuqaha' are agreed that there is no hadd punishment for lesbianism, because it is not zina. Rather a ta'zeer punishment must be imposed, because it is a sin.

Ibn Qudaamah said (9/59):

If two women engage in lesbian sexual relations, then they are guilty of zina and are cursed, because it was narrated that the Prophet (peace and blessings of Allaah be upon him) said: "If a

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woman has sexual relations with another woman, then they are both guilty of zina.” There is no hadd punishment for them because they did not have intercourse, rather it is likened to intimate relations that are less than intercourse, and they are to be subjected to a ta’zeer punishment.

It says in Tuhfat al-Muhtaj, 9/105:

There is no hadd punishment for a woman who has sexual relations with another woman, rather they should be punished with a ta’zeer punishment.

Some people think that the punishment for lesbianism is the same as the punishment for zina, because of the hadeeth quoted by Ibn Qudaamah as referred to above.

This hadeeth was narrated by al-Bayhaqi from Abu Moosa (may Allaah be pleased with him), who said that the Prophet (peace and blessings of Allaah be upon him) said: “If a man has sexual relations with another man, they are both guilty of zina, and if a woman has sexual relations with another woman they are both guilty of zina.”

This hadeeth is da’eef (weak); it was classed as da’eef by al-Albaani in Da’eef al-Jaami’, 282.

Al-Shawkaani said in Nayl al-Awtaar (7/287):

Its isnaad includes Muhammad ibn ‘Abd al-Rahmaan whom Abu Haatim described as kaadhib (a liar). Al-Bayhaqi said: I do not know him. So the hadeeth is munkar (rejected) with this isnaad. End quote.

Even if the hadeeth were saheeh, it is to be understood as meaning that they are guilty of zina in the sense that they are sinning, not with regard to hadd punishment. This was the view of al-Sarkhasi in al-Mabsoot, 9/78.

And the Prophet (peace and blessings of Allaah be upon him) said: “Every son of Adam has his share of zina. For the eyes may commit zina and their zina is looking; the hands may commit zina

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and their zina is touching; the feet may commit zina and their zina is walking; the mouth may commit zina and its zina is kissing. The heart desires and wishes and the private parts confirm that or deny it." Narrated by al-Bukhaari, Muslim, and Ahmad. This version narrated by Ahmad, 8321.

And Allaah knows best.

Secondly:

The person who is faced with this problem has to hasten to repent to Allaah, and strive to treat this disease. Some of the ways of treating it are:

-Fearing Allaah and worshipping Him and loving Him sincerely, and being serious about that.

Allaah says (interpretation of the meaning):

"Thus it was, that We might turn away from him evil and illegal sexual intercourse. Surely, he was one of Our chosen, (guided) slaves"

[Yoosuf 12:24]

-Lowering the gaze, for this is one of the most effective means of purifying the soul. So if a person sees something that attracts him, he should not look again.

-Remembering the dead whose deeds have come to an end, so they are not able to wipe out their bad deeds or do more good deeds.

-Keeping oneself busy with beneficial things.

-Marriage, and hastening to get married if possible.

Thirdly:

Undoubtedly falling into sin and transgressing the sacred limits of Allaah are among the causes of

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the punishments that befall people en masse or individually. Punishment comes by the will of Allaah because of sin and affects a person in his religious commitment or in his spiritual or physical well-being. These punishments may come in this world, in the grave and in the Hereafter. Ibn al-Qayyim (may Allaah have mercy on him) said: There are more than fifty types of effects of sin which are dealt with in detail in the book *al-Daa' wa'l-Dawaa'*. When discussing the means of being patient in avoiding sin, in his book *Tareeq al-Hijratayn*, he mentioned that some of the effects of sin are: blackness of face and darkness in the heart; stress, worry, grief, anxiety and hardheartedness; being forsaken by Allaah, so He does not help or support one; sickness in the heart which, if chronic, leads to death, for sins inevitably deaden the heart. Another effect is humiliation after being honoured; feeling alienated after feeling at ease; feeling far away from Allaah after having found peace of mind in Him; poverty after richness, for he was rich and had capital, which is faith, then when he lost his capital he became poor and deprived, and he can only get that wealth back by repenting sincerely and striving hard; loss of provision, for a person is deprived of provision as a result of sins that he commits.

A seal and stain on the heart, for when a person commits sin a black spot appears on his heart, but if he repents it disappears.

Allaah, His angels and His slaves turn away from him, for when a person turns away from obedience to Allaah and becomes busy with sin, Allaah and His angels turn away from him.

In conclusion, the effects of sin are many more than a person can grasp, and the effects of obedience are many more than a person can comprehend. The best of this world and the Hereafter are to be found in obeying Allaah and the worst of this world and the Hereafter are all to be found in disobeying Allaah.

And Allaah knows best.