20037 - Punishment for Drinking Alcohol

the question

What is the punishment or penalty when one has drunk alcohol? Can the person make salat/Ramadan?

Summary of answer

The punishment for drinking alcohol in Islam is flogging according to the consensus of the jurists. A wine-drinker is obliged to perform the prayers on time and to fast in Ramadan.

Detailed answer

Praise be to Allah.

What Islam says about alcohol?

Allah says (interpretation of the meaning):

“O you who believe! Intoxicants (all kinds of alcoholic drinks), and gambling, and Al-Ansab, and Al-Azlam (arrows for seeking luck or decision) are an abomination of Shaytan’s (Satan’s) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.” [al-Maidah 5:90]

In Sahih al-Bukhari (2295) and Sahih Muslim (86), Abu Hurayrah (may Allah be pleased with him) said: the Prophet (peace and blessings of Allah be upon him) said: “No one who commits zina is a believer at the moment when he is committing zina, and no one who drinks wine is a believer at the moment when he is drinking it, and no thief is a believer at the moment when he is stealing, and no robber is a believer at the moment when he is robbing and the people are looking on.” This means that such a person is not a believer in the sense of having complete faith, rather his faith is greatly lacking because of this evil action.

It is also narrated in al-Bukhari (5147) and Muslim (3736) from ‘Abd-Allah ibn ‘Umar (may Allah be pleased with them both) that the Messenger of Allah (peace and blessings of Allah be upon him) said: “Whoever drinks wine in this world and does not repent from that, he will be deprived of it in the Hereafter .”

In Sunan Abi Dawud (3189), Ibn ‘Umar (may Allah be pleased with them both) said: the Messenger of Allah (peace and blessings of Allah be upon him) said: “Allah has cursed alcohol, the one who drinks it, the one who pours it, the one who sells it, the one who buys it, the one who squeezes it (squeezes the grapes, etc), the one for whom it is squeezed, the one who carries it and the one to whom it is carried.” (Classed as sahih by al-Albani in Sahih Abi Dawud, 2/700)

In Sunan al-Nasai (5570), Ibn al-Daylami said to ‘Abd-Allah ibn ‘Amr, “O ‘Abd-Allah ibn ‘Amr, did you hear the Messenger of Allah (peace and blessings of Allah be upon him) say anything about wine?” He said, “Yes, I heard the Messenger of Allah (peace and blessings of Allah be upon him) say, ‘If any man from among my ummah drinks wine, Allah will not accept his prayers for forty days.’” This was classed as sahih by al-Albani in al-Silsilat al-Sahihah (709). What this means is that he will not be rewarded for them, but he is still obliged to pray; in fact he is obliged to do all the prayers. If he forsakes prayer during this time, he will be committing one of the worst of major sins, one which some of the scholars said amounts to kufr, Allah forbid.

There are many ahadith and reports which state that alcohol is emphatically forbidden and that it is the mother of all evils; whoever falls into this sin, it will lead him into other evil actions. We ask Allah to keep us safe and sound.

Punishment for drinking alcohol in Islam

With regard to the punishment of the drinker in this world, the punishment is flogging, according to the consensus of the jurists, because of the report narrated by Muslim (3281) from Anas (may Allah be pleased with him), who said that the Prophet (peace and blessings of Allah be upon him) flogged the one who had drunk wine with palm branches stripped of their leaves and with shoes.

But there is some difference of opinion as to the number of lashes. The majority of scholars are of

the view that it is eighty lashes for a free man and forty for others.

They quoted as evidence the hadith of Anas quoted above, in which it says that a man who had drunk wine was brought to the Prophet (peace and blessings of Allah be upon him), and he had him flogged forty times with two palm branches that had been stripped of their leaves. Abu Bakr also did likewise (during his caliphate). When ‘Umar was the caliph, he consulted the people and ‘Abd al-Rahman said, “The minimum punishment is eighty,” so that is what ‘Umar commanded.

The Sahabah agreed with ‘Umar (may Allah be pleased with him) and did not differ.

The Council of Senior Scholars agreed that the punishment for one who drinks wine is the hadd punishment, which is eighty lashes.

Some of the scholars – such as Ibn Qudamah (may Allah have mercy on him) and Shaykh al-Islam [Ibn Taymiyah] in al-Ikhtiyarat – think that giving more than forty lashes is left to the discretion of the Muslim leader. So if he thinks that there is a need to give more than forty lashes, as happened at the time of ‘Umar, then he may make it eighty. And Allah knows best.” (Tawdih al-Ahkam, 5/330)

Can wine-drinkers offer prayers and observe fasting?

With regard to the wine-drinker’s prayer and fasting , undoubtedly he is obliged to perform the prayers on time and to fast in Ramadan. If he neglects any of his prayers or fasts, then he is committing a major sin which is worse than the sin of drinking alcohol.

If he drinks wine during the day in Ramadan, then he is committing two major sins: the first is breaking the fast during the day in Ramadan and the second is drinking alcohol. He should note that if a Muslim falls into sin and is unable to repent because his faith is weak that does not justify him persisting in sin or failing to do acts of worship and being negligent concerning them. Rather he should do whatever he can of acts of worship and strive to give up the major sins that he is committing.

We ask Allah to help us to avoid sins, both major and minor, for He is the All-Hearing, Ever Near.

And Allah knows best.