21058 - What Is 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 you're married. So which is correct for the punishment of this great sin?

Summary of answer

The imams are agreed that there is no certain punishment for lesbianism because it is not zina, rather it is to be punished with a ta`zir punishment in which the judge punishes the one who does that with a punishment which will deter her and others from doing this haram action.

Detailed answer

Praise be to Allah.

What is the punishment for lesbianism?

Lesbianism means a woman having sexual relations with another woman. This is undoubtedly haram, and some scholars regard it as a major sin. (See Az-Zawajir ‘an Iqtiraf Al-Kaba’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'zir punishment in which the judge punishes the one who does that with a punishment which will deter her and others from doing this haram action.

It says in Al-Mawsu`ah al-Fiqhiyyah (24/252):

“The jurists agreed that there is no hadd punishment for lesbianism , because it is not zina. Rather a ta'zir punishment must be imposed, because it is a sin.”

Ibn Qudamah 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 Allah be upon him) said: “If a 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`zir 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`zir punishment.”

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

This Hadith was narrated by Al-Bayhaqi from Abu Musa (may Allah be pleased with him), who said that the Prophet (peace and blessings of Allah 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 hadith is weak; it was classed as weak by Al-Albani in Da`if al-Jami`, 282.

Al-Shawkani said in Nayl Al-Awtar (7/287):

“Its isnad includes Muhammad ibn ‘Abd Ar-Rahman whom Abu Hatim described as a liar. Al-Bayhaqi said: I do not know him. So the Hadith is munkar (rejected) with this isnad.”

Even if the Hadith were authentic, 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 As-Sarkhasi in Al-Mabsut, 9/78.

And the Prophet (peace and blessings of Allah 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

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-Bukhari, Muslim, and Ahmad. This version narrated by Ahmad, 8321)

How to give up lesbianism

The woman who is faced with lesbianism has to hasten to repent to Allah, and strive to treat this disease. Some of the ways of treating lesbianism are:

- Fearing Allah and worshipping Him and loving Him sincerely, and being serious about that. Allah 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.} [Yusuf 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.

Effects of sins on the one who commits them

Undoubtedly falling into sin and transgressing the sacred limits of Allah are among the causes of the punishments that befall people en masse or individually. Punishment comes by the will of Allah 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 Allah have mercy on him) said: "There are more than fifty types of effects of sin which are dealt with in detail in the book Ad-Da' Wa'd-Dawa'."

When discussing the means of being patient in avoiding sin, in his book Tariq 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 Allah, 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 Allah 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.

Allah, His angels and His slaves turn away from him, for when a person turns away from obedience to Allah and becomes busy with sin, Allah 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 Allah and the worst of this world and the Hereafter are all to be found in disobeying Allah.

And Allah knows best.