

# **The Lawful and Prohibited in Islam**

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**(Extract)**

## **INTOXICANTS**

The Arabic word *khamr* signifies any alcoholic drink which causes intoxication. We would be stating the obvious if we were to discuss the harmful effects of drinking on the individual's mind, his health, his religion, and his work; or if we discussed the disasters which he brings upon his family by neglecting their needs and by not fulfilling his obligations, as the head of the family, toward his wife and children; or if we elaborated on the spiritual, material, and moral evils which proliferate in societies and nations due to the widespread consumption of alcohol.

A researcher in this area has rightly stated that: Mankind has not suffered any greater calamity than that brought about by the use of alcohol. If statistics were collected worldwide of all the patients in hospitals who, due to alcohol, are suffering from mental disorders, delirium tremens, nervous breakdowns, and ailments of the digestive tract, to which are added the statistics of suicides, homicides, bankruptcies, sales of properties, and broken homes related to the consumption of alcohol, the number of such cases would be so staggering that, in comparison to it, all exhortation and preaching against drinking would seem too little.

The Arabs during the period of *jahiliyyah* were very fond of wine and drinking parties. This love of wine is reflected in their language, which has nearly one hundred names for it, and in their poetry, which celebrates the praises of wine, goblets, drinking parties, and so on.

To eradicate this pervasive evil from society, Allah Subhanahu wa Ta'ala adopted a wise course of education and training, prohibiting it in measured stages. First, He made it clear to them that the harm of drinking wine is greater than its benefit; next, He told them not to come to *salat* while intoxicated; and finally, He revealed the verse in *Surah al-Maidah* which prohibited it totally and decisively: O you who believe! Truly, intoxicants and gambling and divination by arrows are an abomination of Satan's doing: avoid it in order that you may be successful. Assuredly Satan desires to sow enmity and hatred among you with intoxicants and gambling, and to hinder you from the remembrance of Allah and from *salat*. Will you not then desist? (5:93-94 (90-91))

In these two verses, Allah strictly prohibited wine and gambling, linking them to idols and seeking omens by means of divining arrows, and declared them to be

rijs (abominable or filthy), a term which the Qur'an reserves for extremely indecent and evil things. He ascribes them to the work of Satan, which indeed consists only of obscenity and evil, and commands the Believers to abstain from them as the only way to attain success. Allah Ta'ala then mentions the harmful effects of wine and gambling on society, namely, the breaking of relationships and ensuing enmity and hatred, in addition to the harm they do to man's soul by causing him to neglect the religious obligations of remembering Allah and of performing salat. The verses end with a very stern admonition to abstain: "Will you not then desist?" And when the Prophet (peace be on him) had finished reciting these verses for the first time, the listeners answered with the fervent cry, "We have desisted, O Lord! We have desisted!"

The response of the Muslims to these verses was remarkable indeed. At the time some people were drinking, with partly-filled cups in their hands. As soon as they heard someone announcing, "Wine has indeed been prohibited," they poured the remaining drinks upon the ground and broke the big clay pots in which other drinks were being fermented.

Many present-day governments throughout the world are convinced of the harmful effects of alcohol on individuals, families, and society. Some governments, such as that of the United States, have even tried to abolish alcohol by passing, and attempting to enforce, laws prohibiting the drinking of alcohol. It is only Islam which has succeeded in combating and eradicating it.

The churchmen hold differing opinions concerning the position of alcohol in Christianity. Some argue that the Biblical text permits drinking in small quantities, since it is good for the digestion. (See, for example, I Tim. 5:23.) But if this should be true, even though a little wine may be beneficial to the digestion, this little must be prohibited, as a small amount leads to large amounts and one glass to other glasses, until one becomes' addicted to it. For this reason Islam's stand in prohibiting alcohol and in blocking all avenues which lead to drinking is very clear and unequivocal.

#### **All That Intoxicates Is Haram**

The first declaration made by the Prophet (peace be him) concerning this matter was that not only is wine prohibited but that the definition of khamr extends to any substance which intoxicates, in whatever form or under whatever name it may appear. Thus, example, beer and similar drinks are haram.

The Prophet (peace be on h) was once asked about certain drinks made from honey, corn, or barley by the process of fermenting them until they became alcoholic. The Messenger of Allah (peace be on him), blessed as he was with the best of speech' replied succinctly, "Every intoxicant is khamr, and every khamr is haram." Reported by Muslim. )

And 'Umar declared from the pulpit of the Prophet, "Khamr is that which befogs the mind." (Reported by al-Bukhari and Muslim. )

#### **Whatever Intoxicates in Large Amounts is Haram in Any Amount**

Islam takes an uncompromising stand in prohibiting intoxicants, regardless of whether the amount is little or much. If an individual is permitted to take but a single step along this road, other steps follow; he starts walking and then running, and does not stop at any stage. This is why the Prophet (peace be on him) said, "Of that which intoxicates in a large amount, a small amount is haram." (Reported by Ahmad Abu Daoud, and al-Tirmidhi. )

And again, "If a bucketful intoxicates, a sip of it is haram." (Reported by Ahmad Abu Daoud, and al-Tirmidhi.)

#### **Trading in Alcohol**

The Prophet (peace be on him) did not stop at prohibiting the drinking of alcohol, whether much or little, but he also forbade any trading in it, even with non-Muslims. It is not permissible for a Muslim to import or export alcoholic beverages, or to own or work in a place which sells them. In connection with alcohol, the Prophet (peace be on him) cursed ten categories of people saying: Truly, Allah has cursed khamr and has cursed the one who produces it, the one for whom it is produced, the one who drinks it, the one who serves it, the one who carries it, the one for whom it is carried, the one who sells it, the one who earns from the sale of it, the one who buys it, and the one for whom it is bought. (Reported by al-Tirmidhi and Ibn Majah, on reliable authority. )

When the above verse of Surah al-Maidah was revealed, the Prophet (peace be on him) announced: Truly, Allah has prohibited khamr. Therefore, whoever hears this verse and possesses some of this substance should neither drink it nor sell it. The narrator of this hadith says, "The people brought forth whatever they possessed of it and poured it out in the streets of Madinah." (Reported by Muslim.)

Since the Islamic method is to block all avenues which lead to the haram, it is also haram for a Muslim to sell grapes to a person whom he knows will make khamr from them. A hadith states: If someone stockpiles grapes during harvest time and holds them in order to sell them to a Jew or Christian or anyone else (even if he be a Muslim) who produces khamr, he will be leaping into the Fire with his eyes open. (Reported by al-Tabarani in Al-Awsat, and classified as sahih by al-Hafiz in Bulugh al-Maram.)

### **Alcohol Cannot Be Given as a Gift**

Just as the sale of alcohol or receiving the price of it is haram for the Muslim, likewise giving it as a gift to anyone, such as a Christian or Jewish friend, is haram. Alcoholic beverages cannot be received or given by a Muslim as gifts because a Muslim is pure and neither gives nor receives anything except what is pure.

It is reported that a man brought a cask of wine to the Prophet (peace be on him) as a gift. The Prophet (peace be on him) informed him that Allah had prohibited it. 'Shall I not sell it?' asked the man. 'The One Who Prohibited drinking it has also prohibited selling it,' replied the Prophet (peace be on him). 'Shall I not give it to a Jew as a gift?' asked the man. 'The One Who has prohibited it has also prohibited that it be given as a gift to the Jew,' said the Prophet. 'Then what shall I do with it?' asked the man. 'Pour it on the ground,' the Prophet replied. (Reported by al-Hameedi in his Musnad. )

### **Avoiding Drinking Parties**

In the same spirit, the Muslim is ordered to stay away from drinking parties or gatherings at which drinks are served. 'Umar narrated that he heard the Messenger of Allah (peace be on him) saying, "Whoever believes in Allah and the Last Day must not sit at table at which khamr is consumed." (Reported by Ahmad; al-Tirmidhi also reports something similar to it.)

While it is the duty of a Muslim to eradicate the evil he sees, if he is unable to do so, he must stay away from it, leaving the place where people are engaged in such things.

It is reported that the rightly-guided Caliph 'Umar ibn 'Abdul'Aziz used to flog not only those who drank but those who sat with them as well, even if they were not themselves drinking. When once he was told of a group of people who were at a drinking party, he ordered that all of them be flogged. He was told that a person who was fasting was among them. "Begin with him," he said. "Have you not heard Allah's saying, 'And He has revealed to you in the Book that when you hear the revelation of Allah rejected and mocked, you are not to sit with them until they turn to some other theme; for if you do so, you will be like them....' " (4:140)

### **Alcohol, Itself a Disease, Cannot Be a Medicine**

From all the explicit texts of the Qur'an and ahadith quoted above, we see that Islam is very firm in combating alcohol, as well as in keeping the Muslim away from it by erecting barriers between him and it so that no opening, either wide or narrow, is left for him either to consume alcohol or to touch it. The Muslim is not

allowed to drink it in large or small amounts; he is not permitted to handle it through selling or buying, manufacturing, or giving it as a gift; he is not allowed to bring it to his home or shop; he is not allowed to serve it at gatherings, for a joyous occasion or otherwise, or to serve it to a non-Muslim guest; and he is not allowed to mix it with any food or beverage.

A question raised by some people which still remains to be answered concerns the use of alcohol as a medicine. This question was answered by the Prophet (peace be on him) when a man told him that he used wine as a medicine. The Prophet (peace be on him) said, "It is not a medicine but a disease," (Reported by Muslim, Ahmad, Abu Daoud, and al-Tirmidhi.)

He also said, Allah has sent down the disease and the cure, and for every disease there is a cure. So take medicine but do not use anything haram as medicine. (Reported by Abu-Daoud.)

With regard to intoxicants Ibn Mas'ud said, "Allah has not made a cure for you in what He has prohibited to you." (Reported by al-Bukhari as a comment on the preceding hadith.) It is therefore not surprising that Islam forbids the use of alcohol and other prohibited substances as medicines. As explained by Ibn Qayyim, the prohibition of a thing implies avoiding and staying away from it by every means, while taking it as a medicine renders it desirable and requires keeping it on hand, and this is against the Law-Giver's purpose. Ibn Qayyim, said, "If alcohol were permitted as medicine when people are already inclined toward it, it would provide them with an excuse to drink it for pleasure and enjoyment, especially since people have the impression that it is beneficial for their health, alleviates their complaints, and cures their diseases." (Zad al-Ma'ad, vol. 3, pp. 115-116.)

One may also mention that the attitude of the patient toward the medicine he takes has a considerable effect in hastening or delaying the cure. Ibn Qayyim, who had considerable insight into human psychology, elaborates on this point in the following manner: One condition for the efficacy of the medicine is that the patient believes in its efficacy and that Allah has placed the blessing of cure in it. Now the Muslim patient's belief that a particular substance, such as alcohol, is haram prevents him from believing that it can at the same time be beneficial or blessed. Thus he will not have any trust in it nor will he take it approvingly. On the contrary! The stronger the Muslim's faith, the greater will be his aversion to it and the greater his mistrust of it. If he then grudgingly takes what he hates and loathes, it will not be a cure for him but a disease. (Adapted from his discussion in Zad al-Ma'ad, vol. 3.)

Having said this, we must again mention the exempted case of necessity; the Islamic Shari'ah has a different ruling for such a case. Supposing a man's life were in danger and no substitute for a medication containing alcohol were available; a Muslim physician, who was at once an expert in his field and at the same time

zealous in safeguarding the commands of religion, would then find no alternative except to prescribe a medication containing alcohol. As its aim is always the welfare of human beings, the Shari'ah permits the taking of such a medicine in such a case. However, one must be aware that this concession is strictly limited to that quality which is deemed essential: ...But if one is compelled by necessity, neither craving (it) nor transgressing, then, indeed, thy Lord is Forgiving, Merciful. (6:145)

## **DRUGS**

"Khamr is what befogs the mind." These are the words spoken by 'Umar ibn al-Khattab from the pulpit of the Prophet (peace be on him), providing us with a decisive criterion for defining what falls under the prohibited category of khamr. There remains then no room for doubts and questions: any substance which has the effect of befogging or clouding the mind, impairing its faculties of thought, perception, and discernment is prohibited by Allah and His Messenger (peace be on him) until the Day of Resurrection.

Drugs such as marijuana, cocaine, opium, and the like are definitely included in the prohibited category of khamr. It is well known that the use of such drugs affects the sensory perceptions, making what is near seem distant and what is distant seem near; that their use produces illusions and hallucinations, so that the real seems to disappear and what is imaginary appears to be real; and that drug usage in general impairs the faculty of reasoning and decision-making. Such drugs are taken as a means of escape from the inner reality of one's feelings and the outer realities of life and religion into the realm of fantasy and imagination. Added to this psychological fact are the physical effects: bodily lassitude, dullness of the nerves, and decline in overall health. The moral consequences, moral insensitivity, weakening of the will-power, and neglect of responsibilities are also well known. Eventually, addiction to drugs renders a person a diseased member of society. Furthermore, drug addiction may result in the destruction of the family or even in a life of crime. Since obtaining drugs involves a great outlay of money, a drug addict may well deprive his family of necessities in order to buy drugs and may resort to illegal means to pay for them.

When we recall the principle that impure and harmful things have been made haram, there can be no doubt in our minds concerning the prohibition of such detestable substances such as drugs, which cause so much physical, psychological, moral, social and economic harm.

The Muslim jurists were unanimous in prohibiting those drugs which were found during their respective times and places. Foremost among them was Sheikh al-Islam Ibn Taymiyyah, who said, This solid grass (hashish) is haram, whether or not it produces intoxication. Sinful people smoke it because they find it produces rapture and delight, an effect similar to drunkenness. While wine makes the one

who drinks it active and quarrelsome, hashish produces dullness and lethargy; furthermore, smoking it disturbs the mind and temperament, excites sexual desire, and leads to shameless promiscuity, and these are greater evils than those caused by drinking. The use of it has spread among the people after the coming of the Tartars. The hadd punishment (The Qur'an specifies the punishments for certain crimes, such as lashing for drinking wine and equal retaliation or compensation in the case of murder or injuries. These punishments are called hadd (plural, hudud), meaning "the limit set by Allah." (Trans.)) for smoking hashish, whether a small or large amount of it, is the same as that for drinking wine, that is, eighty or forty lashes.

He explained the imposition of hadd for smoking hashish in the following manner: It is the rule of the Islamic Shari'ah that any prohibited thing which is desired by people, such as wine and illicit sexual relations, is to be punished by imposing hadd, while the violation of a prohibited thing which is not desired, such as (eating) the flesh of a dead animal, calls for ta'zir. (For crimes concerning which no specified punishment is mentioned in the Qur'an or Ahadith, the Muslim government may introduce its own punishments, such as fines or imprisonment. Such a punishment is called ta'zir. (Trans.)) Now hashish is something which is desired, and it is hard for the addict to renounce it Accordingly, the application of the texts of the Qur'an and Sunnah to hashish is similar to that of wine. (Fatawa Ibn Taymiyyah, vol. 4, p. 262 f. Also see his book, Al-Siyasah al-Shar'iyah.)

#### **The Consumption of Harmful Things is Haram**

A general rule of the Islamic Shari'ah is that it is haram for the Muslim to eat or drink anything which may cause his death, either quickly or gradually, such as poisons, or substances which are injurious to health or harmful to his body. It is also haram to eat or drink large quantities of a substance if large quantities of it cause illness. For the Muslim is not entirely his own master; he is also an asset to his religion and his ummah (the Muslim nation), and his life, health, wealth, and all that Allah has bestowed upon him are a trust with him which he is not permitted to diminish. Says Allah Subhanahu wa Ta'ala: And do not kill yourselves; indeed, Allah is ever Merciful to you. (4:29)

He also says: And do not be cast into ruin by your own hands.... (2:195)

And His Messenger (peace be on him) said: "Do not harm yourself or others."  
(Reported by Ahmad and Ibn Majah.)

As an application of this principle, we may say that if it is proved that the use of tobacco is injurious to health, it is haram, especially for a person whose physician has advised him to stop smoking. Even if it is not injurious to health, it is still a waste of money, spent neither for religious nor for secular benefit, and the

**Prophet (peace be on him) forbade wasting of property. (Reported by al-Bukhari.) This becomes the more serious when the money is otherwise needed for the sustenance of oneself or one's family.**