

## Case Study for Discussion on Shariah

For this workshop you will play the role of a learned Sunni '*alim* (scholar).

A pious member of the community comes before you enquiring, "Is it permissible to drink Jack Daniels according to the *shariah*? Does the *shariah* allow us to drink Coca-Cola? or alcohol-free beer? Or to smoke cigarettes? or hashish? "

You know that not only your own soul, but also those in your community, depend on you response. Struggle conscientiously with the following selections from the Qur'an, their occasions of revelation and the *hadith*. Note that *khamr* or grape wine is absolutely and clearly forbidden. However, you will have to make your own analogies to decide if Jack Daniels, Coca-Cola, cigarettes, hashish, and alcohol-free beer are also prohibited.

**When presenting your resolution, you must be able to explain your reasoning process clearly, and be able to reference textual evidence.** The following guidelines may make the exercise easier:

1. Remember that the four basic sources for a legal decision are: The Qur'an, the Sunnah, *Qiyas*, and *Ijma*.
2. Remember that you are to struggle conscientiously and honestly with all of the sources and not look for loop holes for a personally desired end.
3. Remember that in Islamic law, one must favor the public good. That is to say if no clear answer or indication can be found for a question, the verdict must be for promoting general welfare.

### ***Qur'anic Selections:***

4:43 'O you who have achieved faith. Do not approach prayer when you are drunken, until you know what you say.'

2:219 'They will ask you [that is, the Prophet] about *khamr* [grape wine] and *maysir* [a game of chance]. Say in both there is great sin, also benefits for mankind; but their offense is greater than their benefit.'

5:90-91 'O you who have achieved faith. *Khamr*, *maysir*, *ansab* [idolatrous altars], and *azlam* [divining arrows] are but a loathsome evil of Satan's doing, shun it then, so that they might obtain a happy state. By means of *khamr* and *maysir* Satan seeks only to sow enmity and hatred amongst you, and to turn you away from the remembrance of God and from prayer. Will you not, then, desist?'

### ***Selections from the occasions of revelation:***

On 4:43 'This [verse] was sent down concerning groups among the Companions of the Messenger of God who were drinking *khamr* and attending the prayer while drunk, so that they did not know how many cycles of prayer they had prayed, nor what they were saying in their prayer.'

On 2:219 'This [verse] was sent down concerning Umar bin al-Khattab Mu'adh bin Jabal and group of the Ansar [Muslims of Media] who came to the Messenger of God and said, "advise us on the legal ruling on *khamr* and *maysir*, for they destroy the reason and snatch away wealth." God Most High sent down this verse.'

On 5:90-91 'a Meccan Companion said, "I came upon a group of the Muhajirun [those who emigrated from Mecca to Medina with the Prophet] and they said, "Come let us feed you and give you *khamr* to drink. This was before *khamr* was prohibited. I went to them in a garden. There they had a grilled head of camel and jug of *khamr*. I ate and drank with them. I mentioned the Ansar [Muslims of Medina] and the Muhajirun. Then I said, "the Muhajirun are better than the Ansar." A man took the jawbone of the head and cut off my nose with it. I went to the Messenger of God and informed him. Then God sent down concerning *khamr*."

### ***Selection from the Sunnah:***

1. From Umar who said, 'The prohibition of *khamr* was revealed when it was made from five [things]: grapes, dates, honey, wheat and barley. *Khamr* is that which covers [*khamara*] the reason.'
2. From Abu Hurayra that the Prophet said, '*Khamr* is from two trees: date and grapevine.'
3. From Ali who said, 'I asked the Messenger of God about drinks in the year of the Farewell Pilgrimage. He said, "*Khamr* is prohibited specifically, and intoxication from any drink."
4. From Anas bin Malik who said that the Messenger of God 'cursed in *khamr* ten [things]: its presser, the one who has it pressed, its drinker, its carrier, the one to whom it is carried, the pourer, the seller, one who consumes its price, the buyer of it, the one for whom it is bought.'
5. From Aisha who said, 'The Messenger of God was asked about *bit* [a beverage made from honey] and he said, "Every beverage which intoxicates is prohibited."
6. From Aisha who said, 'Any intoxicant is prohibited, and that of which the *faraq* [a large measure, perhaps 16 pounds] intoxicates, the handful is prohibited.'