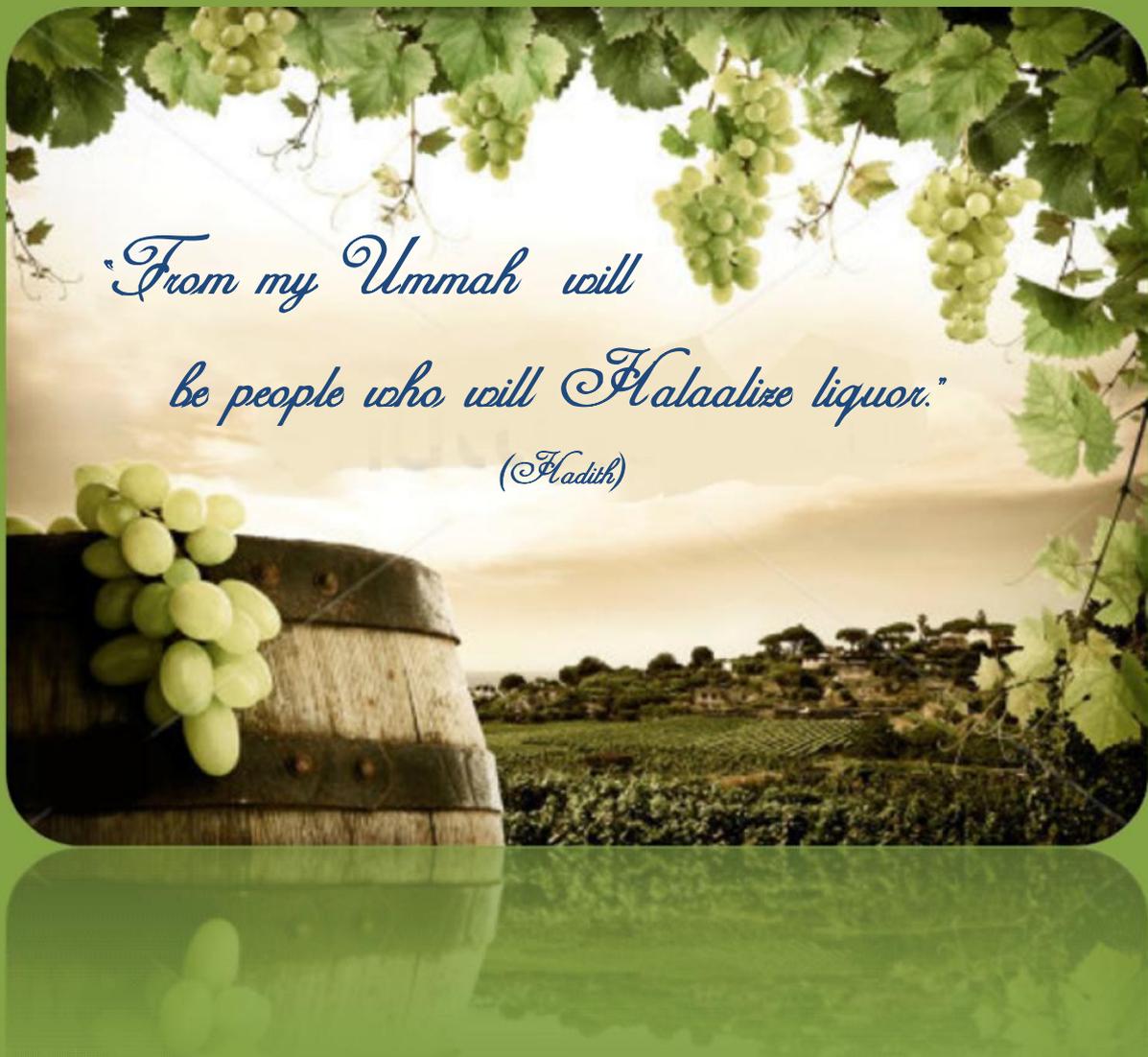


LIQUOR

THE PROCESS OF HALAALIZATION



*From my Ummah will
be people who will Halaalize liquor.”
(Hadith)*

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INTRODUCTION

According to Rasulullah (sallallahu alayhi wasallam), in times in close proximity to the Impending Hour of Qiyaamah, Muslims will halaalize liquor with the gimmick of fanciful names. The halaalizers will be Muslims. Thus, whilst this process of liquor-halaalization initiated by the muftis of this era is lamentable, it is not surprising in view of the fact that Rasulullah's (sallallahu alayhi wasallam) predictions have to incumbently materialize into reality.

It is quite obvious that the halaalization process of any haraam act, food or substance, is not a sudden occurrence. It is an evolutionary process which gnaws into the Imaan of Muslims gradually by imperceptible degrees. In this haraam evolutionary process, the first satanic step is the halaalization of 'minute' quantities of alcohol of the non-khamr category. This is shaitaan's first snare in the process of halaalizing whisky, gin, vodka, sherry and the plethora of others dehumanizing haraam liquors.

Shaitaan is dangling the chimera of the 'permissibility of the second category alcohol' before the masses and the short-sighted muftis of this era. This has become the hallucinatory basis for the halaalization of 'ethanol' which is an intoxicating alcohol which is present in 99% of all the popular liquors.

The second step in the satanic evolutionary process of halaalization, is that small quantities of the 'second category' alcohol which does not intoxicate is permissible. Thus, Coke and the myriad of other health-destroying soft drinks are declared not only permissible, but 'halaal-tayyib' by the conglomerate of *maajin* muftis.

The third step in the shaitaani evolutionally process of halaalization will be the silencing of the plastic muftis by the modernist copro-intellegentsia with rational arguments such as the permissibility of consuming a glass of whisky, etc. or a quantity which does not intoxicate. Their argument will be quite logical in view of the fact that soft drinks and whisky both have the common ethanol ingredient. If soft drinks with ethanol are halaal, then there is no logical reason for saying that a glass of vodka or less or more which does not intoxicate is haraam. What will render it haraam? Both contain the confounded 'second category alcohol', and both are taken in quantities which do not intoxicate.

The fourth step in the satanic process will be the production of a nation of drunkards. The satanic conspiracy is to transform the Ummah into a nation of drunkards as are the kuffaar.

The puerile 'daleels' put forward in labyrinthal form by short-sighted muftis are lamentably ludicrous and an insult to *Ilm*. Another absurd argument they tender is the principle of *Umoom Balwa* (*intensive and extensive prevalence which makes indulgence unavoidable*). This has of recent become the primary basis for halaalization of the 'second category' haraam alcohol. Consumption of alcohol-containing soft drinks, puddings, jellies and custard by the masses on a widespread scale is declared permissible on the fallacious basis of *Umoom Balwa*.

Clogged and fossilized brains fail to understand that this principle does not legalize what is haraam. The principle of *Umoom Balwa* operates in the sphere of Tahaarat in which purities and impurities are the subjects. It does not halaalize pork and carrion simply because their consumption has become widespread. It does not halaalize riba because almost every Muslim in this age is embroiled in this haraam Fitnah. It does not halaalize abandonment of hijab and intermingling of sexes simply because 99% of the Ummah are trapped in a cesspool of inequity and immorality in which Hijab is mocked and rejected by Muslims. It does not halaalize shaving the beard on the basis of 99% of the Ummah is involved in this shaitaani act. *Umoom Balawa* has no license to operate in the sphere of prohibitions – things which Allah Ta'ala has made haraam.

In certain scenarios, haraam substances become temporarily permissible on the basis of recognized Shar'i principles, but not on the basis of *Umoom Balwa*. Such principles which are invoked in times of desperation and emergency are

- Tadaawi bil haraam (Medical treatment with haraam substances)
- Adhururaat tubeehul mahzuraat (Necessities legalize prohibition)
- Ahwanul baliyatain (The lesser of the two evils)
- Etc.

Umoom Balwa is excluded. Its operation is in a very restricted sphere – the avenue of Tahaarat.

According to the Shariah, all kinds of alcohol are haraam, whether in large or small quantities without any exception. It is not permissible to upset or abrogate this Ijma' of all Four Math-habs with the isolated, overshadowed and inapplicable view of Shaikhain (rahmatullah alayhima). That view is non-existent for practical purposes. Its best abode is to remain buried in the kutub of Fiqh for academic dilation. It is of mere academic value. It may not be presented for practical application.

The Mufta Bihi version of prohibition of all kinds of alcohol of the Hanafi Math-hab is in line with the Fatwa of the other three Math-habs. Thus, the isolated view lying in its grave may not be resurrected for opening the gateway for haraam and for the halaalization of liquor.

As for alcohol-containing medicine and other substances utilized externally, their permissibility hinges on principles other than *Umoom Balwa*. Furthermore, there is no argument regarding the permissibility of medicine. It is therefore moronic to introduce this dimension into this discussion in the attempt to halaalize the initial steps in the haraam evolutionary process of the halaalization of liquor. Carrion chickens and carrion meat are already accepted as 'halaal' by this degenerated Ummah. The shaitaani snare in the carrion-halaalizing process was the displacement of the Shari'ah's sacred system of *Thabah*. The argument of the satanic molvi halaalizers of carrion was that as long as *Tasmiyah* is recited, the chickens are halaal. Today, neither is *Tasmiyah* recited nor are the requisite neck vessels

severed. When the whole *Thabah* system has been permanently abrogated, how is it possible to ever have halaal chickens? The whole system is satanically corrupt and rotten from A to Z. The same shaitaanियat is now being perpetrated by the *maajin* muftis in the devilish process of halaalizing liquor.

Regarding the mis-manipulation of the principle of *Umoom Balwa*, Hadhrat Maulana Ashraf Ali Thanvi (rahmatullah alayh) said:

"Nowadays, among the detestable things, two things have become common: Pictures and the consumption of spirits and alcohol (spirits and alcohol are used synonymously. It does not refer to methylated spirits.) This humble writer asks: Can the rule of Umoom Balwa be invoked on account of these acts having become widespread? The issue of Umoom Balwa cannot be considered in matters of halaal and haraam. It operates in matters on impurities and purities."

The muftis of today are using this principle loosely and incorrectly to halaalize haraam substances thereby opening a wide gateway for Fitnah and corruption – the Fitnah and corruption which had constrained the Ahnaaf Fuqaha to have adopted the view of Imaam Muhammad to be the official law of the Shariah in terms of the Hanafi Math-hab. In fact, this view of the prohibition of all types of alcohol is the unanimous ruling of the Four Math-habs.

Predicting the process of halaalization of liquor, Rasulullah (sallallahu alayhi wasallam) said:

"There will be people of my Ummah who will halaalize liquor by changing its name."

"When liquor is halaalized with nabeez (calling it date juice); riba (is halaalized) with trade (i.e. calling it trade); bribery is halaalized with hadyah (calling it a gift), and people trade with Zakaat (instead of giving to the poor), then at that time will be their destruction."

In our times, all of these vile acts mentioned by Rasulullah (sallallahu alayhi wasallam) have materialized. Riba is termed 'profit' and 'dividend', etc. Bribery has become gifts, and the wealthy, instead of paying their Zakaat immediately to the poor, dole it out in dribs and drabs whilst the bulk of it remains in their business. They devise ways of investing the Zakaat in trade by deceiving themselves that the poor will benefit from the income. Add to this pictures of animate objects which are halaalized by labeling the haraam pictures with names such as photos, digital photos, etc.

As far as liquor is concerned, the *maajin* muftis have already opened the gateway for full-scale halaalization of liquor.

THE 'SECOND CATEGORY OF ALCOHOL'

The legalizers of non-khamr alcohol claim:

(1) *"The second type of alcohol is that which is derived from something other than grapes and dates, e.g. potato, honey. There is a difference of opinion regarding the purity and impermissibility. According to Imam Abu Hanifa and Abu Yusuf, this type of alcohol is pure and it is permissible to consume such an amount of this alcohol which cannot intoxicate a person on condition that it is not drunk for the purpose of amusement and enjoyment. According to Imam Muhammad, this alcohol falls under the category of minor impurity (najaasat khafifah), and it is not permissible to even consume a small amount of this alcohol. Even though the fatwa is generally given on the view of Imam Muhammad, there is scope in consuming medicine which includes this second type of alcohol and following the view of Imam Abu Hanifa and Abu Yusuf since this is such an issue in which there is Umoom Balwa affecting everyone. This is despite the fact that Taqwa and precaution demand that one should follow the view of Imam Muhammad."*

There are several flaws in this argument.

(a) The issue of difference between Imaam Abu Hanifah (rahmatullah alayh) and Imaam Abu Yusuf (rahmatullah alayh) on the one side, and Imaam Muhammad (rahmatullah alayh) on the other side, is not a matter for public consumption. It is shortsighted to dilate on this difference in the arena of the general laity (*awaamun naas*). Nowadays, every second Tom, Dick and Harry has opened an office of 'ijtihad' for himself despite him lacking expertise in Istinja and the masaa-il of Tahaarat and Salaat.

An issue of academic significance should not be thrashed out in the domain of the *awaamun naas*. The Muftis who play in the public arena with the masaa-il of the Deen have unintentionally contributed to the attitude of *Istikhfaaf* which has become universally a rampant disease affecting laymen who consider themselves qualified to interpret Shar'i issues and to determine which view of the Fuqaha is applicable to them (i.e. to the public) for practical implementation.

A Mufti should issue his fatwa for public consumption without presenting divisive arguments.

(b) The difference between the two groups of the Ahnaaf Fuqaha is of major significance and may not be minimized for the sake of invalid ease as the alcohol-legalizing Muftis are perpetrating. It is not a simple matter of selecting a view at whim and fancy, which is precisely the attitude regulating the adoption of the permissibility view.

For all practical purposes, the permissibility view of Shaikhain (Imaam Abu Hanifah and Imaam Abu Yusuf) has no existence. It is a view which the Fuqaha of the Math-hab have relegated into oblivion since the past twelve centuries or more. It is therefore irresponsible of Muftis of our age to dig out the permissibility view which has been hibernating in oblivion for more than 12 centuries. It shall be shown further on, Insha'Allah, that there exists no pressing need to constrain extraction from oblivion of the overshadowed view which all Four Math-habs have discarded, and which is in apparent conflict with the Ahaadith and the rationale underlying the prohibition of all intoxicants.

(c) Even in terms of the permissibility view of *Shaikhain (rahmatullah alayhima)*, the permissibility is predicated with absence of "amusement and enjoyment", i.e. the substance contaminated with the second type of alcohol assumed to be permissible, may not be consumed for pleasure, amusement and enjoyment. This permissibility view excludes drinking for the purpose of enjoyment, deriving pleasure, amusement and the like.

Can the legalizers explain the purpose for consuming health-destroying drinks such as Coke, Pepsi and soft drinks in general? There exists consensus of the experts on the absolute harmful and detrimental effects of these drinks. So, for what purpose do people drink Coke, etc.? The one and only purpose is *talahhi (enjoyment/pleasure)* which is the element which renders this second-category alcohol impermissible even according to Shaikhain. No one consumes Coke for building up muscles, bones and health in general for the simple reason that these drinks achieve the very opposite effect. The consequences of these alcohol-containing drinks are disastrous for human health.

Furthermore, even if the poisonous effects of these drinks are irrationally ignored, the fact remains that these drinks are consumed for *talahhi*, hence there is consensus of the Fuqaha on the impermissibility of drinks containing even the second-category alcohol.

(d) The statement, "*Even though the fatwa is generally given on the view of Imam Muhammad.....*", is injudicious to say the least. It is of eristic tendency and a mild spinning of reality to suit the permissibility narrative. The statement grossly minimizes the fundamental importance and impact of the Fatwa of the Hanafi Math-hab – a Fatwa which is corroborated unanimously by the other three Math-habs as well.

Nothing has changed to warrant abrogation of the impermissibility Fatwa which has been extant since the earliest age of Islam. The statement is in fact erroneous. It is improper to aver that the fatwa is given *generally* on the view of Imaam Muhammad (rahmatullah alayh). The Fatwa of the Math-hab has been *only* on the view of Imaam Muhammad, not on the view of Shaikhain. The Fatwa of the Hanafi Math-hab has not vacillated between permissibility and impermissibility regarding the prohibition of all types and categories of alcohol. Thus the introduction of the 'difference' dimension is inappropriate and has to be rejected as baseless and inapplicable to the current scenario just as it had been inapplicable over the centuries.

Without hesitation it is contended that the permissibility view extracted from oblivion by most of the contemporary Muftis is simply dictated by the attitude of pandering to the whims of the ignorant masses who have become addicted to the consumption of these extremely harmful drinks and unnecessary processed foods without which life and health will be vastly healthier.

The fatwa is not *generally* given on the view of Imaam Muhammad. The Fatwa on his view has always been static and permanent on this impermissibility view.

(e) The argument that "*there is some scope for consuming medicine which includes this second type of alcohol*", is an illogical superfluity when viewing it in the light of the alcohol of the first category, viz., *khamr*. The legalizers quite unambiguously acknowledge that even *khamr* may be utilized for medicinal purposes. Since this is the unanimous position of the Fuqaha, it is superfluous and meaningless to say that there is "scope for consuming medicine" which contains the second category alcohol.

Regardless of the category, there is scope for consuming haraam medicine when the need develops. Thus, there is no merit in this superfluous argument. For the permissibility of consuming such medicine, the view of Shaikhain is not required for the permissibility fatwa. The difference between the two groups of Hanafi Fuqaha on this issue does not play a decisive role for determining the permissibility fatwa. *Tadaawi bil haraam*, *Dhuroorat*, *etc.* are some independent principles which are invoked for occasional permissibility of prohibitions.

(f) The *Umoom Balwa* principle invoked by the legalizers is absolutely corrupt and baseless. Wide-scale prevalence is not a legalizer in all instances. Interest, gambling, zina, abandonment of Hijaab, free intermingling of the sexes, music, pictography, etc., etc., are rampant in the Muslim society. Literally speaking the element of *umoom balwa* exists. But, these vices may not be legalized in terms of the *Umoom Balwa* principle.

Basically, this principle is availed of in issues of *Tahaarat*, not in matters of *Hurmat*. Other principles regulate temporary legalization of *Hurmat (Prohibition)*, not *Umoom Balwa*. If all the water reaching into the homes is contaminated and no pure water is available easily, such water will become permissible on the basis of the principle of *Umoom Balwa*.

Drugs are today a menace whose prevalence is extremely wide-scale – extensive and intensive. In the literal meaning of the term, *umoom balwa* is applicable to it. What is the fatwa of the Coke legalizing Muftis on the issue of drugs? Genuine '*umoom balwa*' grips nations, world wide, in this regard. Do drugs become permissible on the basis of *Umoom Balwa*? For a certainty the Muftis have as yet not invoked *Umoom Balwa* for the legalization of drugs. On the contrary, despite the applicability of *umoom balwa* in the literal meaning of the term, authorities invoke even the death penalty for drugs. This prohibition is not legalized in consequence of wide-scale and intensity of prevalence.

If a pork-consuming community enters into the fold of Islam, pork shall not be declared halaal on the basis of *Umoom Balwa*. The people will have no option but to abandon their pork-addiction. Similarly, carrion chickens and carrion meat cannot be halaalized on the basis of *Umoom Balwa*. In fact, the halaalizers of carrion are not basing their rotten case on the basis of *Umoom Balwa*. They are simply denying the charges which render the chickens carrion. But they do concede that the chickens would be carrion if Tasmiyah is not recited. They too will not halaalize on the basis of *Umoom Balwa* such chickens which they believe to be carrion despite the entire community being recklessly addicted to carrion consumption.

There is absolutely no merit in the *Umoom Balwa* argument. This principle has simply been made the scapegoat or better, baselessly and deceptively cited to halaalize harmful and poisonous 'foods' to satisfy the whims and fancies of the masses.

(g) "*This is despite the fact that Taqwa and precaution demand that one should follow the view of Imaam Muhammad.*"

This averment of the legalizers is incorrect and improper advice. The Fatwa of the Math-hab is on the view of Imaam Muhammad (rahmatullah alayh), and this is also the Fatwa of the other three Math-habs. It is not a fatwa of Taqwa. Furthermore, cultivation of Taqwa is incumbent. Over two hundred Qur'aanic Aayat and innumerable Ahaadith command the cultivation of Taqwa. In this regard, Rasulullah (sallallahu alayhi wasallam) said:

"A Mu'min will not attain the status of the Muttaqeen as long as he does not abstain from permissibilities for the fear of indulging in impermissibilities."

It is the obligation of the Mufti to strengthen the Mu'min's bond with Allah Ta'ala. His function is not to weaken the relationship with Allah Ta'ala by legalizing substances which are haraam and destructive for both the physical and spiritual health of man. Where there is no need for 'scope', he should not seek scope and dig out principles to unnecessarily legalize prohibitions. The incongruous manipulation of the Principles of Fiqah by contemporary Muftis is indeed despicable.

Abstention from all types of alcohol is the Fatwa. It is not a discretionary issue which people are allowed to accept and reject at whim and fancy.

(2) The legalizers of prohibited alcohol state:

"If a person does not know what type of alcohol it is, then the ruling cannot be passed declaring this alcohol to be impure and impermissible solely based on doubtTherefore, there is scope in consuming medicine which contains alcohol but it is not known what type of alcohol it is...."

This argument is putridly baseless. If the Mufti knows that one of the two glasses of water contains a lethal poison, but it is not known in which glass is the poison, will his fatwa be that it is permissible to drink any glass of water, which may result in the death of the consumer? In view of the Fatwa of Hurmat, the product containing any type of alcohol is impermissible. As far as medicine is concerned, the ruling has already been explained above.

(3) The legalizers state: *"If a person doesn't know what type of alcohol is used, then there is some scope in using alcohol for medical purposes."*

The monotonous use of the terms *"there is some scope in using alcohol for medical purposes"*, is quite amusing. There is no difference of opinion among the Ulama on this issue, so why labour the point unnecessarily? It appears that the legalizers are confused, hence they acquit themselves as if they are dealing with a difference on this issue. When there is concurrence on the use of even alcohol of the first category in medicine when such a need develops, what is the argument about using alcohol of the second category in medicine?

(4) *"In today's times, the alcohol which is used in western medicine is generally not real alcohol. It is alcohol made from potato, wheat, etc."*

This statement is grossly incorrect. What is the meaning of "real" and "unreal" alcohol? An intoxicating liquid is alcohol. Regardless of it being of the first category or the second category, it will equally intoxicate and dehumanize *Insaan*. The Fiqhi technicalities may not be utilized for opening the gateway of moral corruption. Whisky, Gin, Sherry, Vodka and the numerous other kinds of liquor all contain alcohol of the second category (i.e. the supposedly 'unreal' alcohol). If 'modern' alcohol is not real as the Mufti Sahib contends, then in which category shall we assign this 'unreal' alcohol? The venerable Mufti Sahib has

overlooked the fact that whether alcohol is 'real' or 'unreal', it is an intoxicant which is thus haraam.

All of these liquors (whisky, etc.) are impure and haraam regardless of the supposedly 'pure' ethanol (non-grape/dates) which they contain or even the 'unreal' alcohol. Potato and wheat liquor intoxicates and dehumanizes in the same way as grape and date wine.

Again it should be repeated that the argument is not medicine which becomes permissible regardless of the category of alcohol when there is a need for such medicine. The argument centres around non-essentials and harmful products on which survival is not pivoted.

(5) Another Mufti Sahib avers:

"In the beginning stages, alcohol was made from fermented drinks themselves or the residue of fermented drinks. Therefore scholars of Fiqh applied the ruling of alcohol to it and they declared it to be impure. They also considered it impermissible to consume and to use in medicines. However, now alcohol is made using scientific technology and it no longer remains alcohol. Instead it is in the category of vinegar. For this reason alcohol will not be considered impure and impermissible to use.....However, Taqwa (god consciousness) is something else as well as the dictates of precaution. This is different from the fatwa itself."

The flaws of this view are as follows:

(a) Alcohol is haraam regardless of the methods of production. Whether the substance produced by the primitive method or by the technology of this era, it is an intoxicant which inebriates and dehumanizes *Insaan*. The end product of fermentation, i.e. liquor, is haraam because it is intoxicating. Despite no impurity being added in the production process, once it has been transformed into an intoxicant it is proclaimed najis and haraam. The method of production has absolutely no bearing on the *Hukm* which is *hurmat*.

(b) This 'scientific technology' argument is ludicrous. It is identical to the argument of the liberals who claim that pictures are permissible if produced by 'scientific technology'. They predicate the prohibition to only pictures drawn with the hand in the primitive way. There is no difference between the two issues. Pictures produced by modern technology are haraam just as pictures drawn with the hand are haraam. In the same way alcohol is haraam whether produced in the primitive way or the modern technological method. The method of production is irrelevant for determining the *hukm* of the Shariah.

(c) The contention that alcohol produced by technology is like vinegar is absurd. Vinegar is not an intoxicant. Alcohol is. Thus the analogy with vinegar is fallacious.

(d) Since it is claimed that modern alcohol is pure and permissible, the Taqwa dimension is superfluous. It simply does not apply. When it is contended that modern technology produces 'pure' and 'permissible' alcohol, the introduction of the Taqwa factor is weird.

(e) The view of alcohol manufactured 'scientifically' by 'technology' not being alcohol in addition to being absurd, is pure personal opinion. It is not a Shar'i daleel, hence it holds no weight whatsoever in the formulation of a Shar'i fatwa.

(6) Even a liberal such as Mufti Taqi Uthmaani says:

"In this case , there exists leeway in taking the view of Imam Abu Hanifa at the time of necessity." (Our emphasis)

Despite peddling the view of 'purity' and 'permissibility', the honourable Mufti Sahib predicates it with *"at the time of necessity"*. This confirms that there is no unrestricted permissibility to use and consume alcohol of the second category. But there is no need to refute this stance of the legalizing Muftis. There is consensus on the use of even alcohol of the first category in medicines *at the time of necessity*.

(7) The respected Mufti Rashid Ahmad (rahmatullah alayh) presents the following untenable view: *"The explanation regarding these drinks is as follows: Allamah Shibli(Shalbi) writes: 'The author says when a person uses it with the intention of strengthening himself (then it is permissible). The meaning of this is that he wishes to strengthen himself in order to worship Allah or in order to facilitate the digestion of food or for medical purposes.'"*

Is any intelligent person today prepared to vouch that Coke and similar soft drinks are consumed to strengthen one for ibaadat – to spend the night in Salaat, etc.? Or does anyone consume these drinks to facilitate digestion of food or for medical purposes? Coke, etc. have the very opposite effect. It destroys the health. It weakens the body. It causes indigestion, and it is never ever used for medical purposes.

It boggles the mind that a senior Mufti would utilize the statement of Allaamah Shalbi to legalize drinks which are absolutely ruinous to the health. Even if these drinks had to be free of alcohol, then too, the fatwa of prohibition will apply on the basis of the element of *dharar*. The presence of alcohol emphasizes the fatwa of *hurmat*. Does Coke strengthen one for ibaadat? Does it create enthusiasm for ibaadat? Allaamah Shalbi's view is related to ibaadat, not to consumption for *talahhi (pleasure)*. Furthermore, consuming alcohol of the second degree is not permissible even without *talahhi* in view of the categorical ruling of prohibition of the Hanafi Math-hab.

On the issue of *Umoom Balwa*, Mufti Rashid Ahmad said in his Fataawa: *"Zaid's deduction on the basis of (the principle) of Ibtilaa-e-Amm (Umoom Balwa) is incorrect. Something haraam does not become halaal on the basis of Ibtilaa-e-aam."*

(8) Without applying their minds, the legalizers of soft drinks and the like cite Raddul Muhtar: *"It is not permissible to consume it (alcohol of the second category) for the purposes of amusement or play in the way of transgressors. It will be impermissible to consume (even) water and other permissible substances in this way."*

Allaamah Ibn Aabideen brings even water, milk, honey, etc. within the purview of prohibition if consumed in the style of the fussiaaq. What he says is that it is not permissible to consume products which contain alcohol of the second degree (in terms of the ruling of Shaikhain) if taken for amusement – to derive joy and pleasure. This is the precise purpose

for consuming Coke, etc. There is no other reason why soft drinks are consumed. Even in terms of the view of Shaikhain, these drinks are not permissible if taken for pleasure and joy.

(9) The legalizers of alcohol say: *"It is not unconditionally prohibited for a person to eat or drink for amusement and fun. The impermissible factor lies in doing so in the way of transgressors."*

The unconditional prohibition pertaining to amusement does not apply to food and drinks in general. Food may be consumed for pleasure and enjoyment. The prohibition applies to such drinks which contain alcohol of the second category. With regard to alcohol of the second category, it is unconditionally prohibited if taken for the purpose of *talahhi* (joy/pleasure) regardless of whether it is consumed in the manner of the fussiaaq or not. The factor of *talahhi* is not restricted with the way of the fussiaaq. This factor relates to even pure permissibilities such as water and milk which will become prohibited if consumed in the style of the fussiaaq. Those who restrict the factor of *talahhi* with *fisq*, are in error. They have merely proffered their personal opinion. Furthermore, *talahhi* or no *talahhi*, the Fatwa of the Math-hab is prohibition of all types of alcohol.

Personal opinion proves nothing, be it the opinion of a senior Mufti of lofty status. An opinion bereft of Shar'i daleel, holds no Shar'i status. It may not be imposed on anyone as it carries the weight and authority of the Shariah.

(10) *"According to the principles of Fatwa, the view of Imam Abu Hanifa and Imam Abu Yusuf takes preference over the view of Imam Muhammad unless there is an outside factor. Despite the fact that the scholars of Fiqh have declared the view of Imam Muhammad as the view upon which fatwa is given because of the widespread corruption found in later times, the fatwa will now be given on the original view of Imam Abu Hanifa that it is permissible to consume this alcohol due to Umoom Balwa and the need for medical treatment."*

This view stated in *Ahsanul Fataawa* is flawed as follows:

(a) The principles of Fatwa referred to here have not been explained or stated. There is no principle for according preference to the view of Shaikhain for abrogating the official Fatwa of the Math-hab which has been extant for more than twelve centuries. The statement made is an arbitrary view unbacked by Shar'i evidence. It is pure personal opinion. There has to be exceptionally strong and valid grounds for diverging from or abrogating the official Fatwa of the Math-hab, and for adopting the *Marjooh* view.

The venerable Mufti Sahib has shown no valid and pressing grounds for the extreme measure of cancelling the official Fatwa of the Math-hab. He has not furnished a single valid Shar'i argument for according preference to the *Marjooh* view and for abrogating the official Fatwa of the Math-hab which is the view of Imaam Muhammad, which is also bolstered by the official Fatwas of the other three Math-habs.

(b) The honourable Mufti Sahib has, nevertheless, covered himself by stipulating *"unless there is an outside factor"* for not giving preference to the view of Shaikhain. It is indeed peculiar that the Mufti Sahib was unaware of the many "outside factors" which preclude assignment of preference to the view of Shaikhain. The venerable Mufti Sahib had not

applied his mind fully when he issued his fatwa based on personal opinion, hence he remained unaware of the "outside factors" which disallow rescission of the official Fatwa of the Math-hab.

The "outside factors" which demand sustainment of the official Fatwa which is the view of Imaam Muhammad, are:

(i) Sadd-e-Tharaa'i (Closing the ways and the gate for corruption). Regardless of the type of alcohol, all alcohols are intoxicants. The ultimate consequence of consumption of a little is alcohol-addiction. The constant consumption of a little culminates in consumption of much.

(ii) Almost all types of liquor contain alcohol of the second category. Thus, condonation of permissibility will undoubtedly lead to the Ummah becoming nations of liquor-guzzlers. Whisky, gin, vodka, sherry, etc. (all alcohols of the second degree) will become acceptable and 'halaal'. Stopping dead at the point which induces inebriation will not be sustained. Thus, the fatwa of permissibility is the forerunner for halaalization of liquor which comes within the purview of the Hadith in which Rasulullah (sallallahu alayhi wasallam) said that the Ummah in times in proximity with Qiyaamah will halaalize liquor by giving it fanciful names. This process has already been initiated by the fatwas of *jawaaz*, and by the technical arguments of 'first' and 'second' categories of alcohol.

(iii) The alcohol-containing products being consumed are not required for sustaining life or health. On the contrary, these products have been conclusively proven by experts to be extremely harmful for the health of man. The motive of consumption is pure pleasure, and this is the primary purpose for consuming soft drinks. It is weird, absurd and false to say that soft drinks, puddings, custards and the like are consumed for health and digestion. These products in fact, corrupt the health, and cause indigestion.

(iv) The factor of corruption which had confirmed the view of Imaam Muhammad for practical adoption, has neither receded nor decreased. In fact, the corruption prevalent today can be multiplied, and will be found to be more than the corruption which had existed 12 centuries ago in the Ummah.

(c) The adoption of Imaam Muhammad's view by the Fuqaha of the Hanafi Math-hab, reinforces the contention that according to the principles of Fatwa, the view of Imaam Muhammad be given preference. Hence, the preference which all the Fuqaha of the Ahnaaf accorded to Imaam Muhammad's view over the many centuries, remains valid to this day, and so will it remain until the end of worldly time. Corruption is set to increase, not decrease. It is baseless to aver that the "widespread corruption" prevalent 12 centuries ago, which constrained the adoption of the Fatwa on Imaam Muhammad's view, does not exist today.

(d) Describing the view of Shaikhain as the "original" view is erroneous. The original view which is the original Fatwa of the Math-hab, is the view of Imaam Muhammad, not the view of Shaikhain. The Fatwa was never issued on the view of Shaikhain. Thus, the claim of the latter view being the original one is baseless, and an arbitrary claim of opinion unsubstantiated by Shar'i daleel.

(e) The argument of *Umoom Balwa* stated in the view, mentioned above, is fallacious. The principle of *Umoom Balwa* cannot be applied to transform haraam and najaasat into halaal on the basis of the widespread consumption of junk and harmful substances. This principle may be invoked only in relation to genuine necessities.

As mentioned earlier, medicine is excluded from this discussion. There is no difference of opinion regarding permissibility of alcohol-containing medicine whether the alcohol is of the first or second category. The permissibility is, however, conditioned with the non-availability of halaal medicine. There is no need to invoke the principle of *Umoom Balwa* for issuing the fatwa of permissibility of medicines containing alcohol. Generally, the Muftis of today are mis-manipulating the principle of *Umoom Balwa*. This mis-manipulation and rash application simply halaalize prohibitions without valid Shar'i basis.

(11) Quoting from Hadhrat Maulana Ashraf Ali Thanvi's *Imdaadul Fataawa*, the halaalizers present the following fatwa of Hadhrat Thanvi (rahmatullah alayh):

"It is not permissible for a person to consume such bread or biscuits (whose dough was made using alcohol). However, it will be permissible to consume them if it cannot be avoided because of the presence of certain narrations."

There is no license for halaalizing alcohol of the second category in this Fatwa which state with clarity its impermissibility. The permissibility is conditioned with exceptional situations, *"if it cannot be avoided"*. Soft drinks, puddings and custards, which are all easily avoidable, do not come within the scope of permissibility. The halaalizers have cited this fatwa without applying their minds. There is no difference of opinion in an unavoidable situation or when the need is pressing.

Shah Waliyullah (rahmatullah alayh) on non-khamr alcohol

Refuting the categorization of alcohol into two categories, Hadhrat Shah Waliyullah (rahmatullah alayh) states in his *Hujjatullaahil Baalighah*:

"Innumerable Ahaadith of Rasulullah (sallallahu alayhi wasallam) have been narrated from a variety of sources. Thus Rasulullah (sallallahu alayhi wasallam) said:

* "Khamr is from these two trees: dates and grape.

* When Rasulullah (sallallahu alayhi wasallam) was asked about *bat'*, *mizr* and (others) besides these two, (o.e. about non-grape alcohol), he replied: "Every drink which intoxicates is haraam."

* "Every intoxicating (drink) is khamr, and every intoxicant is haraam. Whatever of a big quantity intoxicates, a small quantity of it is (also) haraam."

Continuing his explanation, Hadhrat Shah Waliyyullah (rahmatullah alayh) said: "Predicating the prohibition with (only) grapes is meaningless.. The determinant in *Tahreem*

(i.e. *prohibition*) is derangement of the intelligence . Its little (i.e. liquor's little) leads to its abundance, hence the decree with it is Waajib (i.e. it is incumbent to decree that all types of liquor whether in small amounts, are haraam). Today it is not permissible for anyone to halaalize such (liquor) which is made from things other than grapes, and use in quantities less than intoxication.

In view of people's insane desire for liquor and their ploys for (consuming) it, the objective (of prohibition) cannot be achieved except by totally prohibiting it in every aspect so that there does not remain neither any loophole nor stratagem for anyone (to halaalize liquor)."

Hadhrat Maulana Ashraf Ali Thanvi and the view of Imaam Abu Hanifah

"The view of Imaam Abu Hanifah in the kutub of the Hanafiyyah has been set aside."

It is therefore, not permissible to halaalize any type of alcohol regardless of minute quantities. The view of Shaikhain may not be resurrected and presented as a basis for such halaalization.

CONCLUSION

(1) For the application of the Shari'ah's ruling of prohibition regarding consumables, there is only one kind of alcohol. Alcohol, regardless of the category assigned to it in Fiqh, is haraam.

(2) The Fatwa of the Shari'ah has always been prohibition of all kinds of alcohol. The view of Shaikhain has been set aside by the Fuqaha of Islam.

(3) The principle of *Umoom Balwa* does not operate to justify and halaalize a haraam substance. It relates to the sphere of Tahaarat.

(4) All products such as soft drinks, etc. which contain even minute traces of alcohol are not permissible.

(5) If no halaal medicine is available, it will then be permissible to consume medicines with an alcohol content, whether it be alcohol of the first or second category.

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