

The objectives of Islamic law in extending prohibition of Khamr to other substances

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Abstract:

Intoxicating substances are things that affects all parts of the body, it upset proper functions of the body, the power of reasoning, the balance of mind, the structure of the society e.g Suicide, homicide, insanity and any other crime you may think up get stimulus from this abominable habit, that is why alcohol was been condemned by almost all divine religions. It affect the function of brain, the people who are in the habit of taken intoxicant sometimes appear to have no sense of shame and lack of responsibilities to others. Islam is a complete way of life and had left nothing untouched. As such, it has warned people to abstain from using intoxicants because of the numerous adverse effects of intoxicants substances. The findings of the paper indicate that most of the crimes perpetuated by the victims of drug abuse are the problems prevalent among adolescent, married women, young Boys and girls who are ignorant about the dangers inherent in the drugs abuse. In conclusion the paper recommends Islamic ways that would reduce drugs abuse to lower level and to promote peace and development in the society.

Keywords: Islamic Law; Prohibition; Khamr; Substances.

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1. INTRODUCTION

The word for intoxication used in the Holy Quran is Khamr which is derived from an Arabic word Khamra the cover theme, drinking of alcohol or any intoxicating drugs is prohibited in islam. Drugs abuse also called substance abuse or chemical abuse is a disorder which is characterized by destructive consequence of using illicit substances which lead to significant problems or mental distress. Almighty Allah stated that;

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنصَابُ وَالْأَزْلَمُ رَجَسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾﴾

O ye who believe intoxicants and gambling (dedication of stones and divination by arrows are an abomination of satans hand work eschew such abomination that ye may prosper⁽¹⁾

Allah described drinking intoxicants, among other things, as being appalling and hateful act of satan, and he has commanded us to abstain from them. Allah also stated that satan plan is (but) to excite enmity and hatred between you, with intoxicant and gambling and hinder you from the remembrance of God, and from prayer will ye not then abstain.

In the above verse it declared that Khamr and all other substances that intoxicate are abominable acts of satan, and command the believers to stay away from them. The command not only to abstain from taking it they should also stay far away from it.

Another verse of the Holy Quran is to the effect that; those who follow the Apostle the unlettered prophet, whom they find mentioned in their own (scriptures) in the law and Gospel for he commands them what is just and forbids them what is evil, he allows them as lawful what is good (and pure) and prohibits them from what is bad and (impure) he releases them from their heavy burdens and from the yokes that are upon them, so it is those who believe in him, honour him, help him and

(1) A.Yusuf Ali The Holy Quran text translation and commentary5:90

follow the light which is sent down with him⁽¹⁾.

This verse shows that drugs come under the definition of khabaaith. Islam prohibits taking any type of intoxicants, whether in the form of drops, pills, drink or inhale substances.

There are many traditions of prophet (s.a.w) which prohibited taking any substances that intoxicate. Ibn Umar reported that Prophet (s.a.w) said that every intoxicant is Khamr and every intoxicant is forbidden. He who drinks wine and die addicted to it, not having repented, will not be given a drink in the Hereafter⁽²⁾

In another tradition reported by Nana Aisha, Allah messenger (may peace be upon him) was asked about Bit where upon he said every drink that causes intoxication is forbidden⁽³⁾

In another tradition reported by Anas bn Malik said I was standing amongst the uncles of my tribe serving them fadikh while I was the youngest of them, when a person came and said: verily the use of liquor has been prohibited. They said Anas spill it away, so I spilt it.⁽⁴⁾

2. STAGES OF PROHIBITION OF KHAMR IN ISLAM

In Islamic law drinking any intoxicant is prohibited in the Holy Quran through different verses revealed. It is well known fact that Muslims faith doesn't drink alcohol, because it is haram, forbidden. Muslims abstains from alcohol because Prophet Muhammad, to whom Muslims believe the word of God was revealed in the Quran spoke against it.

Some historians reported that Khamr were prohibited after the battle of Uhud while some reported that the prohibition of intoxicants were announce after evacuation of Banu Nadir from Madina in the 4th year after Hijra⁽⁵⁾.

(1) Quran 7:157

(2) Sahih muslim 73:2003

(3) Sahih muslim(68:2001)

(4) The Book of drinks book number 4884

(5) Alam zeb khattak Department of psychology international university islambad Pakistan: step by step prohibition of intoxicants in Islam pg 1

The reason why Khamr were prohibited in islam , it is obvious from medical sciences that all intoxicants including alcohol, Indian hemp, cocaine etc has effect in the essential organs of human body. So drinking them are considered as a sin. Under the influence of intoxicants one may be induce to commit many sin. Therefore Islam prohibits intoxicants gradually in step by step.

The first verse was revealed on food and drinking s with no direct command of prohibition, the Holy Quran provides that

And from the fruit of the date-palm and the vine yet get out wholesome drink and food, behold, in this also is a sign for those who are wise⁽¹⁾

In the second stage of prohibition the verse was more specific addressing direct commands on Khamr and gambling. The instruction of this verse made to some Muslims drinking Khamr and gambling. The verse read as follows:

They ask thee concerning wine and gambling say in them is a great sin and some profit for men, but the sin is greater than the profit⁽²⁾

In the above verse it is indicate that there is some benefits in intoxicants, the jurists described that there are only financial benefits but no any physical benefits, in other hand the comparison was made between sin and benefits.

In the third stage there is a partial prohibition of intoxicants in clear words. The Quran says :

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ...﴾

O ye who believe approach not prayers with a mind befogged until ye can understand all that ye say...⁽³⁾

In the above vese the prohibition was during prayer times, most of

(1) Holy Quran 16:67

(2) Quran2:219

(3) Quran4:43

the prayers are been observe at day time, therefore they change the time of drinking Khamr, they start taking alcohol after night prayers.

In the last stage is a total prohibition of Khamr with no any condition attached to it, and Khamr was linked to satan. The Holy Quran provides:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْحَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجَسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ

لَعَلَّكُمْ تَفْلِحُونَ ﴿٩٠﴾﴾

O ye who believe intoxicants and gambling dedication of stones and divination by arrows are an abomination of satan,s handi work eschew such abomination that ye may prosper. Satan plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of God, and from prayer will ye not then abstain⁽¹⁾.

In the above verse there is clear information on intoxicants and gambling. These gradually prohibition proceeds towards justification of the Holy Book (Quran) rehabilitation model. Islam broader approach toward human life is through the recognition of soul and spiritual heart. The clean pure healthy and connected spiritual heart receives God mercy. Therefore there is no space for satan in the mentioned heart. In this regard Allah says on the Day of Judgment no one is safe except the one who return to God with pure heart⁽²⁾.

In the Holy Bible also it warned against drinking intoxicated substances which is to the effect that Among the offences which will exclude men from the kingdom of God he warns them, is drunkenness⁽³⁾. In another verse of the new testament provides that those who indulge in drinking bout, orgies and like will never inherit the kingdom of God⁽⁴⁾.

(1) Quran 5:93-94

(2) Quran 26

(3) 1 corinthians 6:10

(4) Galatians:20,21

3. THE AIMS OF ISLAMIC LAW IN EXTENDING PROHIBITION OF KHAMR TO OTHER SUBSTANCES

Islam had prohibited anything that has negative effect on the mind and brain of the Muslim faith. Intellect is one of blessings given to human beings by Allah; it is also the faculty that Allah honored human being over other creatures. This is the reason that makes human being accountable on his actions on the Day of Judgment. As drugs have similar characteristics to that of the Khamr, the Islamic jurists had debated about the use of both substances. Although the basic rule for drugs was made from the analogy (Qiyas) of al Khamr, the Islamic jurists are of the view that drugs should not carry a total prohibition like alKhamr, while Khamr is prohibited due to its intoxicant element and its impure status, drugs are only prohibited because of the intoxicant element, this implies that drugs are not technically impure like Khamr. The impure status of Khamris deduced from the verses which made the prohibition of Khamr total, absolute⁽¹⁾.

The prohibition of Khamr cover all kind of consumption regardless of the quantity of the Khamr consumed and it is regarded impure like donkey, dog and pig meat. However , drugs are only prohibited because of its intoxicant effect, when they causes effect on the body like poison, causing harm to one's body and affecting one's judgment. Drugs are prohibited because they can easily lead to addiction.

Ibn Taymiyya is of the view that narcotic drugs carry the same prohibition as wine; he further stated that the total analogy applies⁽²⁾ this means that narcotic drugs like hashish are prohibited whether the consumption leads to intoxication or not. Ibn Taymiyyah went further condemning people who disagree with this rule and regarded them as non believer if they do not repent before death, the prayer will not be performed over them and they will not be buried in a muslim grave yard. This view of Ibn Taymiyyah is only limited to what intoxicates

(1) Quran 5:90-91 Q36:41 Q2:219 Q47:15

(2) Ibn Taymiyyah al fatawa al kubra Vol iii pg

and is harmful to human beings. He further stated that other harmless and useful drugs can be consumed.

Islamic jurists also prohibited some illegal drugs called mukhaddir⁽¹⁾. Majority of the jurists are of the view that prohibition of mukhaddir is similar to that relating to hashish because of its intoxicants effect on human being. Therefore, every intoxicant regardless of its name is prohibited on the ground that the tradition of prophet is to the effect that every substance that intoxicates is unlawful.

Malik is of the view that pronouncement of a divorce or setting a slave free under the influence of illegal drugs is valid⁽²⁾. Al-zarkashi opined that use of any illegal drugs whatsoever is prohibited⁽³⁾.

4. DRUG ABUSE

Drugs are chemical that are known to change the way a body function, Legal drugs are drugs taken by people when they are ill and when the doctor prescribes them. Medicines are legal when they are taken in proper doses and when they are prescribed by doctors.

Illegal or control drugs are drugs that when one was found in possession or consumption carry penalties, example of illegal drugs are marijuana, cannabis, cocaine, heroin etc. However abuse of legal drugs is also considered illegal in Nigeria. Therefore all drugs that are banned or prohibited by law in a state can be considered as illegal.

Drug abuse or substance abuse refers to the use of certain chemicals for the purpose of creating pleasurable effects on the brain⁽⁴⁾.

The menace of drug abuse has become a fashion to youth of nowadays, by taking some drugs to induced or stimulate them in getting high. The medication that are made for the treatment of cough and cold has turned out to be a favorites taken by many people as thing for enjoyment, for instance cough syrup with codeine.

(1) Al suyuti al tibb alnabawi pg 33

(2) Dr. Yasmin Hanani mohd sifian: An analysis on Islamic rules on drugs pg 8

(3) Resinthal, the herb-hashish versus medieval muslim society pg 111

(4) Dr. Ananya Mandal

When Almighty Allah wants to prohibit drinking alcohol, he said that we should not approach prayer under the influence of alcohol; therefore anything that will affect your faculty of reasoning is prohibited.

Some of young Muslims especially from the Northern Nigeria that are abusing drugs are growing rapidly, they abused the drugs that are meant for treating some ailments. In Islam the rules on food and drinks is that all things are halal, except those which are specifically provided in sharia to be haram eg alcoholic and any substance that intoxicate is Haram. On this ground it may said that anything if it is intoxicate when drunk in small or large quantity then it is not allowed to drink it. Prophet (s.a.w) reported to have said that every intoxicating drink is prohibited⁽¹⁾.

5. FINDINGS

It has been proved that most of the crimes were committed by drug abuse persons who are ignorant of the dangers attached to drug abuse. Most of the drug abuse persons were engage in it out of poverty, influence of peer group, frustration and also lack of parental taken care of their responsibilities. Drug abuse has destroyed our society and it lead to commission of various crimes by our youth and married women

6. SUGGESTION OF TREATMENT OF ALCOHOLIC AND DRUG ABUSE IN ISLAM

Al Quran is the Holy Book which contains all affairs of Muslims faith. There are several method of recovery prescribed by the Quran of which the first is the method of prevention and control secondly is medication and treatment. The third is the guidance and counseling of an intensive recovery effort to avoid sins and build a state of spiritual and psychological better.

(1) Al Bukhari ash sheik 2008 Hadith 4344 and 4345

It was found that Quran and sunnah is the best in treatment of those addicted either by alcoholic or drugs. Some of the means provided are as follows:-

PRAYERS:- Imam Shafii is of the view that prayers are way of the heart (conscience) to turn to God so as to generate fear of Allah. Prayer is an important thing to be taken seriously by all mankind. Islam educates people mentally and physically able to make people worship as disciplined because it has its own rules and regulations. Almighty Allah says to establish regular prayer, give charity, and to fast to Allah, He is your protector. Then Allah is the best protect and the best help⁽¹⁾.

The purpose of the creation of man on this earth is to worship Allah. The Quran is to the effect that And I did not create the jinn and mankind except to worship me⁽²⁾.

Ikrimah bn Khalid ibn Umar said the messenger of Allah said Islam is built on five pillars, the testimony that there is no god except Allah and that Muhammad is the messenger of Allah, to establish regular prayers, to fast month of Ramadan, to give out alms and to perform pilgrimage⁽³⁾.

QIAMULAIL:- Is a special time to pray to Allah. Qiamullai provides a space for people to repent of past sins and purify self with repentance to Allah. So if you pray to Allah and you lodge your complain to Him He will surely answer your prayers. The prophet s.aw said whoever wakes up at night and read there is no god except Allah alone, no partner to Him and praises be to Allah and glory be to Allah and followed by God forgive me or prayer it will be granted to him if he perform ablution and pray his prayers will be accepted⁽⁴⁾.

Another means is by fasting, Islam teaches us to be submissive to and obedient to any religious teachings. It was provided in the Quran

(1) Quran 22:78

(2) Quran51:56

(3) Narrated by Bukhari Book of faith No 7

(4) Sahih Bukhari Book on Friday No 108

that men who fast and the women who fast, and men who guard their chastity and the women who guard their chastity and men who remember Allah much as well as those women who remember Allah much, Allah has prepared for them forgiveness great reward⁽¹⁾.

ZIKR remembrance which is one of the means which draws person closer to Allah S.W.T. Remembrance makes human heart calm and able to live wisely. The effect of remembrance was provided in the Quran and the hadith of prophet (s.a.w).

7. RECOMMENDATIONS

Parent should monitor the activities of their children, usually drug abuse start at adolescent period.

Muslims should know that through analogical deduction (qiyas) Tutolin, Benelyn etc had been considered to be Khamr by the provision of sharia, because it causes intoxication.

Government should make laws that would ensure that nobody will get these medications without proper prescriptions by competent medical personnel this will reduce from having access to such medication.

Finally scholars of both religions are to preach to their followers to abstain from drinking any intoxicants substance and its consequences hereafter.

8. CONCLUSION

According to the provision of Islamic law drinking of Khamr is unlawful whether it causes intoxication or not. Taking alcohol is a crime under sharia which is punishable by flogging. All the Islamic jurists are of the view that taken of anything in small quantity whose taken it in larger quantity causes intoxication is unlawful wether it is called Khamr or it bear other name.

Abu Hanifa draws a distinction between Khamr and other

(1) Quran33:35

substances that intoxicate. He says that drinking of Khamr is punishable whether it intoxicates or not but the use of other substances does not attract punishment until it intoxicates. The application of punishment arises when it causes intoxication. The punishment of drinking alcohol had spelt out by the provision of sharia, while the punishments of taking other substances that intoxicate is left to the discretion of the judge (Taazer).

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