

Dr. Yasir
Qadhi
and his unusual
method of
"looking back"
to change how
"we look forward"



DR. YASIR QADHI AND HIS UNUSUAL METHOD OF “LOOKING BACK” TO CHANGE HOW “WE LOOK FORWARD”¹

A SERIALISED CRITIQUE OF THE LECTURE “CHANGE & MODERNITY—LOOKING BACK AS WE LOOK FORWARD”

PART ONE

INTRODUCTION

On the 7th December 2013, Dr. Yasir Qadhi presented a lecture in Detroit, Michigan, USA. The name of the lecture was “Change & Modernity—Looking Back as We Look Forward”.² The title of the lecture presents itself as a welcoming sign to look at how we as Western Muslims should deal with modernistic, socio-political scenarios that are endemic to us in the West. As Muslims who reside in the West, there is no doubt that we are faced with scenarios that were unknown to our illustrious forefathers, and therefore untapped *ijtihad*³ is required to problem-solve scenarios that were not only unknown to our forefathers but perhaps even Muslims currently living in Muslims lands.

Not only do we as Muslims have to collectively and individually problem-solve the challenges that constantly face us in these Western secular democracies, we also have to problem-solve the internal lack of communal cohesiveness amongst the Muslims in these permissive societies that paradoxically extend to us the right to religiously practice whatever version of Islām we like. The unrestrained freedom that we have in the West is

¹ Compiled by Abū Ameenah AbdurRahman Bennett and Isa Calliste.

² <http://www.youtube.com/watch?v=jJmrPh2sRuw>

³ Extrapolation of issues.

something of a double-edged sword. On one side, we can wield the sword in our favour because it allows us to practice our blessed religion with relative ease.⁴ The *other* side, however, is detrimental to our collective and individual persons because the same freedom of speech that allows us to practice our religion also allows us to *not* practice our religion or to practice strains of our religion that are either mutually exclusive or completely at odds with pure Islām. As a direct consequence, we have a mishmash of Muslims with all types of beliefs that range from correct belief in Tawheed to the corrupted belief of *Wahdatu al-Wujūd*,⁵ which sits on the other side of the spectrum of Tawheed. This is why an epithet for the West could easily be “The abode that accommodates all sects and groups”.

So with all the above firmly in mind, one would have hoped that Dr Yasir Qadhi’s lecture on this subject would have been a welcoming and much needed discourse for marginalised Muslims in the West whom are surrounded by a sea of kufr. Regretfully, not only was the lecture of minimal benefit in providing any practical Islamic-based solutions for the problems that face us in the West, the lecture was also a bold and audacious attempt at usurping the inheritors of the Prophets as the source of our knowledge pipeline.⁶

A BRIEF ANALYSIS OF YASIR QADHI’S AGENDA

Those who sat in their seats waiting for Yasir Qadhi to arrive on stage to deliver his “highly controversial”⁷ lecture were completely unaware that he would deliver a method of

⁴ We say ‘relative’ here because in the post-9/11 era it is becoming increasingly harder to practice our religion in these Western societies.

⁵ What is meant here is “The Oneness of Existence”; a pantheistic concept which affirms that Allah’s Existence is the *only* existence and everything we see (i.e. the creation) is a manifestation of Allah’s Existence. Since this concept of *Wahdatu al-Wujūd* affirms all of existence (or everything that exists) is one/unified then it makes no real difference/distinction between Allah and His creation therefore Allah and His creation are one and the same.

⁶ Abu al-Darda’ (Allah be pleased with him) reported that the Messenger of Allāh said “The scholars are the heirs of the Prophets who bequeath neither dinar nor dirham but only that of knowledge; and he who acquires it, has in fact acquired an abundant portion.” (at-Tirmidhi Book 13, Hadith 1388).

⁷ We partially quote here from Yasir Qadhi’s YouTube channel on which the lecture appears:

In this highly controversial and paradigm-shifting talk, Shaykh Dr. Yasir Qadhi challenges us to think about change within 'Islam' - not the 'Islam'

lecturing that was not only scholarly unprecedented but, more importantly, it was a method of lecturing that undermined a core legal objective of Islām. From the five major legal objectives of Islām is protection of one’s religion, and from the vast ways that Islām protects a person’s religion is by the emplacement of protective measurements so as to safeguard us from doubts and misgivings that erode away at the precious substance of īmān.

In this unprecedented lecture, Qadhi compiles a list of *fatāwā* that he regards as embarrassing moments for the ‘*ulamā* and Muslims, and then he systematically presents these embarrassing moments to the masses for public consumption. The first thing that boggles the sane mind is why would a *da’ī* (caller and protector of Islām) scour the archives of scholarly *fatāwā* seeking the worst cases possible and then present them to the masses for public consumption? Have you ever heard of any reputable scholar of Islām exposing the delicate hearts of the Muslims to this method of teaching? This is the sort of underhanded tactic you would expect from the opponents of Islām in their feeble attempts to undermine the credibility of Islām by discrediting its true protectors (i.e. the scholars). You would never expect this misguided modus operandi from a sincere caller to Islām, unless, of course, he has an agenda!

During this paper, we will analyse and deconstruct the coffee controversy and then we will see which of the three following verdicts is most just and deserving:

Verdict One: The verdict passed on coffee was an outright mistake in *qiyās*,⁸ so obvious it is truly embarrassing.

Verdict Two: A mistake in *qiyās* which was *not* so obvious because coffee has similar traits to the prohibited thing it was compared to (i.e. *ḵhamr* /intoxicant).

that is unchangeable, but the opinions of scholars who interpret the texts of Islam and think it is 'Islam'.

⁸ According to the terminology of the ‘*ulamā*, *qiyās* is the “mak[ing of] a **new case** equal in **legal law** with an **original case** because there is an associative **operative cause** that links between the two in ruling”.

Verdict Three: No mistake was made in the *qiyās* regarding coffee and thus nothing warrants the charge of the fatwa being “embarrassing”.

“EMBARRASSING” CASE #1:

THE COFFEE BEAN CONTROVERSY

After Qadhi shares with his audience his love for coffee, he goes on to make a carefully contrived statement that in one fell swoop serves as the basis for his well-planned agenda and the hook that attracts the collective attention of his audience:

...my favourite coffee is actually white chocolate Mocha; you know the flavour, white chocolate Mocha? I love white chocolate Mocha and when I went to Mecca a month and a half ago, I made sure I had my Mocha every single day. But *do you know* that if I had drunk a Mocha in Mecca five-hundred years ago, I would have actually been *jailed*, taken in front of a judge, *punished* and then *whipped* and *lashed* for the *crime* of drinking a Mocha in Mecca? I kid you not!

This is a classic example of trivialising and exaggerating events so as to illicit from the listener an emotional and biased response that Qadhi requires as a prerequisite for the acceptance of his agenda. In other words, Qadhi resorts to sensationalism to impress upon his audience the backward mentality that dominated many Muslim minds in Mecca. This paves the way for Qadhi to preach his radical message with little or no opposition. Yasir Qadhi is standing on a stage in a Western permissive society in the year 2013, where coffee *is* and *has* been the norm for hundreds of years, and with that as the contrastable backdrop, he instantly transports you back to the 1600s—void of any historical, social or religious context—and then tells you he would be **‘whipped’** and **‘lashed’** just for drinking coffee in Mecca. He does not tell us *prior* to this all the negative, associative factors why he *might* be whipped, and he does not tell us the preventive factors that might preclude him from being whipped (i.e. the excuse of ignorance). If that is not a dictionary definition of ‘sensationalism’, then the word simply does not exist.

So after Qadhi gives us a brief history on the development of coffee in the Middle East up until its arrival in Saudi, he goes on to state that following a lot of scholarly deliberation and investigation:

...eventually, the ‘ulamā decided that *qahwa* (coffee) was an intoxicant; *qahwa* was a *muskir* (intoxicant), and therefore they gave a fatwā that it was harām to drink and sell *qahwa*, and that anybody who was caught *drinking qahwa* should be lashed and beaten because he is drinking a *muskir* and in fact, some beatings *were* carried out...

If only “some” beatings were carried out, how does Qadhi *know* that he would be “whipped” and “lashed” for drinking his Mocha in Mecca?! It is amazing how a little shift in word structure can make a significant difference to a sentence. If we exchanged his original words “would have” with “could have”, would it still produce the same sensationalistic effect?

Qadhi eventually goes on to inform us that the ‘Uthmāni Sultan went on to ratify this decree and made it the official state position that *qahwa* is harām because it is an intoxicant. Then Qadhi says,

And then the fatwās began to pour -- literally *pour*-- saying that *qahwa* was an impermissible drink.

WE, THE PEOPLE...

Making a statement that gives us a taster of what is to come in his agenda, Qadhi states the following:

...people were lashed and punished [for drinking coffee] but there were always dissenting opinions, obviously, there were others -- people who said “it is not, uh, harām” -- but the official position in

Makkah in Ottoman lands in Cairo in the early part of the ninth, tenth century -- Islāmic centuries -- is that qahwa is a muskir and this became the well-known position so much so that Francis Bacon -- one of the most famous intellectual thinkers of Europe of the seventeenth century -- Francis Bacon -- who is one of the founders of, basically, post-Renaissance thought; one of the most famous philosophers; anyone who has taken a class on Western philosophy knows Francis Bacon -- Francis Bacon writes in 1626 that the Turks -- meaning the Muslims -- the Turks considered coffee as something that excites and disturbs the mind -- i.e. a muskir -- the Turks consider coffee as something that alters the mind. But...the fatwās might have said one thing; society did something else. The fatwā might have said it's harām but the people were drinking coffee...

The first thing that comes to mind is why such an exemplary introduction for Francis Bacon and what is the intent behind Qadhi's mentioning of Francis Bacon and in this manner? Does Qadhi believe Bacon's non-Muslim status invests authority into the underlined part of Bacon's statement? And even if Bacon's status somehow did have an impression upon Islām then what would *that* in itself prove anyway? So as not to detract from what requires our undivided attention, let us put aside Qadhi's false appeal to authority and concentrate on the underlined section of his quote. As we stated earlier, it was no coincidence that Qadhi just happened to come on the stage with a cup of coffee in his hand. The cup of coffee in Qadhi's hand serves as a prop⁹ which proves one simple thing in the mind of Qadhi and more importantly in the minds of the masses: many of the *'ulamā* got it all wrong but the people got it right. But is this really the case?

First and foremost, this paper will prove that there was nothing actually embarrassing about the *fatāwā* issued on the subject of coffee. Secondly, let us say for argument's sake

⁹ Interestingly, at 42 minutes and 38 seconds into Qadhi's lecture, Qadhi accidentally knocks over his coffee prop and what looks unmistakably like water spills out; the liquid is clear and transparent as opposed to brown and opaque as one would expect from Qadhi's beloved coffee.

that the general masses *did* get it right and that the ‘*ulamā*’ embarrassingly got it wrong, we are now required to ask the following:

(1) Did the general masses get it right because they were privy to some knowledge or scientific facts that their ‘*ulamā*’ were not privy to? Or could it have been just another case of the people doing what they desire to do, no matter what the ‘*ulamā*’ say? Qadhi already makes it clear during his lecture that the general masses do not listen to what the scholars say, *anyway*. Thus, we already know that this option (1) is viable. Worse still, this sounds like an argument to the exception. We call it an exception because how many times do the general masses get it right but the ‘*ulamā*’ get it wrong? So even if the masses *were* right, what would such an exceptional case ultimately prove?

(2) What was it that the people got right, exactly? Was it that coffee does not contain an intoxicating drug or that the drinking of coffee in public places would *not* give birth to a place called a ‘coffee shop’ that would be a haven for a whole host of evils?

So while Qadhi brings his cup of Mocha to lay testament to his case, we bring the thousands and thousands of coffee shops all around the Muslim world to prove that the ‘*ulamā*’ got it spot on when it came to foreseeing the multitude of evils that the introduction of coffee and coffee-houses would spawn.

Another way to possibly understand the underlined section of Qadhi’s Francis Bacon quote is as follows: If the people refuse to listen to the *fatāwā*, then the *fatāwā* are useless, and therefore, the ‘*ulamā*’ are required to listen to the people, irrespective of if the people are following their desires or not. In other words, because the people do not listen to scholarly decree, the scholars are now required to water-down their *fatāwā* in the *hope* that the gap between the laymen and people of knowledge can be bridged. This camouflaged call is a consistent theme in Qadhi’s new agenda. The worst thing about this camouflaged

call (as we will learn) is that it is merely a radical cog that helps turn the wheel of Qadhi’s propagandist machine.

We will suffice here with a statement from one of the *true ‘ulamā*, and then we will revisit Qadhi’s veiled call in a lot more detail when it resurfaces later on in his lecture. Shaykh Muhammad ibn Sālih al-ʿUthaymeen¹⁰ states:

It is incumbent on the people of knowledge to clarify to the people whatever of the Sunnah they oppose based on his saying “would that he not give a sermon such as this”. This is because, if the people of knowledge did not [consistently] clarify whatever of the Sunnah is being opposed by the people, the Sunnah would remain unknown. Moreover, the matter would broaden to the extent that great aspects of the Sunan would disappear due to the people’s silence.

However, here is an issue, **which is that some people undermine the people of knowledge in their [attempts] at clarifying the truth. So they state, for example, “what’s the point in making this clear to the people if the people are not going to benefit from it?”**¹¹ and other such statements. This is *harām* [to say], and it is impermissible for anyone to say such words as it **sabotages the truth and the [status] of the ‘ulamā**. If the *‘ulamā* were to clarify the truth and there is nothing in that [clarification] but that the people begin to know that they follow falsehood, whether this benefits them or not, it remains the greatest of benefits.

¹⁰ <http://highwaytoheaven.wordpress.com/islamic-scholars-biographies/shaykh-muhammad-ibn-salih-ibn-uthaymeen/>

¹¹ Yasir Qadhi was doing this with his Francis Bacon quote, and he continues this trend throughout his lecture.

You see, if the ‘*ulamā* remain silent about the contrary actions that people practice, the people will think [by implication] that what they do is actually correct and in alignment with the truth and consequently they will continue to practice them [actions]. Yet if the people see a clear rejection of what they do, they will [at least] know that they are not in accordance with the truth. Thus, if no benefit results [from the people of knowledge clarifying] except for this, it would be sufficient [i.e. he has done his duty]. So never ever be shy to explain the truth!¹²

Prior to quoting Francis Bacon, Qadhi goes on to make the first of many contradictory and self-refuting statements:

And so we have Shaykh al-Azhar Ahmed ibn ‘Abdul-Haqq as-Sumbātī; there’s a *fatwā* that he was asked: “Shaykh, what do you say about this new drink that is called *qahwa* that is *known* to change people’s temperaments and it is associated with much *evil* and it is associated with backbiting and bad company and it is typically accompanied by lazy men gambling away...” - [Qadhi *smirks*] that’s what *qahwa* was associated with: lazy men doing nothing except wasting their time, gambling and, you know, *err*, you know, *err*, *err*, wasting their days with dice and whatnot – “so what is your position about...” - by the way, even when you read the question, you already see where the Shaykh’s going to go with this, right?

Here, Qadhi clearly alludes to the idea that the people for whom the *fatwā* was given were asking a loaded or biased question. In **England**, interestingly, coffee was also seen as

¹² Imām Muhammad bin Sālih al-‘Uthaymeen, *Fath Dhi’l-Jalāl wa’l-Ikrām bi Sharh Bulugh ul-Marām*, vol.5, p.239.

something which **“impeded piety [and] encouraged idleness”**.¹³ Moreover, the places where coffee was sold and consumed were **“likely to be hotbeds of criminality [where]...debauchery [was] encouraged”**.¹⁴ Clearly, then, the association that Qadhi is mocking (i.e. the association of coffee **“with much evil ...backbiting ... bad company and ...lazy men gambling away”**) was not unique to the Muslim world. In any case, the interesting thing about Qadhi’s implicit accusation of a loaded or biased question being put to the *‘ulamā* is that it raises two questions:

- (1) Why did Qadhi lead his audience to the belief that the question was heavily loaded when he himself confirmed many of coffees’ negative, associative factors as true later on in his lecture?
- (2) Why did Qadhi not make clear to his audience from the outset that there were circumstantial factors that helped to build an accumulative case against the legalisation of coffee? Why make it sound like the only causative factor in coffee’s prohibition was that **“the ‘ulamā decided that *qahwa* was an intoxicant; *qahwa* was a *muskir*”**?

It is at this point that Qadhi makes the statement that allows us to challenge the assumption he made when he said: **“by the way, even when you read the question, you already see where the Shaykh’s going to go with this, right?”**

Relatedly, Qadhi also goes on to state:

Coffee houses began to spread in Muslim lands, and these became places of socialisation -- sometimes *good* socialisations; most of the time *bad* socialisation, but there was also a lot of *good* there -- and coffee houses became the place where the elite, the intellectual, the,

¹³ MacLean and Matar, 2011, p.203 from MacLean, G., & Matar, N. (2011). *Britain and the Islamic World, 1558-1713*. New York: Oxford University Press.

¹⁴ Ibid.

the social [unintelligible], the, the, the movers and shakers went to discuss issues and it was in coffee houses that al-Hasan al-Banna¹⁵ began his Ikhwān al-Muslimeen movement...

So when the people of piety originally sought a *fatwā* from the Shaykh and they associated it with various types of things that are at least undesirable in Islām, why must their question be loaded or biased when Qadhi himself has admitted that coffee houses “**most of the time**” were places of “**bad socialisation**”? If this was true of coffee houses, how does Qadhi know that the question’s associative factors were placed for purposes of *fatwā* entrapment?

Then after admitting that these coffee houses were mostly places of “**bad socialisation**”, Qadhi then goes on to say that “**there was a lot of good there,**” which is not an easy statement to reconcile with his initial admission of coffee houses being *mostly* places of bad socialisation. So then Qadhi attempts to substantiate his already quasi-paradoxical claim by stating:

...and coffee houses became the place where the elite, the intellectual, the, the social [unintelligible], the, the, the movers and shakers went to discuss issues and it was in coffee houses that al-Hasan al-Banna began his Ikhwān al-Muslimeen movement...

So let’s get this straight: these coffee houses were for the most part places of bad socialisation, but the little good that could be found in them materialises in the form of a generic list of people that Qadhi says frequented these places:

- (1) the elite,
- (2) intellectuals,

¹⁵ For information on Hasan al-Banna see <http://www.themadkhalis.com/md/categories/hasan-al-banna.cfm>

- (3) the social [unintelligible],
- (4) “movers and shakers”
- (5) and those who initiated the birth of the Ikhwān al-Muslimeen

Does this not seem like a desperate attempt at damage control that was done by the aforementioned admission “**most of the time bad socialisation**”? Let’s say, for argument’s sake, that this generic list of people did indeed visit these places that were for the most part places of bad socialisation, since when have the “**movers and shakers**”, “**the intellectuals**”, “**the elite**” (whoever they are) been the Islamic standard for determining good? We can add another statement to further exacerbate Qadhi’s already self-refuting logic:

...back then, coffee houses were places where, *generally speaking*, you know, not the, not the *religious* people you know what I am saying? *Ya’ni*, those who are more into, *uhh*, you know, music and smoke – they would smoke the Shisha or the Hookah over there, you know; the people who are not associated with religion; Hasan al-Banna made it a point to go to *those* places...

Qadhi’s whole logic and mode of reasoning is pretty much a reverse of the divine logic that we find in the Perfect Book of Allāh:

﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا﴾

They ask You (O Muhammad) concerning alcoholic drink and gambling. Say: “In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit.”¹⁶

¹⁶ Al-Baqarah 2:19.

BUILDING AN ACCUMULATIVE CASE AGAINST AN ACCUMULATIVE CASE

Up until this point, one might well be wondering why Qadhi is even bringing this issue to the fore to begin with. Why is Qadhi providing a narrow narrative of an event that happened over five-hundred years ago? For practical purposes, what impact could this historical event have on our status-quo in the West? The answer to this super-important question revolves around four key carefully conveyed concepts that all play starring roles in Qadhi’s presentation:

- a series of hand-selected *fatāwā*,
- large dollops of the word ‘embarrassing’,
- two sets of scholars,
- insourcing and outsourcing *fatāwā* ¹⁷

All of these carefully conveyed concepts individually and, more importantly, collectively play a carefully scripted role in Qadhi’s overall master plan. The word ‘master plan’ might sound a tad hyperbolic, but we jest you not when we state that Qadhi has a master plan for the Muslims in the West.

A SERIES OF HAND-SELECTED FATĀWĀ

Out of the millions and millions of *fatāwā* that have been issued over the centuries, Qadhi decided to handpick a select few which assisted him in establishing his main objective. If you look at all of these handpicked historical *fatāwā*, you will see that they all have one thing in common (according to Qadhi): they all represent not only the fallible nature of the *‘ulamā* but they are also represent some of the most embarrassing moments in the history of *fatāwā* pronouncement. When Qadhi steps on the stage with his coffee, it is important

¹⁷ Some of these concepts will not be addressed in this paper but will be left to a future paper.

to remember that the coffee itself was a prop used to introduce his first of many ‘embarrassing’ *fatāwā* issued throughout the ages by the Muslim scholars. Imagine; Qadhi’s whole lecture is predicated on moments in history when the scholars had supposedly got it wrong. Why would anyone wish to select the most ‘embarrassing’ *fatāwā* of all time and then present them in the form of a ‘beneficial’ lecture to the general masses? Who in the history of Islām has ever done this counter-productive method of da’wah? This clearly proves that Qadhi has an agenda to justify why we cannot outsource *fatāwā* to the ‘*ulamā*’ who live in Muslim lands because:

- (1) they are not privy to our affairs here in the West and they already have a track record of issuing ‘embarrassing’ *fatāwā*
- (2) we already have ‘*ulamā*’ in the West (Qadhi being one of them!?) who *are* privy to our affairs in the West.

Not only is this option the only realistic option, it is also the option that Qadhi himself makes no attempt to hide from start to end.

LARGE DOLLOPS OF THE WORD ‘EMBARRASSING’

Qadhi states in his lecture:

...unfortunately, we have some *really embarrassing* examples. Wallāhi, one of the most *embarrassing* examples, it is *so embarrassing* that I am *embarrassed* to mention it much less give a talk about it I don’t think I’ll *ever* give a talk about it because, *Wallāhi*, it is *embarrassing*, but I *want* you to know because I *want* to shock and awe factor [*sic*], and you will understand why I’m telling you this...¹⁸

¹⁸ As the well-known adage states, “**If you repeat a lie often enough, it becomes the truth.**” It seems like Qadhi was trying to see if he could use the base-form word ‘embarrass’ in as many parts of speech as possible (i.e. verb, adjective, gerund)!

Following the introductory message, assuring the audience that something embarrassing was on the horizon, we can ask: why the need to provide a *fatwā* of ‘embarrassment’ so as to **“shock and awe”** to begin with? The reader should be attentive to Qadhi’s need to ‘shock and awe’ via his broadcasting a list of ‘embarrassing’ *fatāwā* since this serves as a means to justify his overall goal.

The first question that any reasonable person would ask is this: are these *fatāwā* really embarrassing when understood in their correct social and historical context? Or has Qadhi presented his revisionist narrative of past events in a way that gives plausibility to his incessant use of the word ‘embarrassing’? The only way to answer this pivotal question is by taking a trip back in the past to the time when coffee was introduced—not to just the Muslims but also to other parts of the world.

So was this hostile attitude towards coffee five-hundred years ago only endemic to the Muslim lands? If we place our unconditional trust in Qadhi’s narrative of events, you would clearly think so because he makes no attempt whatsoever to provide us a historical account of how other countries and cultures outside of the Muslim world socially received the dark stranger called coffee. However, before we delve into the history books to develop for ourselves a more objective and uninvolved view of events surrounding the subject of coffee, let us first remind ourselves of how the term ‘embarrassing’ *could* stick as a true adjective for this particular *fatwā* that was issued all those centuries ago:

- Coffee was an outright mistake in *qiyās*, so much so that coffee was not even a drug to begin with and yet somehow the Scholars of Islām *still* managed to classify coffee as an intoxicant (*kehamr*)!
- Only the Muslims had this hostile outlook on coffee, but the rest of the world had socially received this new beverage with little or no public/political controversy.

But was this the reality? Let us see if any of these simplistic anecdotes pass as accurate portrayals of past events pertaining to coffee. First we will provide some reasons for its

prohibition in some Muslim lands and then we will observe the corresponding status-quo in non-Muslim countries.

GOING BACK IN TIME WITH CIRCUMSTANTIAL AND HISTORICAL CONTEXT: THE IMPACT OF COFFEE ON THE MUSLIM AND NON-MUSLIM WORLD

In the beginning of his lecture, Qadhi wished to mentally transport us back to the 1600s to witness the social and legal struggle with coffee. Due to Qadhi’s agenda, however, he purposely refrained from providing any significant historical context so as to strengthen his ‘embarrassing’ *fatāwā* project. However, with the luxury of hindsight and a panoramic view, when we look at the same period of time with its social and political scenery, we can quite easily see that there was nothing actually embarrassing about the temporary ban on coffee in certain Muslim lands all those centuries ago. Indeed, within the Ottoman Empire, Matthee notes how:

...religious leaders...watched in horror [as] the coffeehouse began to pose a challenge to the mosque as a place of congregation.¹⁹

Consequently, the religious authorities appealed to the Sultan to prohibit coffee (ibid.). Further background to the concern of the religious authorities is provided by Weinberg and Bealer who detail the societal shift coffeehouses introduced which was “**previously unheard of in respectable society**, that these places made inevitable and commonplace”²⁰ (emphasis added) which had “created as much danger as opportunity.”²¹ Ellis remarks that activities in coffeehouses:

¹⁹ Matthee, 1995, p.36 from Matthee, R. (1995). “Exotic Substances: The introduction and global spread of tobacco, coffee, cocoa, tea and distilled liquor, sixteenth to eighteenth centuries.” In Porter, R. & Teich, M. (Eds.), *Drugs and Narcotics in History* (pp. 24-51). Cambridge, England: Cambridge University Press.

²⁰ Weinberg & Bealer, 2001, p.15 from Weinberg, B.A. & Bealer, B.K. (2001). *The World of Caffeine – The Science and Culture of the World’s Most Popular Drug*. New York: Routledge.

²¹ Ibid.

...looked remarkably like those that went on in the proscribed wine taverns. Even the manner in which the little finions or cups of coffee were passed around reminded jurists of wine drinking.²²

Unsurprisingly, Ellis details an event in 1511 where the Makkan governor, Kha'ir Bey, came upon a group of coffee drinkers within Al Masjid al-Harām and thought they were drinking wine. It is also comes as no surprise to learn that Kha'ir Bey became convinced that coffee caused drunkenness “or at least disposed [people] to commit Disorders forbidden by the Law.”²³ However, to establish whether coffee was actually ‘harmful’, Kha'ir Bey assembled various individuals such as a number of jurists from various schools of Jurispuence, “two well-known Persian physicians [and] a number of coffee drinkers”²⁴ amongst others. Despite coffee being defended by “Muslim clerics from several sects” supported by medical documentation,²⁵ Kha'ir Bey won the day: coffee was declared “intoxicating and dangerous”²⁶ and categorised as being harām or unlawful for Muslims.²⁷

Interestingly, as Weinberg and Bealer detail, the similitude between wine and coffee might not be as implausible as some might think:

Even though the leaders of some Sufi sects promoted the energizing effects of caffeine, many orthodox Muslim jurists believed that authority could be found in the Koran that coffee, because of these stimulating properties, should be banned along with other intoxicants, such as wine and hashish, and that, in any case, the new coffeeshouses constituted a threat to social and political stability.

²² Ellis 2004, p. 14 from Ellis, M. (2004). *The Coffee House – A Cultural History*. London: Weidenfeld & Nicolson.

²³ Ibid., pp.14-15.

²⁴ Weinberg & Bealer, 2001, p.12.

²⁵ McCabe, 2008, p.169 from McCabe, I.B. (2008). *Orientalism in Early Modern France: Eurasian Trade, Exoticism and the Ancient Regime*. New York: Berg Publishers.

²⁶ Weinberg & Bealer, 2001, p.12.

²⁷ Ellis, 2004, p.15.

Considering that coffee was consumed chiefly for what we now know are caffeine’s effects on human physiology, especially the *marqaha*, the euphoria or high that it produces, it is easy to understand the reasons such scruples arose (emphasis added).²⁸

Little wonder then, that:

...in the Middle Eastern world, no less than the European, caffeine-bearing drinks have invariably been regarded as drugs before they were accepted as beverages.²⁹

Particularly interesting is MacLean and Matar’s claim that suspicion against coffee and coffee-houses was not just restricted to the Muslim world:

In England and the Islamic world, tobacco and coffee were similarly demonized on several counts, in addition to being considered distractions that impeded piety if nothing worse: they were clearly innovations, they were imported and thereby tainted by association with the alien cultures of their origins; they were luxurious consumables that encouraged idleness; and the places where they were bought and consumed were likely to be hotbeds of criminality, where social ranks were confused, debauchery encouraged, and seditious ideas openly expressed and propagated (emphasis added).³⁰

Similarly, Weinberg and Bealer provide numerous examples of European countries who also acted suspiciously towards coffee for a variety of reasons such as in France and Italy where wine dealers “had resisted the incursion of coffee, and coffee met with similar

²⁸ Weinberg & Bealer, 2001, pp.11-12.

²⁹ Ibid., p.9

³⁰ MacLean & Matar, 2011, p.203 from MacLean and Matar, 2011, p.203 from MacLean, G., & Matar, N. (2011). *Britain and the Islamic World, 1558-1713*. New York: Oxford University Press.

opposition from ale-house keepers in Germany.”³¹ Frederick the Great (1712-86) was a particular obstacle to usage of coffee in Germany:

...in the course of a lifelong campaign against the bean, [Frederick] promulgated bans, taxes, and even a special police squad to keep his subjects safe from coffee's threat to their health and pocketbooks (emphasis added).³²

Moreover,

Following a strange theory of international commerce that is still current, [Frederick] believed that, as a result of the German purchase of coffee beans from abroad, money would "flow out" of the country and deepen the economic distress. He also accepted the verdict of German physicians that coffee was bad for the health, especially the medical warnings that coffee caused effeminacy in men and sterility in women. He used his monopoly and authority to levy taxes in an attempt to restrict its use to the upper classes, causing much discontent among the populace (emphasis added).

An anti-coffee trend was also seen in Sweden where “the royal edict promulgated against coffee and tea in Sweden in 1746, which inveighed against "the misuse and excesses of tea and coffee drinking”³³ with “**any use of coffee [being] made illegal in Sweden**”³⁴ **in the same year.** We spoke earlier of coffee-banning being “an intermittent trend in Muslim lands” and this was also the case in Sweden:

After switching from prohibition to a program of high taxation, Sweden's regent again attempted to reimpose a coffee ban in 1794.

³¹ Weinberg & Bealer, 2001, p. 86.

³² Ibid.

³³ Ibid., p.92

³⁴ Ibid.

This effort was renewed, without success, again and again until the early 1820s, after which Sweden’s government finally acceded to the will of her people (emphasis added).³⁵

COFFEE CAFFEINE – THE INTOXICANT THAT NEVER WAS

With a little help from the perennial pages of history, we now know that not only did coffee receive a hostile welcome in the Muslim lands but it also encountered a similar reception in the non-Muslim lands due to a multitude of influential factors. Interestingly, a factor that led to the incorrect ruling on coffee was a factor that is a constitutional part of the law system of Islām. *Qiyās*, according to the majority of the Muslim Ummah, is one of the four types of evidences in Islāmic law through which legislation can be legally passed. The term *qiyās* linguistically means *at-taqdeer* (evaluation) and *al-musāwāh* (equalisation). According to the terminology of the *‘ulamā*, it means “to make a **new case** equal in **legal law** with an **original case** because there is an associative **operative cause**³⁶ that links between the two in ruling”.³⁷ Therefore, *qiyās* is made up of four parts: (1) the original case, (2) the new case (3) the operative cause and (4) the legal ruling.

The scholars of Islām have laid down basic conditions for the validity of *qiyās*. From these conditions are:

1. The case of *qiyās* cannot oppose stronger legal evidence. So, no consideration is given to a case of *qiyās* that opposes (1) revealed text (Qur’ān and Sunnah), (2)

³⁵ Ibid., p.93.

³⁶ Al-Hāfidh said in *Fath al-Bāri*, vol.10, p.56:

The ruling revolves around the operative cause, and the operative cause for the prohibition of wine is its intoxicating effect. So whenever this intoxicating effect is found, so is its prohibition.

³⁷ Another way of viewing *qiyās* is as a form of analogical reasoning whereby the reason (*illa*) behind an Islāmic command or prohibition is applied to a new situation (Brown, 2009, p.153 from Brown, D.W. (2009). *A New Introduction to Islam* (2nd Edition). Chichester, England: Wiley-Blackwell).

consensus of opinion and (3) a statement of a companion if we were to hold it as an evidence.

2. The **original ruling** has to be proven by revealed text or a consensus.
3. There exists for the **original ruling** a known **operative cause** that enables the integration in ruling between the **original case** and the **new case**.
4. The **operative cause** is found in the **new case** just as it is found in the **original case**.³⁸

Qiyās obviously applies to things for which there is no clear text from the sources of Islām to pass a definitive ruling on. As a pertinent and simple example of this, we can cite the case of many illegal drugs that exist today but which never existed during the time of the Prophet or were not mentioned in the revealed text. Let us take, for example, cocaine, which is a stimulant drug. Nowhere in the revealed text of Islām will you find a legal ruling for cocaine. Now, even though we are acutely aware of the dangers of the stimulant, cocaine (i.e. that it is an addictive drug and an intoxicant) no where do we find a legal ruling for this stimulant drug in the Book and the Sunnah explicitly mentioning the ruling for cocaine. Therefore, this case becomes ripe for *qiyās* and through the process of *qiyās* the scholars can pass a verdict of harām on the addictive, intoxicating substance known as ‘cocaine’. A case of *qiyās* for cocaine may be put together as follows:

The Original case: “Every intoxicant is unlawful and every intoxicant is *khamr*.”³⁹

The New case: Cocaine is a stimulant, addictive and an intoxicating drug.

Operative cause: Cocaine is a type of *khamr* because it possesses all the properties of an intoxicant.

Islāmic ruling: Cocaine takes the ruling of harām because it intoxicates and thus it is a type of *khamr*.

³⁸ *Fath al-Bāri*, vol.10, p.56.

³⁹ The Prophet said: “*Every intoxicant is unlawful and every intoxicant is Khamr.*” (Sunan an-Nisā’i Vol. 6, Book 51, Hadith 5589).

C FOR ‘COCAINE’, C FOR ‘CAFFEINE’

Apart from starting with the same letter and ending with the same letter, cocaine and caffeine have very little in common apart from the fact that both are stimulant drugs. Besides both being drugs, one is an illegal drug prohibited by law and the other is a legal drug regulated by law. Even though coffee in this day and age is halāl, does that mean that coffee is as clear in its ruling as it is in its properties and effects? Let us see what caffeine is and what effects it has on our minds. An article called ‘How Caffeine Works’ on the website ‘howstuffworks’ states the following (emphasis added):

Caffeine is a naturally occurring chemical stimulant called trimethylxanthine. Its chemical formula is C₈H₁₀N₄O₂...It is a drug, and actually shares a number of traits with more notorious drugs such as amphetamines, cocaine and heroin...caffeine uses the same biochemical mechanisms as these other drugs to stimulate brain function.⁴⁰

Interestingly, the article goes on to explain in detail how caffeine uses the same biochemical mechanisms as cocaine and heroin in stimulating brain function:

Dopamine is a neurotransmitter that activates pleasure centers in certain parts of the brain. Heroin and cocaine manipulate dopamine levels by slowing down the rate of dopamine reabsorption. Caffeine increases dopamine levels in the same way. Its effect is much weaker than heroin’s, but the mechanism is the same. Researchers suspect that this dopamine connection is what contributes to caffeine addiction (emphasis added).⁴¹

⁴⁰ <http://science.howstuffworks.com/caffeine1.htm>

⁴¹ <http://science.howstuffworks.com/caffeine5.htm>

Also, an interesting “[new study](#)”⁴² has found that caffeine dependency has caused experts to issue a “caffeine use disorder” warning. This study demonstrates that “more people are suffering withdrawal [sic] symptoms and are unable to reduce caffeine consumption which...causes the “caffeine use disorder.” ” A key element of an intoxicating substance is **addiction** and as detailed in a [journal article](#) entitled ‘Neurocircuitry of Addiction’, *withdrawal* is a stage of the addictive cycle and is defined as follows (emphasis added):

Drug addiction is a chronically relapsing disorder that has been characterized by (1) compulsion to seek and take the drug, (2) loss of control in limiting intake, and (3) emergence of a negative emotional state (eg, dysphoria, anxiety, irritability) reflecting a motivational withdrawal syndrome when access to the drug is prevented. Drug addiction has been conceptualized as a disorder that involves elements of both impulsivity and compulsivity that yield a composite addiction cycle composed of three stages: ‘binge/intoxication’, ‘withdrawal/negative affect’, and ‘preoccupation/anticipation’ (craving).

Also, according to the 2013 edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), “[caffeine intoxication \[is listed\] among the many disorders known to psychiatry](#)” although this listing is contentious. In regards to the new entry of ‘caffeine withdrawal’, a work-group member of the latest DSM edition [argued as follows](#):

We feel that there is enough data to support a caffeine-withdrawal syndrome...There are enough people who go into withdrawal — that if they don’t get caffeine, it becomes a real syndrome and can affect work, sleep, or whatever they need to do. So we’re suggesting that it ‘make the big leagues’ and become part of the *DSM* to make sure everyone is aware of it.

⁴² As published in the *Journal of Caffeine Research* in 2013.

Similarly, Professor Laura Juliano argued [as follows](#):

...while many people can consume caffeine without harm, for some it produces negative effects, physical dependence, interferes with daily functioning, and can be difficult to give up, which are signs of problematic use.

Clearly, then, caffeine has the potential for addiction.

Despite our present scientific knowledge, in light of the fact that the issue of caffeine intoxication and addiction are contentious issues today in 2014, can it truly be argued that a *fatwā* passed on coffee over 400 years ago is embarrassing especially during a time when the study of caffeine was still in its infancy stage? Is this from justice, especially from a ‘Shaykh’ who wishes to present himself as being sufficiently informed of historical and contemporary affairs? Using Dr Qadhi’s mode of argumentation, we could say that what seems truly embarrassing is Dr Yasir Qadhi’s apparent lack of awareness of the research we have cited concerning caffeine intoxication and addiction! Given that Qadhi has access to modern scientific research which the *‘ulamā* of the past did not, it is actually Dr Qadhi’s lack of awareness that is embarrassing!⁴³

With historical context and a better scientific understanding of caffeine, we can argue that there is a difference between something being demonstrated as wrong and something

⁴³ In the present day, the fact that the Food and Drug Administration (FDA) in the United States has a [‘caffeine cap’ of 0.02% for soft drinks](#) shows that caffeine consumption requires regulation. Interestingly, as the American Chemical Society (ACS) [state](#), since people process caffeine differently “scientists have struggled to distinguish benign, low doses of caffeine from troublesome, high doses”. Consequently, as [stated](#) by the ACS, “Physiological differences, as well as differences in the way people consume caffeine, have tied FDA in knots as it has debated how to regulate the substance.” Since it was unregulated in the past, there is good reason to believe that coffee caffeine was stronger in the past than it is today and if this is true then in the absence of present day regulation omitting/limiting caffeine’s harmful effects there is good reason to believe that caffeine was more dangerous in the past than it is today.

being demonstrated as embarrassing to facilitate an agenda. For instance, in the book (which is easily accessible) *Islamic Images and Ideas: Essays on Sacred Symbolism*⁴⁴ it states:

While the Shafi'i, Hanbali, and Maliki came to the same conclusion that intoxicating substances are forbidden (*haram*) each school had its own methods to reach this consensus. For instance, the bulk of Shafi'i scholars turned to the abundance of textual materials on *khamr* and *sukr* [intoxication] while the Maliki jurists focused upon the operative cause (*'illa*)...(emphasis added).

The same book also argues that

Ibn Taymiyyah of the Hanbali *madhhab* and al-Dhahabi (d. 1348) of the Shafi'i *madhhab*, a student of Ibn Taymiyyah, both came to the conclusion that any product whose consumption results in intoxication of any form is an intoxicant (*muskir*) and is outlawed... These two are representative of the scholars whose analyses led to the prohibition of narcotics. They are not representative, unlike the discussion on wine, of their *madhhab*, for dissension of opinion within a legal school occurred with greater frequency on the issue of narcotics as compared to wine (emphasis added).⁴⁵

So with each school of thought defining its own methods for determining what constitutes an intoxicant and the jury being out on whether all intoxicants deserve a similar ruling, the fact that narcotics were even more notorious in terms of defining must have only exacerbated matters further in those times when narcotics were still undergoing the process of definition and categorisation. Little wonder the subject of intoxication in Islām has been

⁴⁴ Long, 2014, p.80 from Long, M. (2014). Intoxication. In Morrow, J.A., (Ed.), *Islamic Images and Ideas: Essays on Sacred Symbolism* (pp. 75-100). Jefferson, NC: McFarland & Company, Inc.

⁴⁵ Ibid., pp.88-89.

called “both controversial and complex”⁴⁶ as well as “convoluted”!⁴⁷ The following question comes to mind: given the fact that there were conflicting understandings of what constitutes an intoxicant amongst the various schools of thought regarding the multitude of wines, drugs and narcotics that are all harām today, why must Qadhi’s handpicked historical *fatāwā* in respect to coffee be demonstrated as a case of embarrassment? At this point, we can do a quick checklist:

- Is caffeine a drug that resembles other prohibited drugs?
- Is caffeine a drug that can intoxicate in large doses?⁴⁸

⁴⁶ Ibid., p. 75.

⁴⁷ Ibid.

⁴⁸ In regards to how much caffeine one might typically consume, [the NHS](#) (the UK’s national health service) tell us that, for instance, one mug of instant coffee contains 100mg of caffeine and one mug of filter coffee contains 140mg of caffeine. But if caffeine can intoxicate, what *amount* of caffeine is required to intoxicate? A DSM-IV based diagnosis of caffeine intoxication requires “recent consumption of at least 250mg of caffeine [> 2-3 cups of brewed coffee], but much higher doses (>500mg) are usually associated with the syndrome” (Juliano & Griffiths, 2005, p. 409*).

* Juliano, L.M., & Griffiths. R.R. (2005). Caffeine. In J.H, Lowinson (Ed.), *Substance Abuse: A Comprehensive Textbook* (4th Edition) (pp. 403-421). Philadelphia, PA: Lippincott Williams & Wilkins.

According to the website [livescience.com](#), ‘caffeine intoxication’ appears in the latest DSM [Diagnostic and Statistical Manual of Mental Disorders] manual (DSM-5) as a condition or disorder. The site details how:

Restlessness, nervousness, excitement, red face, gastrointestinal upset, muscle twitching, rambling speech, sleeplessness, rapid and irregular heartbeat and other symptoms...are telltale signs of caffeine intoxication (emphasis added).

If coffee drinkers experience five or more of the aforementioned symptoms “during or shortly after consuming caffeine [they] could be diagnosed with caffeine intoxication” (ibid.). Moreover, “The intoxication must also meet a standard DSM test: It must cause distress or impair the drinker’s ability to function (ibid.)” Unsurprisingly, that caffeine intoxication is labelled as a ‘condition’ is disputed by other specialists in the medical community (ibid.). Indeed, a clinical psychologist and professor of psychiatry “who served on the DSM-5 working group for substance-use disorders” (ibid.) said the following in 2011:

- Is caffeine a drug that can cause addiction?



Thus, according to our checklist, caffeine is remarkably similar to other prohibited drugs. Now, does this prove, *Islamically*, that caffeine is an intoxicant? No.⁴⁹ Does this prove that caffeine is *harām*? No. Are we even making a *case* for caffeine being *harām*? **NO!** However, what we *are* doing is exposing the propaganda that flimsily props up Qadhi’s embarrassment proposition which is continuously rammed down our throats by Qadhi. Earlier in this paper, we quoted Qadhi’s assertion that:

...if I had drank a Mocha in Mecca five-hundred years ago, I would have actually been *jailed*, taken in front of a judge, *punished* and then *whipped* and *lashed* for the *crime* of drinking a Mocha in Mecca...

in which we argued that Qadhi makes this claim in a historical void, without any social or religious context or any negative, associative factors detailing why he *might* be ‘whipped’ and ‘lashed’. But since **“Forty or eighty lashes was the standard punishment (*hadd*) for consuming alcoholic intoxicants”**⁵⁰ and since **“*fuqaha*’ [jurists] who equated the intoxication of narcotics to that of alcohol affirmed that the same punishment of lashes was applicable to those indicted of drug use”**,⁵¹ then, consequently, if coffee was held in some quarters to be an intoxicant then why would someone’s jailing, being taken in front of a judge, and their punishment for taking what was seen as an intoxicant be surprising? Qadhi here is relying on the present day blasé attitudes towards coffee to

Caffeine is invading our society more and more. So there's concern enough to consider this topic seriously, even though it's probably one of the more controversial issues faced by our work group...” (ibid., emphasis added).

Also, “caffeine, can also harm [and]... In rare cases when consumed at high enough doses, [caffeine can kill](#)” (ibid.). See also footnote 43.

⁴⁹ According to secular research, it is possible that caffeine can be called a ‘legal intoxicant’ but this does not mean it is regarded as an intoxicant *Islamically*; this is a very important point.

⁵⁰ Long, 2014, pp.89-90.

⁵¹ Ibid.

retroactively deride past *fatāwā* concerning coffee. Obviously, these *fatāwā* are surprising in today’s world because coffee is so mundane nowadays. This is a reality which is eloquently described by Professor Laura Juliano (a co-author of the study from the *Journal of Caffeine Research* concerning caffeine dependency referenced earlier) where she says:

The negative effects of caffeine are often not recognized as such because it is a socially acceptable and widely consumed drug that is well integrated into our customs and routines.

So here we have Qadhi looking at the coffee *fatwā* as embarrassing, but Allāh on that Day when all things matter *might* look at it as one reward for those who thought it was forbidden by necessity of *qiyās* and other associative factors.⁵² It is fitting that we remind ourselves of the case of the mujtahid who strives for the truth and does so particularly for the welfare of the people. The Prophet said:

*“When a judge utilises his skill of judgement and comes to a right decision, he will have a double reward, but when he uses his judgement and commits a mistake, he will have a single reward.”*⁵³

THE MODERN-DAY COFFEE SHOP – THE HAVEN FOR A HOST OF HARĀM ACTIVITIES

Qadhi has already admitted that coffee ushered in associative factors:

Coffee houses began to spread in Muslim lands, and these became places of socialisation -- sometimes *good* socialisations; most of the

⁵² Shaykh al-Uthaymeen, after providing a strange case of *qiyās*, goes on to remind us of the correct *akhlāq* and mannerisms of a Muslim concerning the *‘ulamā*:

In any case, the important thing is that we do not want to laugh at them [those who hold this view] as they are Mujtahideen. If they err they have one reward and if they are correct then they get two rewards. (Sharh al-Usūl min ‘ilm al-Usūl)

⁵³Sahīh al-Bukhāri Book 19, Hadith 1856.

time *bad* socialisation, but there was also a lot of *good* there -- and coffee houses became the place where the elite, the intellectual, the, the social [unintelligible], the, the, the movers and shakers went to discuss issues and it was in coffee houses that al-Hasan al-Banna began his Ikhwān al-Muslimeen movement...

Qadhi also says:

...back then, coffee houses were places where, *generally speaking*, you know, not the, not the *religious* people you know what I am saying? Ya’ni, those who are more into, uhh, you know, music and smoke – they would smoke the Shisha or the Hookah over there, you know; the people who are not associated with religion; Hasan al-Banna made it a point to go to *those* places...

Anybody who has travelled to the land of the Arabs, and has spent a reasonable amount of time therein, will know that coffee houses (cafes) until this present day are havens and hotbeds for all types of unsavoury deeds and practices. With that fact in mind, imagine if we could go back in time to coffee’s controversial introduction to the Muslim world, accompanied with the mundane attitude towards coffee that we have today, would we deem it premature and embarrassing if coffee and its places of consumption were outlawed? Could you see it as an astonishing example of scholarly foresight and prudence fulfilling the Islamic maxim of blocking the means to potential evils (*Sadd udh-Dhara’i*)⁵⁴ that are heavily associated with coffee shops around the Muslim world nowadays? Unsurprisingly it is said that the inheritors of the Prophets see fitnah and evil a mile away, but we see it when it is too late!

⁵⁴ This concept of ‘blocking the means’ is predicated on the idea of anticipating evil before it can materialise since preventing evil is from the objectives of the shari’ah. Authority for this maxim is found in both the Qur’ān and the Sunnah.

Qadhi even aids us in adding another compelling proof of why there was nothing embarrassing about the ban on coffee:

And some scholars even said *qahwa* isn't just harām, *qahwa* is a *bid'ah!* [Qadhi gives strong emphasis to this word and smirks which elicits laughter from the audience.] Now, where they get [sic] this from? Well, the fact of the matter is that, when the Yemeni traders first brought it in from Ethiopia, the first group of religious people to adopt *qahwa* were the Sūfi tariqahs.⁵⁵ And they adopted the *qahwa* in order to give them the energy to do their *dhikr* sessions late into the night. So they began drinking *qahwa* as a part of their rituals in order that they do their *dhikr* and they do what they needed to do.

Undoubtedly, the actions that these Sūfis were doing was a bid'ah, and as the Prophet said “...every bid'ah is misguidance and every misguidance is in the fire”. So what about the paraphernalia that helped to perpetuate these innovations ‘late into the night’? Are we not familiar with the principle that stands defiant in the face of harām and states “anything that leads to the harām, itself becomes harām.” In other words, if substances which are permissible in and of themselves are used as a means to partake in the harām, then that abused substance becomes harām so as to *prevent* the harām. Simply put, the same thing used to facilitate the harām becomes harām itself.

⁵⁵ According to the [BBC website](#): "Qahwa originally [i.e. pre-Islamically - Bonebakker, 1997, p.56*] meant wine and Sufi mystics in Yemen used coffee as an aid to concentration and even **spiritual intoxication** when they chanted the name of God" (emphasis ours). Actually, coffee was known as the “wine of Islam” (Weinberg & Bealer, 2001, p.197) with “caffeine [being] a successful substitute for alcohol and the coffeehouse for the [wine] tavern” (ibid.).

* Bonebakker, S.A. (1997). “Nihal Obsat in storytelling?” In Hovannisian, R.C., & Sabagh, G. (Eds.), *The Thousand and One Nights in Arabic literature and society*. (pp.56 – 77). Cambridge, England: Cambridge University Press.

Just as Qadhi informed us, coffee shops all those years ago were mostly places of bad socialisation. So, if coffee houses are to be described as places of bad socialisation all those years ago, what words are we to use to describe today’s modern-day coffee shops? Nowadays, you walk into a masjid in some Muslims countries and rarely will you see it bustling with the vibrancies of youth. However, if you walk across the road to the closest café/internet shop, you will likely find it full to the brim with the future generations of our Ummah involved in an array of unsavoury activities. The negative, associative factors that were argued in favour of a ban on coffee back in the days of Kha’ir Bey⁵⁶ are nothing like the negative, associative factors that exist today—both in terms of quantity and calibre of the sin. Interestingly, *A New Introduction to Islam* by Daniel W. Brown states the following:

From a Hanafi perspective...any effort to prohibit coffee by analogy with khamr, or because its effects were somehow seen to resemble intoxication, was out of the question. This did not mean, however, that coffee-related activities were necessarily licit; an otherwise permissible substance might well be used for illicit ends or in illicit circumstances. Consequently, Hanafi authorities seem to have been more amenable to closing down coffee shops than to prohibiting coffee (emphasis added).⁵⁷

We wonder if Qadhi would see the ‘pro-coffee’ Hanafis’ support for coffee shop closures (due to negative, associative factors) as ‘embarrassing’.

As we made clear before, our argument here is not whether the *fatāwā* on coffee were right or wrong; rather, our argument against Qadhi relates to:

- (1) Qadhi’s embarrassment proposition,

⁵⁶ Refer to the second quote on page sixteen.

⁵⁷ Brown, 2009, p.155 from Brown, D.W. (2009). *A New Introduction to Islam* (2nd Edition). Chichester, England: Wiley-Blackwell.

(2) and what Qadhi wishes to prove via his embarrassment proposition is to establish his agenda (i.e. the insourcing of *fatāwā* to ‘*alims*’).⁵⁸

CLOSING REMARKS

In this paper, two cases have been presented: Qadhi’s case and our case. However, the stark difference between both cases is that (1) Qadhi’s narrow, over-simplified narrative of events was carefully constructed to fulfil an end-game agenda; (2) our case, however, was presented within a broader narrative of events offering a more balanced and impartial view of said events that transpired all those centuries ago. No matter how eloquent or charismatic a case is presented, in the final analysis, it is historical facts, social context and impartiality that determine the verdict which is most just and deserving. Therefore, based upon all the facts at hand, we argue for the second verdict of the three that we presented in the opening pages of this paper:

Verdict One: The verdict passed on coffee was an outright mistake in *ijtihad*, so obvious it is truly embarrassing.

Verdict Two: A mistake in *qiyās* which was *not* so obvious because coffee has similar traits to the prohibited thing it was compared to (i.e. *khamr* /intoxicant).

Verdict Three: No mistake was made in the *ijtihad* regarding coffee and thus nothing warrants the charge of embarrassing.

In the next paper, Insha’Allāh, we will examine, the following aspects of Qadhi’s talk:

- Slavery in Islām and the Trans-Atlantic slave trade.
- Qadhi’s constant belittlement of the ‘*ulamā*’.

⁵⁸ Although we intend to make Qadhi’s agenda clear in subsequent papers, but Qadhi himself does a rather splendid job of spelling out his overall agenda. As they say, sometimes it is better to hide in plain sight because sometimes one cannot see the obvious despite it *being* obvious. It is either that or Qadhi has now reached the stage where he feels confident enough because he now has enough followers to position himself as a voice of authority when speaking out against the ‘*ulamā*’.