

Coffee was once *Ḥarām*? Dispelling Popular Myths regarding a Nuanced Legal Issue

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Abstract

This paper attempts to address many misconceptions regarding the coffee controversy, which engulfed the Muslim world in the tenth/sixteenth century. It argues that rather than there simply being an oppositional binary of scholars permitting or forbidding coffee, in fact, a number of other positions can actually be discerned in the legal debate, namely that of recommendation and disapproval. Furthermore, it argues that besides holding the balance of power insofar as being the majority position, jurists who deemed coffee to be a permissible substance resorted to a number of epistemically powerful indicators to refute the prohibitionists, such as experimentation and the testimony of numerous individuals that the drink did not intoxicate or bring about any adverse side effects. In addition, by referring to some important but oft-ignored conventions pertaining to fatwās, the author argues that not all scholars typically labelled as being prohibitionists of coffee may have deemed the drink to be forbidden. Instead, many of them simply based their answers exclusively on the information provided to them by the questioner, in accordance with the legal precept that “the jurisconsult is the prisoner of the questioner.” This paper is unique in its depth and comprehensiveness as it studies all the existing scholarly views on coffee. Furthermore, it provides a detailed study of the proceedings of the Meccan Assembly. Regarding the assembly, I argue that the attending jurists actually disagreed on the drink’s ruling and that the different forms of evidence provided by the prohibitionists are not persuasive from a legal viewpoint.

Keywords

Meccan Assembly, experimentation, coffee, sense experience, analogy.

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Introduction

It is hard to believe that almost forty years have passed since Ralph S. Hattox wrote his seminal book *Coffee and Coffeehouses*. Throughout this important work, Hattox skillfully analyzes how since its emergence, coffee has brought a myriad of social, political, and economic changes in the Muslim world. In terms of legal analysis, what is of immense interest is how the author explores in considerable length the debates and controversies which arose concerning the ruling of coffee's consumption. The author has two chapters that are of immense value to scholars interested in Islamic law. In the third chapter, Hattox largely explores the key events and legal debates that occurred during the notorious Meccan Assembly convened in 1511.¹ In the fourth chapter, he explores the legal debates between jurists of the various schools of thought on whether an analogy between coffee and intoxicants can be cogently drawn.² What further amplifies the value of Hattox's work is that he cites from highly-touted authorities on the topic, most notably the jurist and historian 'Abd al-Qādir al-Jazīrī (d. 977/1569), considered to be the author of "the most extensive and ambitious of the extant sixteenth-century treatises on coffee."³ However, despite the comprehensiveness of Hattox's work, it has a number of limitations. The full background, accounts, and details of the early debates surrounding coffee are not adequately discussed by the author. This is largely understandable since Hattox was forced to pen his work at a time when the number of legal resources on the beverage was still severely lacking. Nevertheless, considering the richness of Hattox's book in terms of the scope of topics covered, one would have expected his work to spur a wave of new research works concerning the legal intricacies of the coffee controversy. However, a thorough search for new works by other scholars on the coffee issue yields nothing but disappointment. It is surprisingly difficult to find new writings that revisit or relook at the coffee issue in any manner; the number of new works on the topic is sparse and limited.⁴ In fact, writers sometimes only heavily depend on

¹ Ralph S. Hattox, *Coffee and Coffeehouses: The Origins of a Social Beverage in the Medieval Near East* (Seattle: University of Washington Press, 1985), 29–37.

² *Ibid.*, 46–60.

³ *Ibid.*, 131.

⁴ Two notable exceptions, however, are Islam Dayeh, "Islamic Casuistry and Galenic Medicine: Hashish, Coffee, and the Emergence of the Jurist-Physician," in *A Historical Approach to Casuistry: Norms and Exceptions in a Comparative Perspective*, ed. Carlo Ginzburg with Lucio Biasiori (London: Bloomsbury Publishing, 2019), 132–50; and Hatim Mahamid and Chaim Nissim, "Sufis and Coffee Consumption: Religio-Legal and Historical Aspects

the presentation of Hattox himself, with little or no original research.⁵ Ultimately, any newfound interest on the matter has reached a standstill, as research on the debate has in most terms halted.

Owing to the lack of later additional works and the subsequent vacuum found in the coffee issue, some writers have taken advantage of the persisting theoretical gaps by imposing oversimplistic narratives instead. It is frustrating to find that in the last few decades a number of superficial renditions have become dominant in describing the coffee controversy. The conventional wisdom often expressed when depicting the legal quandaries surrounding coffee's introduction in the Islamic world during the tenth/sixteenth century is that of an oppositional binary. Simply put, the scholars took a firm line against it and declared it to be a prohibited intoxicant imbued with many ills. Subsequently, its consumption and sale were strictly prohibited, with punishments even meted out for its consumers. Society, on the other hand, defied these proclamations and resisted efforts to ban it by continuously drinking it and maintaining the operation of coffee houses. They ensured that no ban could be properly imposed by openly disobeying laws prohibiting the beverage. Eventually, the force of society prevailed over the will of the jurists, and coffee was ultimately legalized. It turns out that society was right all along: Coffee does not have any demonstrable adverse physiological and psychological properties. Because they were rigidly traditionalist and suspicious of anything new, the jurists actually failed to notice the mundane nature of coffee. The conventional wisdom thus presents a cautionary tale of the repressive and retrograde tendencies of scholars, and how average members of society may in fact be more forward-thinking than them.⁶

This dominant narrative is not just expressed by regular writers, but also by some contemporary Muslim jurists and scholars. In his remarks during a conference concerning the *modus operandi* of delivering religious verdicts, the former Grand Muftī of Egypt 'Alī Jum'ah stressed that Muslim jurists must be able to combine two different skills in order to solve new legal problems (*nawāzil*) that arise in society. They should be competent in identifying the applicable and relevant legal texts and

of a Controversy in the Late Mamluk and Early Ottoman Periods," *Journal of Sufi Studies* 7 (2018), 140–64.

⁵ A good example is Daniel W. Brown, *A New Introduction to Islam* (New Jersey: John Wiley & Sons, Inc., 2011), 270–84.

⁶ See Salāmah Mūsā, *Ḥurriyat al-Fikr wa Abṭāluhā fī 'l-Ta'rikh* (Cairo: al-Hay'ah al-Miṣriyyah, 1988), 109–15.

also be able to recognize the reality on the ground.⁷ Jum‘ah contends that scholarly competence in these two areas was sorely lacking in the controversy concerning coffee; it is regrettable to observe the Muslim scholarly class be so slow and ineffective in solving a fairly clear problem. In fact, the Egyptian scholar argues that owing to the false belief that the drink was an intoxicant, for almost 400 years many scholars considered coffee to be prohibited.⁸

Jum‘ah is not alone in giving scholars a cold reception for their treatment of the coffee issue. Among English-speaking Muslim speakers, more forceful declarations can be found. An even more extensive presentation of the aforementioned perspective can be found in Yasir Qadhi’s groundbreaking 2013 lecture entitled “Looking back as We Look forward.”⁹ The lecture was revolutionary in arguing that Muslim scholars must be acutely conscious of the existing reality in their social surroundings before being able to deliver accurate legal edicts. Qadhi argues that owing to an insufficient degree of investigation for new legal problems, Muslim scholars have issued a series of embarrassing verdicts that are at odds with the reality on the ground. Discussing the phenomenon of “strange fatwas” which are removed from the real world, we are presented with the following provocative description of the coffee episode by Qadhi and his team:

From time to time, we come across strange fatwas. Did you know that 5 centuries ago, drinking coffee in Makkah or in Cairo was illegal, punishable by jail and lashing? Why? Because it was the *prevalent* fatwa and fiqhi opinion that coffee was unlawful as a type of intoxicants. . . . But why [do] some scholars adopt such opinions? Why are some fiqhi opinions disconnected from the real life?¹⁰

⁷ Sa‘īd Ḥijāzī and ‘Abd al-Wahhāb ‘Īsī, “‘Alī Jum‘ah bi Mu‘tamar al-Iftā’: Mu‘lim an Yastamirr al-Khilāf ḥawl al-Qahwah li 400 ‘ām,” *al-Waṭan*, October 16, 2018, <https://www.elwatannews.com/news/details/3730063>; Hibah Yaḥyā and ‘Alī Sa‘īd, “‘Alī Jum‘ah: Al-Qahwah Ism min Asmā’ al-Khamr,” *al-Zamān*, October 16, 2018, <https://www.elzmannews.com/171645>.

⁸ Sa‘īd Ḥijāzī and ‘Abd al-Wahhāb ‘Īsī, “‘Alī Jum‘ah bi Mu‘tamar al-Iftā’: Mu‘lim an yastamirr al-Khilāf ḥawl al-Qahwah li 400 ‘ām,” *al-Waṭan*, October 16, 2018, <https://www.elwatannews.com/news/details/3730063>; Hibah Yaḥyā and ‘Alī Sa‘īd, “‘Alī Jum‘ah: Al-Qahwah Ism min Asmā’ al-Khamr,” *al-Zamān*, October 16, 2018, <https://www.elzmannews.com/171645>.

⁹ Yasir Qadhi, “Looking back as We Look forward—Change & Modernity,” Detroit, Michigan, December 7, 2013, <https://www.youtube.com/watch?v=jjmrPh2sRuw>, last accessed November 13, 2020.

¹⁰ Qadhi, “Coffee Is Haram? How to Deal with a Strange Fatwa,” *On Islam.net*, October 1, 2018, <https://aboutislam.net/shariah/shariah-and-humanity/shariah-and-life/coffee->

It is interesting to note that Qadhi selects the coffee episode as being his ideal prototype which he begins his lecture with. In his presentation, he argues that the prohibition of coffee was the prevailing view held by jurists during the controversy. In more specific terms, he stresses in his lecture that a dominant and stringent bloc of scholars declared coffee to be an intoxicant.¹¹ Even more significantly, he invokes a firm nexus between these alleged disapproving verdicts and legal statutes which proscribed the consumption of coffee. The opposing side championing the view of permissibility, on the other hand, was always the weaker party and would never have the upper hand during the controversy. The shift from impermissibility to permissibility in the ruling on coffee would never occur because of the contribution of Muslim scholars, but another stratum of society. In Qadhi's view, it was only resistance from society below which could effectively challenge the static scholarly condemnation of coffee. Scholars actually failed to give the new legal problem of coffee adequate attention so that it would be resolved through the powers of reason and research; they simply assumed that it fit the profile of any typical intoxicant. Unlike Jum'ah, Qadhi's claims are quite stronger. He goes a step further in arguing that it was not religious scholars who eventually overturned the ban, but ordinary laypeople that simply employed their common sense in testing and consuming the drink. As some analysts of Qadhi's lecture have noted, the repercussions of such arguments are quite severe. If Muslim scholarship fails to be "in tune with the lived experience of the people," Qadhi fears that the ordinary masses "will simply ignore the *fatwās* of the scholars and live life as they see fit."¹² The coffee episode presents a cautionary tale of how jurists failed to exercise their craft correctly, while also deserving the ire of other sectors of society for their gross incompetence.

But is this mainstream account actually consistent with documentary evidence hailing from that time? Contrary to this oppositional scholar-society depiction of the debate, I will argue that in fact the question concerning the ruling of coffee never received a single consistent response. Instead, it was a deeply controversial legal dispute between the jurists that would ultimately prevail for decades. A thorough investigation of scholarly accounts of the coffee controversy reveals that within the scholarly class, there never did, in fact, exist a

haram-deal-strange-fatwa/, last accessed November 13, 2020.

¹¹ Qadhi, "Looking back as We Look forward."

¹² Christopher Pooya Razavian, "Yasir Qadhi and the Development of Reasonable Salafism," in *Modern Islamic Authority and Social Change, Volume 2: Evolving Debates in the West*, ed. Masooda Bano (Edinburgh: Edinburgh University Press, 2018), 164.

homogenized unity, which censured coffee drinking. Instead, jurists found themselves situated in a polarized debate regarding the drink's ruling since the issue was introduced. This paper attempts to present a number of critical new insights which have remained unexplored in examining the coffee controversy that engulfed the Muslim world during the tenth/sixteenth century. Most importantly, it argues that rather than simply being an oppositional binary of scholars permitting or forbidding coffee, in fact, a number of other positions can actually be discerned, namely that of recommendation or disapproval. Furthermore, it argues that besides holding the balance of power insofar as being the majority position, jurists who deemed coffee to be a permissible substance resorted to a number of epistemically powerful indicators to refute the prohibitionists. These indicators included experimentation and the testimony of numerous individuals that the drink did not intoxicate or bring about any adverse side effects. Furthermore, by referring to some important but oft-ignored conventions pertaining to *fatwās*, the author argues that not all scholars typically labelled as being prohibitionists of coffee actually deemed the drink to be forbidden. Instead, they may have simply based their answers exclusively on the information provided to them by the questioner, in accordance with the principle that "the jurisconsult is the prisoner of the questioner."

A Study of the Variant Legal Positions regarding Coffee

If one evaluates the various opinions of jurists regarding coffee, they will make some surprising discoveries. Instead of simply finding consistent declarations that the drink is permitted or prohibited, if one scans the literature carefully enough a wide array of conflicting legal opinions can in fact be discerned. Most interestingly, the famous mystic and Ḥanafī jurist 'Abd al-Ghanī al-Nābulī (d. 1143/1731) argues that in a parallel fashion to the issue of smoking, there actually was a rich spectrum of scholarly views concerning the ruling on coffee.¹³ A careful investigation of the different juristic proclamations on the beverage reveals that in his assessment al-Nābulī hit the mark. Views spanning most of the five-fold classification of legal rulings (*al-aḥkām al-khamsah*) can be found, with the highest normative level being that of recommendation. A careful investigation reveals that from among the five different *sharī'ah* categories scholarly opinions on the topic ranged along with four of them, with the most prevalent view being that coffee is permissible. I

¹³ 'Abd al-Ghanī al-Nābulī, *al-Ṣulḥ bayn al-Ikhwān fī Ḥukm Ibāḥat al-Dukhān* (Damascus: Dār al-Nīnawā, 2015), 13.

argue that there are strong indicators, which point to the fact that the majority of scholars opined that coffee was permissible. Smaller clusters of scholars diverged slightly from the neutral ruling of legal permissibility by deeming coffee's consumption to be recommended or disliked. Lastly, a notable minority of jurists issued verdicts that coffee was prohibited. However, in their answers, there are several intricacies, which indicate that they may not have fully and unconditionally considered the drink to be forbidden.

Scholarly Views of the Normative Desirability of Coffee

In his authoritative work regarding the legal history and ruling of coffee, the great Ḥanbalī jurist 'Abd al-Qādir al-Jazīrī echoes al-Nabulsī's sentiment. He states that instead of it being an issue agreed upon by the jurists, several views regarding the drink's ruling can be found. In fact, as al-Jazīrī mentions early on in his work, there is a myriad of views regarding the drink's ruling. There actually were scholars who viewed its consumption to not only be permissible but also virtuous and normatively desirable.¹⁴ According to this opinion held by a number of scholars, coffee was a purifying and blessed beverage, as it nourished its drinkers with energy, thus enabling them to increase the volume of their religious prayers, litanies, and other rituals. Although al-Jazīrī is not explicit in elucidating which exact group championed this line of reasoning, one can assume that he was referring to Sufi scholars, many of whom made the drink a central facet of their daily rituals. In fact, coffee's actual discovery and early consumption can be traced to some Sufi saints, with the most likely candidate being 'Alī b. 'Umar al-Shādhilī (d. 831/1428), who upon coming across a coffee tree and consuming its berries, realized its stimulating properties.¹⁵ Coffee was described as being the wine of the believers, a drink potent with energy and ecstasy which was divinely gifted by God to His servants in this world. It was perceived as being a godsend for ascetics, and immediately replaced the use of morally questionable stimulants that were being previously used by some worshippers, such as hashish. Thankfully, as opposed to these drugs, coffee was a permissible substitute, which could produce similar sensations of euphoria, not to mention that it could raise one's alertness

¹⁴ 'Abd al-Qādir b. Muḥammad al-Jazīrī, *'Umdat al-Ṣafwah fī Ḥill al-Qahwah*, ed. 'Abd Allāh Muḥammad al-Ḥabashī (Abu Dhabi: Hay'at Abū Dhabī li 'l-Thaqāfah wa 'l-Turāth, 2007), 57.

¹⁵ An excellent historical review concerning the discovery of coffee can be found in Muḥammad Mufliḥ al-Bakr, *al-Qahwah fī 'l-Mawrūth wa 'l-Adab al-'Arabī* (Beirut: Maktabat Bīsān, 1995), 19–26.

and overall energy levels for religious devotees. Furthermore, since it suppressed the appetite, one of the main temptations of the world could be eliminated: over-indulgence and consumption of food. Coffee could enable one to live a life of abstinence in relatively easier terms and devote more attention to other-worldly affairs. Furthermore, another great benefit found in coffee was that it inhibited sleep, thereby allowing the Sufis to devote the whole night in worship by performing their litanies and prayers. Because many of the first consumers of coffee were devoted worshippers, it is no matter of surprise that the drink was deemed as normatively desirable. After all, since the energy and vitality generated by coffee were being used for exclusively religious ends by a limited number of scrupulous users, conferring the drink with the ruling of recommendation was hardly a matter of surprise.¹⁶

It would be a mistake to presume that this complimentary opinion was exclusively championed by Sufis, who associated with coffee a number of mystical properties. In fact, there were some legal jurists who bestowed the drink favourable verdicts after noticing how it enabled people to conduct their acts of worship more effectively. From amongst such jurists who viewed the consumption of coffee to be praiseworthy was the Shāfiī jurist and grand judge Shihāb al-Dīn Aḥmad b. ‘Umar b. Muḥammad al-Muzajjad (d. 930/1524). After delivering a verdict regarding the ruling of intoxicants like opium and hashish, the jurist digressed by stating that the ruling of prohibition cannot be extended to other substances such as coffee, since they do not actually intoxicate. He argued that owing to its distinct qualities, the consumption of coffee should be deemed as being recommended (*ṭā‘ah*) if it is used as an aid to invigorate one’s religious activities.¹⁷ This sentiment was likewise echoed by yet another Shāfiī jurist, Shihāb al-Dīn Aḥmad b. al-Ṭayyib al-Ṭabandāwī (d. 948/1541), who was considered the grand teacher and jurisconsult of the Yemeni city of Zabid. Although mentioning that its baseline ruling is that of permissibility, al-Ṭabandāwī argued that the ruling of recommendation should be granted in the case of the person who consumes coffee as an aid for performing supererogatory acts of worship, such as reciting the Qur’ān or seeking knowledge. To justify this assertion, he invoked the maxim that means undertaken for the desired end take the same ruling as the latter (*li’l-wasā’il ḥukm al-maqāṣid*).¹⁸

¹⁶ Ibid., 36–38.

¹⁷ Al-Jazīrī, *‘Umdat al-Ṣafwah*, 120–21.

¹⁸ ‘Abd al-Qādir b. ‘Abd Allāh al-‘Aydārūs, *al-Nūr al-Sāfir ‘an Akhbār al-Qarn al-‘Āshir*, ed. Aḥmad Ḥālū, Maḥmūd al-Arnā’ūt, and Akram al-Būshī (Beirut: Dār Ṣādir, 2001), 309.

The Majority Scholarly Position: The View of Permissibility

Among the five-point hierarchy of religious rulings, the majority position concerning coffee was of its permissibility. Jurists who held this view devoted relatively less attention to appraising the positive qualities of coffee, and instead concentrated their efforts on refuting scholars who argued for its prohibition. Scholars championing the view of coffee's permissibility could not simply rely on the principle of original permissibility (*al-ibāḥah al-aṣliyyah*), where in the absence of any contrary evidence one relies on the default ruling that a thing or substance should be ruled as permissible.¹⁹ This is because this basic principle can only be invoked when no other type of evidence exists on a given issue. It is important to note that the use of this principle can be easily overridden by opposing indicators and evidence that point to the opposite conclusion. Among these indicators is in fact analogy.²⁰ This point is of immense significance since there was in fact some opposing evidence which *prima facie* produced a reasonable case for declaring coffee to be prohibited. First and foremost, there was witness testimony from some former coffee drinkers who claimed that in a similar fashion to wine, the drink induced a feeling of euphoria. These individuals claimed that the drink was responsible for causing a number of adverse physiological and psychological effects.²¹ This type of opposing evidence annuls any appeal to the default ruling of permissibility, as testimony from trustworthy individuals imparts a considerable degree of preponderant supposition (*ghalabat al-zann*) that the claim being made has merit. Despite not imparting certainty, nevertheless, the information provided via witness testimony is accepted and acted upon.²² This provided some grounds for prohibiting scholars to invoke an argument informed by analogy, where coffee could be annexed with wine on the basis that both altered one's state of consciousness. In the face of such apparently weighty arguments, scholars on the permitting side could not simply defer to a basic principle regarding the default permissibility of substances. Instead, they would have to actively engage with the

¹⁹ The principle of permissibility and its usage in Islamic jurisprudence is discussed in Brown, *New Introduction to Islam*, 274–75.

²⁰ See Nūr al-Dīn 'Itr, *l'ām al-Anām Sharḥ Bulūgh al-Marām min Aḥādīth al-Aḥkām*, 4 vols. (Damascus: Dār al-Farfūr, 1419/1998), 1:107.

²¹ Aḥmad b. Muḥammad b. 'Alī b. Ḥajar al-Haytamī, *Thabat al-Imām Shaykh al-Islām Ibn Ḥajar al-Haytamī al-Makkī Shāfi'i*, ed. Amjad Rashīd (Amman: Dār al-Fatḥ, 1435/2014), 416.

²² For example, see 'Abd Allāh b. Aḥmad b. Qudāmah, *Rawḍat al-Nāzīr wa Jannat al-Munāzīr fī Uṣūl al-Fiqh 'alā Madhhab al-Imām Aḥmad ibn Ḥanbal*, ed. Sha'bān Muḥammad Ismā'īl, 2 vols. (Beirut: Mu'assasat al-Rayyān, 1419/1998), 1:310–11.

arguments of the prohibiting side by constructing counter-arguments that rebutted these claims.

Several scholars who permitted the consumption of coffee did so on the basis of arguments that were epistemically weightier and stronger than the ones produced by the prohibiting side. Their main piece of evidence for justifying the permissibility of the drink was by appealing to the process of experimentation (*al-tajribah*). Scholars like ‘Abd al-Ghanī al-Nābulī have stated that the decisive criterion for determining the potential harms and properties of a substance should be experimentation, where through direct human experience the effects can be ascertained.²³ Furthermore, he argues that it is unwarranted for a scholar to firmly prohibit a substance exclusively relying on hearsay or testimony regarding its harms. By exclusively relying on these statements of testimonial hearsay, the scholar or researcher is simply depending on secondary information provided by individuals. Not only do the researchers deprive themselves of directly assessing the substance itself by passively accepting these claims, but they also can actually be misinformed by the testifiers. Such claims can be susceptible to error or even worse, be maliciously fabricated. One can easily verify the veracity of these claims through independent means, such as the procedure of experimentation. Only after using a substance several times at intervals can it be determined whether it is praiseworthy (*maḥmūd*) or blameworthy (*madhmūm*).²⁴ Within the context of this analytically rich discussion, al-Nābulī states that some scholars heavily relied on the unfounded rumours and unsubstantiated claims that had reached them regarding the nature of some substances. In the case of smoking, he mentions that some scholars prohibited the use of tobacco by arguing that it was lethal to the degree of poison. Others even claimed that it was even more intoxicating than wine, yet another farcical claim.²⁵ Regardless of whether or not they deemed it prohibited, al-Nābulī says that it is regrettable that scholars prohibited these substances without directly observing their physical make-up and effects since the secondary information conveyed through witness testimony and hearsay is always susceptible to error. Only by directly consuming a substance and observing what side effects it produced (if any), the properties of the drink could be discerned with certainty. Epistemically speaking, the findings that are yielded through direct sensory perception are far stronger than anything that may be deduced

²³ Al-Nābulī, *al-Ṣulḥ bayn al-Ikhwān*, 16.

²⁴ *Ibid.*, 6.

²⁵ *Ibid.*

through secondary channels, such as witness testimony or analogical reasoning. This is because witness testimony only imparts preponderant supposition, while experimentation provides absolute certainty.²⁶ The reason for this is that the findings yielded through experimentation are directly observed by the external senses. The information and know-how obtained through witness testimony alone, however, cannot be directly verified, and there always does exist a possibility of error.

At first glance, al-Nābulṣī's argument stressing the importance and necessity of experimentation seems untenable. This is because witness testimony by itself does nonetheless impart a strong level of preponderant supposition. A person may object here and claim that such a degree of epistemic strength is sufficient for formulating rulings and delivering legal verdicts, in addition to being acted upon. After all, the preponderant supposition has been often identified by scholars as being a necessary and sufficient threshold for making legal determinations. The eminent legal theorist Ibrāhīm b. Mūsā al-Shāṭibī (d. 790/1388), for instance, says that acting upon preponderant supposition is a foundational precept in the process of making legal determinations in the religion.²⁷ If this is indeed the case, then why would experimentation have to be necessary, as al-Nābulṣī argues? In other words, why would there even be a need for certainty if a lower degree of epistemic authority suffices for one's ritual practices and transactions? The answer for this apparent theoretical quandary is that depending on preponderant supposition for rulings is only sufficient when attaining certainty is impossible or extremely difficult. As the Mālikī jurist Muḥammad b. Muḥammad al-Maqqarī (d. 758/1358) states in his work on legal principles and maxims, obtaining full knowledge is required for all matters pertaining to legal rulings, as long as the retrieval of this certainty does not pose any undue hardship for a person. In the face of extreme difficulties, preponderant supposition will suffice and take the place of knowledge since no higher level of epistemic force can be acquired.²⁸ To illustrate this matter of epistemic importance, one may employ the example of identifying the prayer times. Scholars note that in order to identify the entrance of the prayer time, a person may rely

²⁶ Regarding the epistemic value of experimentation and the type of knowledge that it yields according to some Muslim jurists, see Dayeh, "Islamic Casuistry and Galenic Medicine," 142, 145; al-Jazīrī, *Umdat al-Safwah*, 65.

²⁷ Ibrāhīm b. Mūsā al-Shāṭibī, *Kitāb al-I'tisām*, ed. Mashūr b. Ḥasan Āl Salmān, 4 vols. (Cairo: Maktabat al-Tawḥīd, 2007), 3:73.

²⁸ Muḥammad b. Muḥammad b. Aḥmad al-Maqqarī, *al-Qawā'id*, ed. Aḥmad b. 'Abd Allāh, 2 vols. (Mecca: Umm al-Qura University, 1984), 1:289.

on certain indicators which impart preponderance of the time's entrance, such as conducting their own calculations or using the report of a trustworthy person that the time has commenced. However, the reliance on such a report is contingent on the person's inability of obtaining certainty by going outside, looking at the sky and sun, and determining the time themselves. If they can investigate the matter and determine whether the prayer time has entered relying on the various indicators available to them, then they cannot simply rely on these secondary matters. This is because not only does personal investigation yield a stronger degree of epistemic force, the retrieval of such knowledge is not a matter of difficulty.²⁹

Because of the superior epistemic warrant found in experimentation, it is not surprising to find that several scholars who permitted coffee relied on it as a means of refuting the evidence produced by the prohibiting side. One of the most vivid illustrations of the use of this procedure can be found in the case of the leading jurist and reformer Zakariyyā al-Anṣārī (d. 926/1520). Initially swayed by the view of some of his Malikī counterparts that coffee was prohibited, al-Anṣārī later became irresolute when the ruling of the drink's consumption was raised to him again by a group of devoted coffee drinkers. What al-Anṣārī did next is beyond belief and incredible. He summoned a group of coffee consumers, interrogating them by asking them direct and specific questions about the effects produced by the drink. The coffee drinkers clarified to him that except for energizing the body, there were no other noteworthy conditions to report. At this point, al-Anṣārī could have sufficed with the testimony of the coffee drinkers and declared the drink to be permissible. This is because as noted before, the attestation of a group of trustworthy people imparts a strong degree of the preponderance of conformity. However, al-Anṣārī actually continued his study of the matter, since he realized that epistemic certainty was within reach. He sought to run an experiment (*ikhtibār*) so that the effects of coffee could be discerned directly and with certainty. He requested that coffee be prepared and served for the coffee enthusiasts. He then ordered that they all consume the drink, and after waiting for some time to pass he started a conversation with them, investigating whether their comprehension or ability to speak had been compromised. After the passage of an hour, he checked up on them again, once again finding no unusual changes in them, such as falling in a severe trance-like state. The only thing he could find as a possible effect

²⁹ For example, see Aḥmad b. Taymiyyah, *Sharḥ al-'Umdah fī 'l-Fiqh*, ed. Muḥammad Ajmal al-Iṣlāḥī, 5 vols. (Jeddah: Majma' al-Fiqh al-Islāmī, 1992), 2:250–52.

was that the consumption of the drink evoked a slight state of happiness. Besides that, no effect or side effects could be observed. Unsatisfied with just a single trial, al-Anṣārī repeated the process by ordering the attendees to consume more coffee, this time even increasing the amount being served. Once again, he found no deleterious effects. Only upon becoming fully certain that the drink was not an intoxicant, al-Anṣārī ruled that the drink was permissible by composing a work on the matter.³⁰ After fully relating this fascinating account, al-Ṭabandāwī showers al-Anṣārī with the uttermost praise. He notes that the jurist did not merely rule in accordance with what had been conveyed to him through testimony. Instead, he ran a number of trials to ensure that all the causes of prohibition were absent before declaring coffee to be permissible.³¹

Besides al-Anṣārī, we have clear documentation of another scholar who meticulously relied on experimentation in order to solve the coffee quandary. A similar episode of experimentation can be found in the case of the Cairene jurist and chief judge Muḥammad b. Ilyās al-Ḥanafī (d. 954/1547). In the year 941/1534, the debate on the consumption of coffee had become severely polarized and deteriorated to the extent that violence was being used by proponents and followers of the two sides. Owing to his capacity as the grand judge of Cairo, al-Ḥanafī was asked to intervene and resolve the deadly legal deadlock holding the city captive. The judge consulted a number of prominent jurists and specialists, even going as far as corresponding with scholars in Mecca. After finishing his preliminary investigation, the judge leaned towards the side which ruled the drink to be permissible. However, even while adopting this tentative conclusion, al-Ḥanafī was not satisfied. Just like al-Anṣārī, he referred to the procedure of experimentation in order to remove any lingering doubts. He ensured that coffee was prepared in his residence, and then had it served to a number of attendees and guests. Al-Ḥanafī then sat with his guests, conversing with them for almost the whole day in order to probe their state of mind and to see if any changes could be detected. He repeated the process of serving coffee a number of times, even going as far as trying the drink himself. After failing to observe any changes or negative side effects, he concluded that coffee's consumption was licit.³²

Yet al-Anṣārī and al-Ḥanafī were not the only scholars who referred to sense experience and experimentation when attempting to address the coffee controversy. Several other jurists invoked the same line of

³⁰ Al-'Aydārūs, *al-Nūr al-Sāfir*, 308.

³¹ Ibid.

³² Al-Bakr, *al-Qahwah fi'l-Mawrūth wa'l-Adab al-'Arabī*, 44; al-Jazīrī, *Umdat al-Ṣafwah*, 82.

reasoning, with one of the earliest prominent figures being the Meccan scholar Nūr al-Dīn ‘Alī b. Nāṣir al-Shāfi‘ī (d. 915/1509). This prominent Meccan jurist and preacher argued that coffee could not be considered an intoxicant nor harmful to the intellect and body. The jurist argued that the veracity of this conclusion can be determined through the empirical findings derived through experimentation, the external senses (*al-hiss*) and the inner human perception (*al-wijdān*). Reliance on these indicators firmly demonstrates that the analogy made between coffee and other intoxicants like hashish and opium is a fallacious one (*qiyās ma‘a ’l-fāriq*). Direct sensory experience reveals a number of intrinsic differences between coffee and opioids, which bar the invocation of any type of analogy. This is the case since these drugs befuddle the mind, bring about languor, and impede one’s ability to speak properly. Coffee, on the other hand, vitalizes the mind and body by enhancing one’s levels of wakefulness, and even evoking social confidence and eloquence for its drinker. Subsequently, the effects of coffee cannot be described as intoxication, since wine causes one to act in a foolhardy and reckless manner. Coffee does not produce such negative side effects. Anticipating the objection that there is sufficient witness testimony that coffee intoxicates, ‘Alī b. Nāṣir al-Shāfi‘ī states that the positive attributes of coffee presented in his analysis have been definitively reached through the experiences of the human consciousness, which impart absolute certainty.³³ Intuitively speaking, the direct sensory experience must be given precedence over any information gathered through hearsay and testimony, since the latter is susceptible to error. In a parallel fashion to the aforementioned analysis provided by ‘Alī b. Nāṣir, the jurist al-Muzajjad likewise argued that coffee was dissimilar to opium and hashish since it did not alter the mind. At the very most, it can be said to invigorate its consumer by generating a sense of elation.³⁴ Such an empirical finding obviously does not warrant prohibition in any way. On a similar note, al-Ṭabandāwī tacitly refers to the indicator of experience to argue for coffee’s permissibility. A substance’s consumption, al-Ṭabandāwī argues, can only be prohibited if it is proven to be one of the following: harmful, intoxicating, impure, sedating, or disgusting. By conducting an empirically informed process of elimination, none of these attributes warranting prohibition can be discerned in coffee when we scrutinize or drink it, al-Ṭabandāwī argues. Owing to the absence of

³³ Al-Jazīrī, *‘Umdat al-Ṣafwah*, 63–64.

³⁴ *Ibid.*, 120–21.

any prohibiting factors, one must rule in accordance with the original default ruling of permissibility.³⁵

Not all jurists on the permitting side relied on the notion of experimentation to justify the permissibility of coffee. However, they still did make reference to forms of evidence, which arguably had a stronger epistemic warrant than what was supplied by the prohibiting side. The best illustration of this use of superior opposing evidence can perhaps be found in the response of the Egyptian Shāfiʿī jurist Shihāb al-Dīn Aḥmad al-Ramlī (d. 923/1517). Despite not conducting any direct experiments with people, through the access to preponderant secondary information, al-Ramlī viewed coffee to be permissible. In justifying his ruling that coffee does not intoxicate or sedate, he relied on the testimony of a large group of his trustworthy students who informed him that coffee did not produce such adverse side effects.³⁶ At this point, one could raise the objection that this testimony goes against another group's attestation that the drink actually does intoxicate, and with this conflict at play, neither side's testimony should be accepted. But as al-Ramlī points out, as a matter of principle the testimony of a large group (*jamm ghafīr*) making a certain assertion is given precedence over the testimony of a small number who declare the opposite. On the basis of this testimony that was provided to him by a numerically superior group of people (not to mention that they were students that he personally knew), al-Ramlī argued that the claim of anyone that coffee was harmful or intoxicated must be rejected. By virtue of this testimony, he concluded that the analogy invoked by the prohibitionists failed. In other words, the effective cause (*illah*) of intoxication found in the original legal case (*maqīs 'alayh*) of alcohol cannot be extended to the particular case (*far'*) of coffee.³⁷ On a similar note, the Meccan jurist Shams al-Dīn Muḥammad b. Muḥammad al-Dalajī (d. 947/1540) firmly dismissed the claim of critics that coffee caused mental derangement or bodily harm as being totally baseless. Al-Dalajī nullified this claim by referring to his personal observation of coffee drinkers around him. Invoking his fifteen-year experience of living near the city of Mecca, Al-Dalajī argued that despite the widespread popularity of the drink and the countless number of coffee drinkers living in the Muslim world, he never heard of one case of a person suffering from such pathologies.³⁸

³⁵ Al-'Aydārūs, *al-Nūr al-Sāfir*, 308.

³⁶ Al-Jazīrī, *Umdat al-Ṣafwah*, 115.

³⁷ *Ibid.*, 117–18.

³⁸ *Ibid.*, 116.

The famous late-era Shāfi‘ī jurist Shihāb al-Dīn Ibn Ḥajar al-Haytamī (d. 974/1566) also indirectly relied on the notion of stronger secondary evidence to permit the consumption of coffee, arguing that the charge that it intoxicates is a claim known to be false by necessity (*ḍarūrī ‘l-buṭlān*). Regarding the witness testimony often invoked to prove that coffee is an intoxicant, al-Haytamī stresses that not all types of witness testimony can be used as evidence. Making use of a precept mentioned by the famous jurist Taqī al-Dīn al-Subkī (d. 756/1355), he argues that there is an important condition before accepting a person’s attestation: it should not contradict a matter known by certainty. Al-Subkī had originally invoked this principle when discussing the issue of moon sighting, arguing that a person’s testimony that they had viewed the new crescent should be rejected if astronomical calculations conclusively prove that the birth of the moon at the claimed period was scientifically impossible. This is because while witness testimony imparts preponderance of correctness, astronomical calculations provide full certainty. Hence, the inference from the calculations should be given preference over the testimony, with the latter being dismissed as a fabrication or honest mistake.³⁹ Al-Haytamī skillfully employs this precept in the coffee issue, but in this issue relying on the case of experimentation as the conclusive indicator to overrule witness testimony. The countless experiences that people have had observing coffee drinkers provide us definitive knowledge that the drink does not intoxicate. In fact, al-Haytamī argues that this certainty is not just an epistemic finding that scholarly experts and authorities would be able to discern, but a form of necessary (*ḍarūrī*) knowledge which even regular laypeople can realize as well. As he points out, any reasonable person can formulate such a judgement based on their personal experience and observance of the drink’s effects. Thus, any form of testimony, which suggests the opposite conclusion must be rejected and deemed as being fabricated.⁴⁰

There are a number of strong indicators, which point to the conclusion that the majority of jurists deemed coffee to be permissible. First and foremost, one of the strongest pieces of evidence, which demonstrate this is the fact that unanimous consensus was often cited in favour of the permitting side. Among the authorities who made this claim include the learned poet Ibrāhīm b. al-Muballīḡ (d. 991/1583), the Meccan judge ‘Abd al-Laṭīf b. Kathīr (d. 950/1543), and the scholar

³⁹ See ‘Alī b. ‘Abd al-Kāfī al-Subkī, *al-‘Alam al-Manshūr fī Ithbāt al-Shuhūr* (Cairo: Maṭba‘at Kurdistān al-‘Ilmiyyah, 1910), 23–25.

⁴⁰ Al-Haytamī, *Thabat al-Imām*, 419.

Aḥmad b. Aḥmad al-‘Ināyātī (d. 1014/1605).⁴¹ Of course, there is no doubt that invocations of consensus are often exaggerated. Indeed, even the popular Shāfiī scholar and authority of consensus citations Ibn al-Mundhir (d. 318/930) was known to sometimes make sweeping claims in such delicate legal matters.⁴² Nevertheless, despite these noted shortcomings, such citations can still be employed as evidence that the overwhelming majority of scholars deemed coffee to be permissible. This is because these scholars would not have made such firm and wide-ranging declarations if they had not had any sufficient epistemic warrant beforehand. What justifies this conclusion is that other scholars, despite rejecting the notion that a consensus initially existed, still do affirm that the majority were on the permitting side. These scholars give a more nuanced and time-sensitive account of the nature of this consensus reached. Both the chronicler Najm al-Dīn al-Ghazzī (d. 1061/1651) and contemporary Indonesian jurist Iḥsān Kadīrī (d. 1372/1952) stated that at the early point of its emergence, the majority of scholars ruled coffee to be permitted, with a minority of jurists dissenting and deeming it to be prohibited. However, a consensus was reached later on its permissibility once the proponents of the prohibiting side dwindled or died away.⁴³ This time-sensitive and two-stage account of how the consensus was reached appears quite convincing. This is because as scholars at the early stages of the coffee debate mention, the jurists on the prohibiting side were a minority group, with some of its members too stubborn to accept the benign properties of the drink. ‘Alī b. Nāṣir al-Shāfiī, for instance, mentions that the numerous differences found between coffee and opioids are

⁴¹ Muḥammad b. Muḥammad al-Ghazzī, *al-Kawākib al-Sā’irah bi A’yān al-Mi’ah al-‘Āshirah*, ed. Khalīl al-Manṣūr (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1418/1997), 3:85; Aḥmad b. Aḥmad al-‘Ināyātī, *Ādāb al-Qahwah* (Beirut: Dār al-Muqtabas, 2015), 7.

⁴² In fact, the famous contemporary scholar Muḥammad b. Ṣāliḥ b. al-‘Uthaymīn cites a popular saying that no consideration is given to three: the *ḥadīths* authenticated by al-Ḥākim, Ibn al-Jawzī’s claim that a *ḥadīth* is fabricated, and Ibn al-Mundhir’s citation of areas of consensus. Regarding the case of Ibn al-Mundhir, al-‘Uthaymīn argues that this is the case since the scholar would sometimes hastily cite an agreement on a given issue despite being unaware of the view of all scholars. Muḥammad b. Ṣāliḥ b. al-‘Uthaymīn, *Sharḥ Nuzhat al-Nazar fī Tawḍīḥ Nukhbat al-Fikar* (Unayzah: Mu’assasat Ibn ‘Uthaymīn, 1437/2016), 79.

⁴³ Al-Ghazzī, *al-Kawākib al-Sā’irah*, 1:115; Iḥsān b. Muḥammad Daḥlān al-Kadīrī, *Sharḥ Manzūmat Irshād al-Ikhwān fī Bayān Aḥkām Shurb al-Qahwah wa ’l-Dukhān* (Choblong: Maktabat al-‘Iṭṣām, n.d.), 12–13. Iḥsān Kadīrī interestingly notes that despite a significant number of scholars opining that coffee was prohibited, nevertheless in relative terms the degree of disagreement on the ruling of coffee was less than that of smoking.

extremely obvious such that no reasonable person would deny them. He added that the person who denies these differences must be dull-witted, or a person who initially deemed coffee to be prohibited, but was now too arrogant to admit of their error, lest their rank in front of their followers and students decline. Within this discussion, Nāṣir al-Shāfi'ī interestingly cites another interesting point which even further points to the conclusion that the prohibiting side was a minority. He states that instead of genuinely believing that the drink was impermissible, the proscribing scholars may have actually had ulterior motives for championing the cause for prohibition. By opposing the well-established and majority view of permissibility, the prohibitionist intuitively garners attention from scholars and other sectors of society. By taking the outlandish and strange view that coffee is prohibited, these scholars could earn an instant ticket to notoriety and fame amongst their peers. To illustrate the propensity and impulse behind taking such a stance, Nāṣir al-Shāfi'ī cites the aphorism, “disagree (with others), and you will be known” (*khālif, tu'raf*).⁴⁴

What further vindicates the conclusion that the majority ruled coffee to be permissible is that the approving side had a number of dynamic and charismatic jurists on its side. In his poetic composition on the debates concerning coffee, al-'Ināyātī credits two prominent jurists who were instrumental in ensuring that the permitting side would hold the balance of power. The first was the Ḥanafī jurist hailing from Cairo, Zayn al-'Ābidīn al-Bakrī (d. 1013/1604), whom al-'Ināyātī extols as being one of the forefront scholars of Egypt.⁴⁵ He was known to have composed some influential poetry on the coffee issue, extolling it through several notable verses. The second was the vocal jurist and polymath from Damascus Abū 'l-Faṭḥ al-Mālikī (d. 975/1567), who was known to be a fierce debater and composer of invective poetry, such to the extent that his contemporaries feared his wrath.⁴⁶ His skills were on full display in the coffee issue, as demonstrated in al-Mālikī's debate with the Shāfi'ī jurist Yūnus b. 'Abd al-Wahhāb al-'Īthāwī (d. 977/1569), a vocal preacher who wrote a pamphlet against coffee. The two scholars had a fierce rivalry with one another and held an open debate over the ruling of the beverage in the presence of the chief judge of Damascus. Both sides presented their different pieces of evidence with equal force. But it was al-Mālikī who prevailed over al-'Īthāwī, as the arguments provided by

⁴⁴ Al-Jazīrī, *Umdat al-Ṣafwah*, 64.

⁴⁵ Al-'Ināyātī, *Ādāb al-Qahwah*, 9.

⁴⁶ Ḥasan b. Muḥammad al-Būrīnī, *Tarājim al-A'yān min Abnā' al-Zamān*, ed. Ṣalāḥ al-Dīn al-Munajjid, 2 vols. (Damascus: al-Majma' al-'Ilmī al-'Arabī, 1959), 1:255.

the latter were found to be unconvincing.⁴⁷ Besides the names mentioned by al-'Iniyātī, another dynamic jurist who was decisive in securing the leverage of the permitting side was Zakariyyā al-Anṣārī, who as previously explored, meticulously referred to experimentation. Besides being deemed as the greatest scholar of his generation, al-Anṣārī was pivotal in training a prominent list of influential jurists who would later become Shāfi'ī jurisconsults of the main regions of the Muslim world, most notably al-Haytamī, al-Ramlī, and others.⁴⁸ These devoted pupils would all likewise champion their teacher's opinion, a decisive factor, which ensured that the view of permissibility would circulate in the major centres of knowledge, such as in the Hijaz, Egypt, and Syria.

Scholars who Disapproved of Coffee

Coffee underwent a number of revolutionary social transformations. Initially, it was the Sufis of Yemen who discovered it and made it a fundamental facet of their religious rituals. The fact that the drink was discovered and first used by mystics was not considered to be a coincidence but instead deemed as being a gift from divine providence to worshippers who could make noble use of it. However, coffee gradually lost these supposedly mystical properties when its consumption spread into other major cities of the Muslim world and became a favourite of the masses. A corollary of this shift was the new gatherings and establishments that appeared for distributing the beverage, with the coffeehouse being the focal point. The coffeehouse was a destination for social gatherings and innocent amusement for its frequent visitors, but it also hosted many nefarious activities like gambling, free-mixing between the sexes, and the consumption of intoxicants.⁴⁹ Coffee, once a drink exclusively consumed by the pious worshippers, ironically now became a favourite of people who consumed it for their own amusement. Its relatively clear status of permissibility now became murky as it became associated with a host of moral and social ills.

⁴⁷ Ibid., 1:253. Despite his victory, al-Mālikī continued his efforts on the intellectual front by composing several odes on the virtues and praiseworthy attributes found in coffee. In fact, in some stanzas of poetry, he even explored the legal intricacies surrounding the drink's ruling by directly addressing the objections of his opponents one by one, accusing the forbidders of committing a grave wrong by proscribing something permitted in the *sharī'ah*. Such a crime is like the case of the one who permits something that is forbidden; the person who persists on holding such an absurd position deserves to be ridiculed and humiliated.

⁴⁸ Muḥammad al-Arnā'ūt, *Min al-Ta'rikh al-Thaqāfi li 'l-Qahwah wa 'l-Maqāhī* (Beirut: Jadāwil, 2012), 18.

⁴⁹ Al-Bakr, *al-Qahwah fi 'l-Mawrūth wa 'l-Adab al-'Arabī*, 39.

Subsequently, it is not surprising to find that despite viewing coffee to be permissible, there were jurists who gave the drink a lukewarm reception. For instance, despite opining on its permissibility, the scholar and poet ‘Abd al-Wāḥid b. ‘Āshir (d. 1040/1630) nevertheless cautions consumers of the drink, since it may contain impermissible additives unbeknown to the drinker.⁵⁰ But even more so, there were scholars who were especially concerned with how publicly drinking coffee may detrimentally affect one’s social standing and personal integrity. This concern is a quite significant matter since without the observance of the proper decorum dictated by the norms of society, a person’s uprightness and trustworthiness is put into question. It was because of these negative associative factors that a number of scholars were uneasy with giving it the blanket ruling of permission. Yet, what is interesting is that at the same time these scholars did not allow their concerns to lead them to the other extreme of declaring coffee to be outright prohibited. Often, this meant that a compromise ruling would be struck. Balancing these different considerations would mean that coffee would be deemed as disliked (*makrūh*). For instance, Muḥammad Abū Sa‘ūd Effendi (d. 981/1574), one of the eminent jurisconsults of the Ottoman Empire, issued a stern yet balanced ruling concerning coffee. In a relatively abstruse yet thoughtful answer, he opines that the person who fears God and heeds His prohibitions should avoid the matters that the people of sin frequently engage in.⁵¹ Obviously, in this remark, Effendi was alluding to the phenomenon of the coffee-house and how it had negatively stained the reception of coffee as a whole. Nevertheless, it is important to note that in his reply, nowhere does Effendi actually declare coffee to be prohibited in explicit terms; his point is far more delicate and nuanced. His argument is that even if coffee may in itself be permissible, one should be wary of consuming it lest they be associated and linked with sinners, who had become a considerably large proportion of the drink’s consumers.⁵² The most that can be inferred from this response is that Effendi deemed coffee to be disliked owing to the negative social factors which had damaged the reception of the drink. A person of upright religious standing should refrain from indulging in the same acts of sinners. Interestingly, al-Ghazzī voices his approval of Effendi’s verdict by expressing a similar opinion. In fact, he goes a step further than Effendi, arguing that a person should avoid the social baggage that

⁵⁰ Jamāl al-Dīn al-Qāsimī, *Risālah fī ‘l-Shāy wa ‘l-Qahwah wa ‘l-Dukhān* (Beirut: n.p., 1322/1904), 21.

⁵¹ Al-Ghazzī, *al-Kawākib al-Sā‘irah*, 3:32.

⁵² *Ibid.*

coffee had become associated with by only drinking it within one's household.⁵³

One can find a similar trend of reasoning in the writings of the Ḥanbalī jurist Mar'ī b. Yūsuf al-Karmī (d. 1033/1624). Despite permitting coffee, al-Karmī believed that just like in the case of smoking, owing to the stigma attached to coffee, it was optimal for people of esteem and social standing to avoid it.⁵⁴ This is the case since a person's honour and status may be negatively impeded if they become regular consumers of them.⁵⁵ In his work specifically written regarding smoking, al-Karmī further elucidates on the reasoning behind this view. He points that one can observe a large degree of moral depravity among the consumers of such substances, whether it be in their speech or general conduct. The preferable course of action for a person is to altogether avoid these substances, or at the very least, ensure that while consuming them, they do not fall into any of the morally questionable practices associated with them.⁵⁶

More than What Meets the Eye: Scholars who Prohibited Coffee

Last but not least, there were several scholars who opined that the drink was outright forbidden (*ḥarām*). When reviewing the list of claimed prohibitionists, one surprisingly finds a relatively large number of jurists being mentioned. From among the most famous scholarly names cited as being on the forbidding side with reference to coffee include the prominent Azharī jurist 'Abd al-Ḥaqq al-Sunbāṭī (d. 950/1543) and the Damascene preacher Yūnus al-ʿĪthāwī.⁵⁷ In addition to these two scholars, al-Jazīrī provides a comprehensive list of prominent jurists who ostensibly fell on the prohibiting side, all of whom affixed negative replies after being sent a written query concerning the drink's ruling. These include a considerably large number of jurists based in Egypt, such as the Mālikī chief judge al-Damīrī (d. 923/1517), the Shāfi'ī chief judge Kamāl al-Dīn al-Ṭawīl (d. 936/1530), and the Ḥanbalī jurist Shihāb al-Dīn Ibn al-Najjār al-Futūḥī (d. 949/1542).⁵⁸ Upon giving this list of cited

⁵³ Ibid., 3:32–33.

⁵⁴ Mar'ī b. Yūsuf al-Karmī, *Ghāyat al-Muntahā fī Jam' al-Iqnā' wa 'l-Muntahā*, ed. Yāsir Ibrāhīm al-Mazrū'ī and Rā'id Yūsuf al-Marrūmī, 2 vols. (Kuwait City: Ghirās, 1428/2007), 2:477.

⁵⁵ Muṣṭafā Suyūṭī and Ḥasan al-Shaṭṭī, *Maṭālib Ūlī 'l-Nuhā fī Sharḥ Ghāyat al-Muntahā fī Jam' al-Iqnā' wa 'l-Muntahā*, 6 vols. (Damascus: al-Maktab al-Islāmī, 1381/1961), 6: 217.

⁵⁶ Mar'ī b. Yūsuf al-Karmī, *Taḥqīq al-Burhān fī Sha'n al-Dukhān*, ed. Mashūr b. Ḥasan Āl Salmān (Beirut: Dār Ibn Ḥazm, 2000), 109–11.

⁵⁷ al-Ghazzī, *al-Kawākib al-Sā'irah*, 1:115.

⁵⁸ The full list can be found in al-Jazīrī, *Umdat al-Ṣafwah*, 107–14.

names a cursory look, one might, at first sight, assume that the prohibiting position should be deemed as being the dominant side on the legal debate concerning coffee. However, there are a number of important legal dynamics and factors which weaken the veracity of such a conclusion. For instance, a matter of legal significance which al-Jazīrī mentions is that the prohibiting side did not settle on a particular factor for why coffee consumption should be proscribed. In fact, a careful look reveals that they cited different reasons for why coffee was impermissible. As his presentation makes clear, the prohibitionists disagreed on what exactly constituted the *ratio legis* (*'illah*) or underlying cause (*ma'nā*) for warranting the ruling of prohibition. Indeed, there were jurists who made an analogy of it with wine, concluding that it should be ruled as an intoxicant. However, most interestingly, within the prohibiting side there was a bloc of jurists who believed that the effective cause which actually warranted the ruling of prohibition was that coffee's properties were harmful to the body and mind.⁵⁹ The resulting harm—not intoxication—was the actual concern at work. This latter posited cause is of immense significance, since as the jurist 'Alī b. Nāṣir al-Shāfi'ī argues, it does not actually logically necessitate the prohibition of coffee in toto. This is because like in the case of many other substances and foods, harm can only plausibly be found when coffee is consumed in extremely large amounts. Consuming a small amount of coffee does not produce adverse effects in any such way. Thus, 'Alī b. Nāṣir al-Shāfi'ī argues that the prohibitionists who invoked the factor of harm must be read as meaning that they only forbade consuming large amounts of coffee.⁶⁰ One cannot then simply assume that every scholar who invoked the cause of harm proscribes the consumption of coffee in absolute terms.

It is interesting to note that some analysts have attempted to downplay the verdicts of many of the prohibiting jurists by providing a thought-provoking defence for them. They adamantly state that these jurists' answers were based on the limited information they had regarding coffee. Ultimately, they should be absolved of blame if they missed the mark since they gave the best answer based on the information they had. Joe Bradford signifies this viewpoint in a thoughtful article on the coffee controversy:

It isn't strange then to find that when "qahwa" spread there would be an aversion to it. If all you knew about the question was the word, and that

⁵⁹ Ibid., 50–51.

⁶⁰ Ibid., 64.

word linguistically was synonymous with intoxicants then your answer would be quite the same. . . . Think of it this way: If a scientist in the middle ages was asked about “horsepower” the first thing that would come to mind and that he would express would be the running power on a [*sic*] equine. Not until locomotives or automotives become well known enough would he even think about a unit of power equal to 550 foot-pounds per second. The same can be said about “Qahwa.” The Mufti speaking about Qahwa is like the medieval scientist talking about horsepower. Definitions change with time, so at the early advent of a change in semantics older conceptualizations would be expressed.⁶¹

Because the word *qahwah* was originally used as a descriptor for wine, many of these scholars must have mistakenly believed that they were being asked about a certain type of intoxicant, and thus ruled in favour of the drink’s prohibition.⁶² Subsequently, they placed too much emphasis on the linguistic origins of the word and failed to actually inspect the properties of the drink itself. The implication of this argument is that had they known the full details regarding the nature of coffee, it is unlikely that these scholars would have actually prohibited it. However, despite its intuitive appeal, this type of explanation is in fact deficient and unsatisfactory since it overlooks a number of nuances found in the art of delivering legal verdicts. The issue is actually not about the lack of information, but the type of information, which the jurisconsult can use to formulate their response. It is important to note that many of the scholars who issued the ruling of disallowance were Muftīs who presented their views on coffee in the form of legal verdicts when queries pertaining to coffee’s ruling were raised to them. This fact is of immense significance since in the process of issuing legal verdicts there are a number of key intricacies and conventions which must be observed by the replying scholar. A corollary to this point is that a jurisconsult’s legal verdict cannot be analyzed alone in a vacuum; the answer provided by the scholar should not be looked at in isolation. The nature and wording of the initial question provided by the questioner must be analyzed to the same extent since when formulating their answer, the jurisconsult depends on the information provided to them. In other words, there is a firm connection between how the questioner’s query is worded and the type of response that will be ultimately issued by the jurisconsult. This nexus is often articulated through an important principle, namely that the jurisconsult is the prisoner of the questioner

⁶¹ Joe Bradford, “A Note on ‘Coffee Fatwas,’” *JoeBradford.net*, <https://www.joebradford.net/a-note-on-coffee-fatwas/>, last accessed December 25, 2020.

⁶² Mahamid and Nissim, “Sufis and Coffee Consumption,” 141–42.

(*al-muftī asīr al-mustaftī*).⁶³ Essentially, this axiom embodies an important convention: The jurisconsult's response must be in proportion to and correspond to the information provided by the questioner, and not go beyond it. So great is this tenet that the jurisconsult is required to respond based on what the questioner says, even if they believe that the information provided does not actually correspond to reality.⁶⁴

The way the questioner words and frames their query determines how the jurisconsult will ultimately respond. To illustrate this phenomenon, one may consider the curious case of Mālik b. Anas (d. 179/795), who was asked about the ruling of consuming sea pigs. When the questioner explicitly labelled the animal as being a sea pig, Mālik said that it is impermissible. When he was later questioned about a type of marine creature that resembles the pig, he said its consumption is permissible. When confronted about the stark difference in these two answers despite being asked about the same organism in both cases, he explained that he based his responses on the information provided by the questioner.⁶⁵ Since the questioner explicitly labelled the creature as a pig in the first question, Mālik ruled that it was prohibited, assuming it to be a particular entity falling under the genus of swine. In the other question, since this piece of information was not stated, the ruling of the permission was issued instead. In his comments on this thought-provoking episode, al-Nābulṣī argues that it indicates how one should be cautious when analyzing religious verdicts that may, at first sight, give the impression that jurists were on the prohibiting side on a given matter. It may not be the case that they actually believed that a given substance was prohibited; instead, the questioner may have deluded them by giving them a misleading portrait of the substance in question, and the jurist simply responded in accordance with the information provided. Whatever may be the case, the questioner bears full responsibility for the accuracy of how they describe a substance to the jurisconsult.⁶⁶

The relevance of the conventions and caveats concerning how a jurisconsult should reply to a questioner becomes conspicuous once one analyzes how the coffee issue was raised to many jurists. Although a hasty observer might immediately champion the conclusion that all of the jurists mentioned at the beginning of this section were firm and

⁶³ 'Izz b. 'Abd al-Salām, *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām*, ed. Nazīh Kamāl Ḥammad and 'Uthmān Jum'āh Ḍamīriyyah (Damascus: Dār al-Qalam, 1421/2000), 2:164.

⁶⁴ Al-Haytamī, *Ṭabat al-Imām*, 415.

⁶⁵ Al-Nābulṣī, *al-Ṣulḥ bayn al-Ikhwān*, 16.

⁶⁶ *Ibid.*, 16.

unconditional prohibitionists, a second look reveals that such a conclusion is hasty, and artificially inflates the list of scholars on the prohibiting side. Thankfully, the texts of the questions sent to many of these jurists concerning coffee are preserved verbatim, providing numerous clues and insights into how some jurists were forced to produce their replies according to the questioner's account. Egyptian jurists (including al-Sunbāṭī) who regarded coffee to be prohibited formulated their answers in response to queries containing misleading information regarding the drink's properties. Coffee, they were informed by the questioner, is an intoxicant, stunted the mind, and harmed the body. Consumers of coffee were also depicted in a negative light, as being people of moral depravity.⁶⁷ With such a one-sided and misleading description of the drink presented, it was almost impossible for these jurists to give the coffee a positive and warm reception based on the information provided to them by the questioner. Obviously, in accordance with the rules and conventions of issuing legal verdicts, only the ruling of prohibition could be issued.⁶⁸

But even here it should be noted that many of these barring jurists were vigilant in their replies by being forthright that their legal injunctions were contingent on the accuracy of the description provided by the questioner. This is quite evident in how they carefully worded their statements, by phrasing their answers in the conditional tense. They meticulously phrased their answers by stating that *if* it can be established that coffee indeed intoxicates, then the ruling of prohibition is warranted. The use of the conditional sentence structure is of immense legal significance since it only brings forth a qualified answer. In fact, the inferred understanding from such a response is that if it does not intoxicate, then coffee should actually be deemed permissible. Essentially, based on the precise grammatical structure of their answers, these jurists gave a provisional answer by deflecting responsibility from themselves and shifting it to the claimant: Coffee is deemed prohibited only if the questioner has faithfully articulated the properties of the

⁶⁷ Al-Jazīrī, *Umdat al-Ṣafwah*, 103. It is odd that during his lecture, Qadhi mentions the slanted question posed to alleged prohibitionists like al-Sunbāṭī, yet still continues arguing that the verdicts issued by these scholars are embarrassing. Yet he fails to note how per convention, jurists must simply answer in accordance to the information provided to them, while also being absolved of blame if it turns out that the information used to formulate the answer is inaccurate. Unlike Qadhi, Ibn Ḥajar al-Haytamī argues that besides being excused for their answers, scholars like al-Sunbāṭī cannot be considered genuine prohibitionists since they were not provided full and impartial information. See al-Haytamī, *Thabat al-Imām*, 415-16, 419.

⁶⁸ Al-Jazīrī, *Umdat al-Ṣafwah*, 104.

drink.⁶⁹ In other words, a blanket and unqualified ruling of prohibition cannot be sustained if one carefully examines the nature of these replies. One can only wonder how the nature of these jurists' replies may have been had the questioner phrased their query in a neutral fashion. What is interesting to note here is that in addition to abiding by the conventions pertaining to the issuance of religious verdicts, through these creative conditional answers these jurists did not actually deem coffee to be definitively prohibited. It would ultimately be a premature mistake to include these scholars as being prohibitionists since they were simply abiding by fixed conventions that dictated the jurisconsult's comportment. Simply put, taking the wording of the question into account, one cannot conclude that these jurists were prohibitionists.

Taking a Second Look at the Meccan Assembly

One of the most widely cited events to illustrate the antagonistic attitude of jurists towards coffee is the famous Meccan Assembly of 917/1511. In this famous meeting of several senior jurists convened by the Meccan governor, the written approval of all major scholars was ultimately obtained for the ban of the drink. The standard narrative is that after having an intensive and balanced review of the matter, scholars agreed on the impermissibility of coffee. In his lecture discussing the issue of coffee, Yasir Qadhi cites this gathering as being a key piece of evidence of the intellectual stagnation of Muslim scholars in tackling the coffee episode. After all, as Qadhi suggests, a cursory look at the episode suggests that apparently a unanimous verdict was reached against coffee.⁷⁰ However, despite its popular appeal, this narrative of the assembly's proceedings is in fact grossly inaccurate. The prevailing version of the story is superficial and fails to account for many of the intricacies and tensions in the assembly before a ban was imposed. First and foremost, there was no actual unanimous consensus reached among the attending jurists against coffee; instead, there were several jurists who did view coffee to be permitted.⁷¹ In addition, a more careful investigation reveals that the gathering was not an impartial forum where different perspectives were heard in a uniform fashion. Instead, as al-Jazīrī effectively argues, it was actually a one-sided kangaroo trial against coffee where an unfavourable conclusion was already

⁶⁹ Ibid., 113–14.

⁷⁰ Qadhi, "Looking back as We Look forward." Also see Brown, *New Introduction to Islam*, 271.

⁷¹ Al-Haytamī, *Thabat al-Imām*, 414–15; al-Arnā'ūt, *Min al-Ta'rīkh al-Thaqāfi li 'l-Qahwah wa 'l-Maqāhī*, 16–17, 20.

predetermined.⁷² The hasty manner in which the whole assembly was activated, convened and concluded supports this conclusion.⁷³

The trial was activated by a small bloc of scholars and physicians who fanatically believed that the drink was prohibited. They were not satisfied with merely disseminating their views in the public arena; they believed that it was necessary for the drink to be banned through stiff legal measures. As al-Nābulṣī notes, in a proto-Devlinian fashion,⁷⁴ some strict scholars are so dogmatic of their conservative views to the extent that they resort to the might of the state to uphold their moral ideals and vanquish their opponents.⁷⁵ In fact, this is what the opponents of coffee did in the Meccan episode. They sought to instrumentalize the law as a means to enforce their moral views. The context of the assembly lends credence to this opinion, as the prohibitionists were championing a view that was unpopular among the scholarly class. For one thing, it is a curious fact that two of the main protagonists leading the cause for prohibition were Persian physicians, Nūr al-Dīn Kāzarūnī and ‘Alā al-Dīn Kāzarūnī. The fact that al-Jazīrī states that the scholarly credentials of the two brothers in the area of Islamic law were not recognized, is quite telling since it suggests that the impetus for a ban may have had little to do with legal or moral concerns.⁷⁶ The contemporary researcher al-Sarīḥī has a provocative but persuasive explanation for why the two brothers were so invested in this matter. It is possible that the two doctors sought a wholesale ban on coffee since it was being used to treat a number of health problems and illnesses. As a result, it was posing a direct threat to the craft of medical specialists. Ultimately, the reason for the fierce opposition on the part of the two doctors was because they wanted to protect their economic interests from any potential competitors who were promoting coffee as an effective form of medical treatment.⁷⁷ However, this does not mean that the prohibitionist bloc in Mecca lacked any scholarly backing. One key jurist, Shams al-Dīn Muḥammad al-Khaṭīb, was identified as being a major opponent of coffee in Mecca. But when his repulsion of coffee was met with opposition by the permitting side, al-Khaṭīb decided to escalate the matter by currying

⁷² Al-Jazīrī, *Umdat al-Ṣafwah*, 96.

⁷³ Sa‘īd al-Sarīḥī, *Ghiwāyat al-Isim: Sīrat al-Qahwah wa Khaṭīb al-Taḥrīm* (Casablanca: al-Markaz al-Thaqāfī al-‘Arabī, 2011), 89.

⁷⁴ Devlin’s philosophy of law is vividly presented in Patrick Devlin, *The Enforcement of Morals* (Oxford: Oxford University Press, 1968).

⁷⁵ See al-Nābulṣī, *al-Ṣulḥ bayn al-Ikhwān*, 4, 16.

⁷⁶ Al-Jazīrī, *Umdat al-Ṣafwah*, 99–100.

⁷⁷ Al-Sarīḥī, *Ghiwāyat al-Isim*, 90.

the favour of the Meccan governor, Khā'ir Beg.⁷⁸ Alongside the help of the two physicians, the three were able to convince the governor of the impermissibility of the drink and the need for taking decisive action against it. It was at this point that Khā'ir Beg, now firmly persuaded of the need for a ban, summoned a large group of scholars to convene an emergency gathering on the drink. However, this was not an open forum where varying views could be equally expressed, but a pretext to use all the attending jurists as rubber stamps to give any prospective ban public legitimacy. What really mattered was attaining an official scholarly resolution that coffee was prohibited, regardless of whether or not all attendees really agreed with this conclusion. This is probably what al-Haytamī means when he says that the prohibitionists had chauvinistic tendencies, as they believed that the force of the law could be used to ban the drink, regardless of whatever the other side had to say.⁷⁹ By obtaining their concurrence—even through coercive means—Khā'ir Beg could convince the ruling authorities in the capital of the Mamlūk Sultanate of Cairo that there was sufficient scholarly backing for justifying a ban.

During the hastily organized council, the prohibitionists and Khā'ir Beg were committed to presenting as much damning evidence as possible to justify prohibiting coffee. They were not merely satisfied with a rebuke of the deleterious social facets of coffee, where coffee houses and other public gatherings would be sanctioned. Although all the attending jurists were swift to condemn any gatherings of music and debauchery in which coffee was being consumed, Khā'ir Beg and the doctors did not end the assembly. Instead, the goal was to go even further and ban coffee intrinsically; they wanted an unconditional condemnation of the drink *in toto*. In order to champion such a conclusion, a number of arguments were made during the one-sided gathering, all of which attempted to cast a negative light on the drink's properties. The Kāzarūnī brothers provided their own expert testimony on the adverse effects of the beverage. Making arguments informed by Galenic medicine, they argued that coffee was harmful to the body since it was both cold and dry, factors which could negatively affect the body's temperament. In addition, a number of witnesses testified that they were former consumers of coffee, and found the drink to be intoxicating and

⁷⁸ 'Abd al-'Azīz b. al-Najm b. Fahd al-Makkī, *Bulūgh al-Qirā fī Dhayl Itḥāf al-Warā bi Akhbār Umm al-Qurā*, ed. Ṣalāḥ al-Dīn b. Khalīl Ibrāhīm, 'Abd al-Raḥmān b. Ḥusayn, and 'Uluyyān b. 'Abd al-'Ālī al-Maḥlabdī (Mecca: Dār al-Qāhirah, 2005), 3:1663.

⁷⁹ Al-Haytamī, *Thabat al-Imām*, 415.

harmful to the intellect.⁸⁰ These were overall the main arguments offered by the prohibitionists for justifying a wholesale ban.

Quite unsurprisingly, these lines of reasoning are unconvincing and were ultimately not received favourably by the attending jurists. First and foremost, invoking harm to prohibit a substance is an onerous undertaking fraught with many technicalities. Harm is a subjective and nebulous concept whose exact parameters are difficult to delineate. Subsequently, jurists have imposed stiff legal tests before proscribing a substance owing to its alleged harmful properties. Generally speaking, the degree of harm must be severe and prevalent for it to be considered a sufficient cause for prohibition. An example of such a high degree of harm can be found in poison.⁸¹ If these strict conditions are not met, then the harmful substance cannot actually be prohibited. At the very most, it can be deemed as being disliked. If the degree of harm is marginal and insignificant, then its presence is overlooked completely and will not actually affect the substance's ruling.⁸² These strict hurdles were imposed for logical reasons. Quite obviously, if a lax threshold were to be consistently employed, this would ultimately lead many mundane and everyday things to be declared prohibited. A large number of various goods and substances are harmful to at least some degree, especially if consumed at particular times or circumstances.⁸³ For these reasons, prohibitionist arguments informed by harm cannot be received warmly. Secondly, the testimony provided concerning the supposed harms of coffee was likewise problematic. The assertions of the witnesses were deemed to be inadmissible as evidence, owing to serious doubts in their credibility and trustworthiness. Unsurprisingly, concerns regarding the moral uprightness of the witnesses did not go unnoticed by the attending jurists. When the witnesses falsely claimed that coffee intoxicated its consumers like in the case of wine, the prominent jurist and chief jurisconsult of Mecca Nūr al-Dīn 'Alī b. Nāṣir cleverly nullified the veracity of their claims by extracting confessions from them that they were wine drinkers. Since they admitted that they had consumed wine, their testimony could no longer be accepted.⁸⁴ 'Alī b. Nāṣir's opposing lines of reasoning were injurious to the prohibitionist cause, as

⁸⁰ Al-Jazīrī, *Umdat al-Ṣafwah*, 93–94.

⁸¹ Al-'Aydārūs, *al-Nūr al-Sāfir*, 308.

⁸² Al-Jazīrī, *Umdat al-Ṣafwah*, 175.

⁸³ Scholars have provided a number of fascinating counter-examples and thought experiments to illustrate the complications that will arise if a low baseline of harm is deemed sufficient for warranting prohibition. See al-Haytamī, *Thabat al-Imām*, 419–20; al-Nābulī, *al-Ṣulḥ bayn al-Ikhwān*, 18; and al-'Aydārūs, *al-Nūr al-Sāfir*, 308–09.

⁸⁴ Al-Jazīrī, *Umdat al-Ṣafwah*, 101.

a large number of the attendees found his counter-arguments to be convincing.⁸⁵

Because their primary arguments were found to be lacking, the prohibitionist fraction attempted to advance alternative arguments instead. In a remarkable shift in reasoning, the doctors argued that even if the drink itself is pure, it should still be deemed forbidden. This is because it draws one to commit sins owing to the social harms it had become associated with; every licit thing which leads to sin can have its status demoted to impermissibility.⁸⁶ This argument's reasoning is severely problematic because it commits the slippery slope fallacy. Even if one is to assume that coffee drinking increases the potential for one to go and linger in a coffeehouse, a firm and absolute ruling of prohibition still is unacceptable. When it comes to formulating rulings, consideration of external and accidental factors to the original issue is an error; only the internal and essential properties should be the jurist's object of attention.⁸⁷ This is because a ruling of prohibition can be passed in almost any matter if accidental features are introduced and considered.⁸⁸ Most interestingly, as seen previously, even the jurists who deemed coffee to be recommended were careful to note that its baseline ruling was that of permissibility.

It is strange to find the doctors abandoning their previous medically-informed arguments and instead shifting the discussion once again to the external social harms of coffee houses. Such a move might point to the fact that they were aware of the weaknesses found in the claimed medical harms found in coffee. This does shed light on how the debate had less to do about actual scholarly debates occurring in the assembly but instead facilitating a closed forum where only anti-coffee arguments were entertained. The prohibitionist bloc was desperate by formulating as many arguments as it could against coffee. But when it realized that it could not prove that coffee was inherently forbidden, it hastily shifted its focus to the social ills found in the coffeehouse. This move was obviously fallacious, as it changed the original topic at hand. These arbitrary diversion tactics would have likely been noticed by most

⁸⁵ Al-Makkī, *Bulūgh al-Qirā*, 3:1663.

⁸⁶ Al-Jazīrī, *Umdat al-Ṣafwah*, 93–94.

⁸⁷ See al-Nābulī, *al-Ṣulḥ bayn al-Ikhwān*, 14–15.

⁸⁸ By way of example, sitting down as a default ruling is permissible. However, if someone who has not prayed yet sits down while the time for this particular prayer is close to expiring, then this particular act of sitting is impermissible. It would be wrong for a jurist to give a blanket ruling of prohibition for sitting by taking this exceptional case in mind. *Ibid.*, 10–11.

of the attending jurists. Since the power of reason failed to generate a convincing argument that coffee was intrinsically forbidden, the power of political might was needed to enforce the desired conclusion. With all of their arguments exhausted, Khā'ir Beg ended the discussion and requested that all of the attending jurists provide their written concurrence for the drink's ban. The jurists reluctantly agreed and gave their written approval of the predetermined decision, fearing the governor's wrath and tyranny.⁸⁹ Owing to Khā'ir Beg's well-known status as an oppressive ruler, duress must be considered as an exculpating factor when analyzing the written entries recorded by the jurists who endorsed the proposed ban. 'Alī b. Nāṣir, who resisted efforts to ban coffee throughout the whole assembly, paid dearly for his opposition by being censured and even excommunicated by the prohibitionist faction.⁹⁰

Khā'ir Beg was overconfident of the assembly's conclusion to the extent that he immediately started meting out punishments to coffee drinkers in a ruthless fashion. He was so hasty in his war against coffee that he did not wait for the central authorities in Cairo to read the minutes of the assembly's proceedings (which were heavily biased and failed to mention 'Alī b. Nāṣir's opposition) and to officially authorize his actions. However, he was in a terrible shock when the central authorities provided their response. A royal decree issued by the Mamlūk Sultan Ashraf Qānṣūh al-Ghūrī (d. 921/1516) did not positively acknowledge the claims made against coffee by Khā'ir Beg and his associates. While the royal decree firmly denounced the consumption of coffee within the sinful setting of coffee houses, it fell short of prohibiting the substance itself.⁹¹ Such a trade-off might have been struck owing to scholarly voices in Cairo who firmly believed coffee was permissible.⁹² The decree restored balance in the matter by issuing a compromise resolution: Coffee is in itself permissible, but its consumption in public quarters as a matter of caution should be avoided, lest people gather in settings like coffee houses. Khā'ir Beg's efforts tremendously backfired, as he was stripped of the authority to harass and punish individuals who drank coffee within the confines of their dwellings. But the matter got even worse for the Meccan governor. When people realized that the decree did not actually prohibit coffee in itself, they openly defied the restrictions for its consumption in the public sphere. Khā'ir Beg and his

⁸⁹ Al-Jazīrī, *Umdat al-Ṣafwah*, 96.

⁹⁰ Al-Arnā'ūt, *Min al-Ta'rīkh al-Thaqāfi li 'l-Qahwah wa 'l-Maqāhī*, 17.

⁹¹ Al-Jazīrī, *Umdat al-Ṣafwah*, 104–05.

⁹² Al-Arnā'ūt, *Min al-Ta'rīkh al-Thaqāfi li 'l-Qahwah wa 'l-Maqāhī*, 18.

small faction of fellow prohibitionists could do nothing to stop the tide of coffee drinkers.⁹³

Concluding Remarks

The coffee controversy is often considered to be a dark stain in the history of Islamic jurisprudence and even more so deemed to be a shocking episode of intellectual stagnation. This article challenges such claims, arguing that the picture is far more complex than what may appear at first sight. In actual fact, the majority of scholars firmly and decisively argued for coffee's permissibility by advancing a number of original arguments informed by experimentation and/or compelling witness testimony. Furthermore, there are several indicators, which point to the conclusion that the prohibitionists were of a relatively small number. The fact that they sought to influence jurisconsults by alleging that coffee was harmful and intoxicating, and made efforts to have legal decrees passed against coffee do not indicate that they were an assertive majority. Instead, these are telling signs of a desperate minority faction facing a prominent opposing side that it could not defeat through the powers of reason and argumentation. As al-Nābulṣī argues, the first move is done by strict moralists who try to artificially inflate their numbers by obtaining *fatwās* of prohibition from unsuspecting scholars who have probably never seen or heard of the given substance. The second is done to enforce their conservative version of morality through the might of the state and to vanquish their opponents. These courses of action were undertaken in order to mask their weaknesses and give a false impression that they had the upper hand. But as history shows us, even these radical measures backfired. The Meccan Assembly is a brilliant example of how the diehard efforts of a small number of prohibitionists failed to succeed and the will of the majority of jurists prevailed.

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⁹³ Al-Jazīrī, *Umdat al-Ṣafwah*, 76.