

Ma'idah al-Khamr - A Jurisprudential Discussion

By Haider Hobbollah

Transcribed and translated by Syed Ali Imran (Canada)

What follows is a transcript from lessons 107 & 108 – March 9th and 10th 2020 - of last year's advanced jurisprudence lessons on Food and Drinks given by Shaykh Haider Hobbollah in the city of Qom.

The discussion below is regarding the famous ruling on the prohibiting of eating or drinking on a table where there is alcohol. This was the second time the Shaykh covered the topic of Food & Drinks, the first time spanning over two years, while this time it was briefly covered in a year. Recently, these lessons have also been published in a 3-volume work titled *Fiqh al-Aṭ'imah wa al-Ashriba*.

While the transcript below is brief and covered in two days, the extensive discussion can be found in volume 3 of the recently published book, between pages 340-360.

As these notes are for advanced readers, I will not be translating the Arabic traditions or technical jargon.

This is a very popular discussion, and the famous opinion is that it is ḥarām to eat or drink on a mā'idah or a sufraḥ – which is essentially anything upon which you place food for consumption – while there is alcohol being consumed on it. Some jurists have said you cannot sit on such a mā'idah even if you are not eating from it. Sayyid Muḥammad Rūḥānī's gives this ruling as an obligatory precaution and so it appears he may have some observations on the ruling.

Some have discussed whether this is restricted just to khamr or is it inclusive of all intoxicants such as fuqqā' etc. Some jurists have given a general ruling saying you are not allowed to sit or eat in a gathering of fisq and fujūr, and that the ruling has nothing specifically to do with just khamr, noting that a mā'idah with khamr on it is simply an instance of such a gathering.

This is a very prevalent issue today and we have to discuss it. Some may face this issue at work, or in meetings, or even converts may have to face this situation as their families may be accustomed to drinking.

We will discuss this in two stages: 1) the ḥadīth on the subject and 2) then the analysis and extent of this ruling.

1. Narration of Hārūn b. Jahm:

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ الْجَهْمِ قَالَ: كُنَّا مَعَ أَبِي عَبْدِ اللَّهِ ع بِالْحَيْرَةِ حِينَ قَدِمَ عَلَيَّ أَبِي جَعْفَرٍ الْمَنْصُورِ فَخَتَّنَ بَعْضُ الْقَوَادِ ابْنًا لَهُ وَصَنَعَ طَعَامًا وَدَعَا النَّاسَ وَكَانَ أَبُو عَبْدِ اللَّهِ ع فِيْمَنْ دُعِيَ فَبَيْنَا هُوَ عَلَى الْمَائِدَةِ يَأْكُلُ وَ مَعَهُ عِدَّةٌ عَلَى الْمَائِدَةِ فَاسْتَسْقَى رَجُلٌ مِنْهُمْ مَاءً فَأَتَيْ بِقَدَحٍ فِيهِ شَرَابٌ لَهُمْ فَلَمَّا أَنْ صَارَ الْقَدْحُ فِي يَدِ الرَّجُلِ قَامَ أَبُو عَبْدِ اللَّهِ ع عَنِ الْمَائِدَةِ فَسُئِلَ عَنْ قِيَامِهِ فَقَالَ قَالَ رَسُولُ اللَّهِ ص مَلْعُونٌ مَنْ جَلَسَ عَلَى مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ

و فِي رَوَايَةٍ أُخْرَى مَلْعُونٌ مَلْعُونٌ مَنْ جَلَسَ طَائِعًا عَلَى مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ.

This report is mentioned in *al-Kāfī*, *al-Tahdhīb* and *al-Maḥāsīn*. In *al-Maḥāsīn* it is also reported in this way:

عَنْهُ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ الْجَهْمِ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ بَعْضِ الصَّالِحِينَ قَالَ قَالَ رَسُولُ اللَّهِ ص مَلْعُونٌ مَنْ جَلَسَ طَائِعًا عَلَى مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ

The first version – that says *mal'ūn* once - is authentic according to many scholars. However, I do not believe in the trustworthiness (*withāqah*) of Muḥammad b. Khālīd al-Barqī and therefore the chain is weak according to me. Secondly, just because the Imam (a) stopped eating does not signify it is ḥarām, rather it could have even just been makrūh, or it was not appropriate for his (a) own status to do so and so on. The signification of what the Imam's (a) action means here is not evident in ḥurmah.

What could be argued to prove ḥurmah is the Prophetic statement at the end of the narration. Although if I recall correctly, Imam Khomeini believed the word *mal'ūn* found in narrations does not signify ḥurmah, especially since it has been used so many times in the context of things which are makrūh, so it is not clear whether this necessarily proves ḥurmah.

Nevertheless, even if we accept ḥurmah, it is general with respect to sitting, and very specific to khamr. Perhaps we can do negate the special relevance of khamr and consider it to be inclusive of all other intoxicants – as we will see later in the discussion – but to generalize it to all ḥarām gatherings, that requires more evidence.

2. Narration of Jarrāḥ al-Madā'inī and Also Reported in Sunni books:

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ فَلَا يَأْكُلُ عَلَى مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ.

Jarrāḥ al-Madā'inī is not proven to be thiqa, and the only way some have used is by relying on his presence in *Kāmil al-Ziyārāt* – which we do not accept. Also, Qāsim b. Sulaymān's withāqah is proven through his presence in *Kāmil al-Ziyārāt* and *Tafsīr al-Qumī* – which we do not accept.

This narration is also present in *al-Khiṣal*, but it is weak due to 'Īsa b. Yūnus and others. Two similar versions of this narration also exist in Sunni books, one transmitted by Jābir al-Anṣārī and the second by Ibn 'Abbās. The chain of the former is reliable as per Sunni standards and the latter is weak as per Sunni standards. In other words, there are 4 different paths to this Prophetic narration, which is good.

This narration restricts the ḥurmah to eating on such a mā'idah, not merely sitting on it.

3. The Narration of *Manāhī* of the Prophet (p):

This is the famous tradition in *al-Amālī* and *al-Faqīh* of Shaykh Ṣadūq, and we have cited it numerous times in our discussion this year. As mentioned earlier, the chain is extremely weak, most of the narrators are unknown or have no tawthīq.

The narration does nahī of sitting – which is general, and similar to the first hadith – but as we have mentioned a number of times already, the context of this ḥadīth is such where the nahī is used extensively in makruḥāt, so there is no way to say it signifies ḥurmah.

4. 400-Commands from Imam Ali (a):

This narration is also from *al-Khisal* of Ṣadūq and *Tuḥaf al-'Uqūl*. We have discussed the chain of this narration many times, and it also faces the same issue of context as the previous tradition. We have discussed this tradition numerous times this year and it cannot be relied on to prove ḥurmah.

5. Narration of Zuharī in Sunan of Abī Dāwūd:

أَنَّهُ نَهَى عَنِ الْجُلُوسِ عَلَى مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ وَ أَنْ يَأْكُلَ الرَّجُلُ وَ هُوَ مُنْبَطِحٌ عَلَى بَطْنِهِ

The narration resembles the first hadith. As for whether this signifies ḥurmah, then if we look at the context of the whole tradition, no one has said that it is prohibited to eat in that

matter (while laying on his stomach). We do not find such a ruling in Islamic jurisprudence and if there was such a ruling it would have been known (*law kāna la-bāna*), so perhaps this nahī is referring to kirāha.

Secondly, there is irsāl in this narration and therefore weak in its chain.

6. Narration of ‘Ammār Sābātī:

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ عَمْرِو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ: سُئِلَ عَنِ الْمَائِدَةِ إِذَا شُرِبَ عَلَيْهَا الْخَمْرُ أَوْ مُسْكِرٌ فَقَالَ ع حُرِّمَتْ الْمَائِدَةُ وَ سُئِلَ عَ فَإِنْ أَقَامَ رَجُلٌ عَلَى مَائِدَةٍ مَنْصُوبَةٍ يَأْكُلُ مِمَّا عَلَيْهَا وَمَعَ الرَّجُلِ مُسْكِرٌ وَ لَمْ يَسْنُقْ أَحَدًا مِمَّنْ عَلَيْهَا بَعْدُ فَقَالَ لَا تُحْرَمُ حَتَّى يُشْرَبَ عَلَيْهَا وَ إِنْ وُضِعَ بَعْدَ مَا يُشْرَبُ فَالْوَدَجُ فَكُلُّ قَائِمَتِهَا مَائِدَةٌ أُخْرَى يَعْني كُلُّ الْفَالْوَدَجِ.

In *al-Tahdhīb* the narration appears as follows:

بِهَذَا الْإِسْنَادِ عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ ع فِي الْإِنَاءِ يُشْرَبُ مِنْهُ النَّبِيذُ فَقَالَ يَغْسِلُهُ سَبْعَ مَرَّاتٍ وَ كَذَلِكَ الْكَلْبُ وَ عَنِ الرَّجُلِ أَصَابَهُ عَطَشٌ حَتَّى خَافَ عَلَى نَفْسِهِ فَأَصَابَ خَمْرًا قَالَ يُشْرَبُ مِنْهُ فَوْتُهُ وَ سُئِلَ عَنِ الْمَائِدَةِ إِذَا شُرِبَ عَلَيْهَا الْخَمْرُ الْمُسْكِرُ قَالَ حُرِّمَتْ الْمَائِدَةُ وَ سُئِلَ فَإِنْ قَامَ رَجُلٌ عَلَى مَائِدَةٍ مَنْصُوبَةٍ يَأْكُلُ مِمَّا عَلَيْهَا وَمَعَ الرَّجُلِ مُسْكِرٌ لَمْ يَسْنُقْ أَحَدًا مِمَّنْ عَلَيْهَا بَعْدُ قَالَ لَا يُحْرَمُ حَتَّى يُشْرَبَ عَلَيْهَا وَ إِنْ يَرْجِعُ بَعْدَ مَا يُشْرَبُ فَالْوَدَجُ فَكُلُّ قَائِمَتِهَا مَائِدَةٌ أُخْرَى يَعْني كُلُّ الْفَالْوَدَجِ وَ لَا تُصَلِّ فِي بَيْتِ فِيهِ خَمْرٌ وَ لَا مُسْكِرٌ لِأَنَّ الْمَلَائِكَةَ لَا تَدْخُلُهُ وَ لَا تُصَلِّ فِي ثَوْبِ أَصَابَهُ خَمْرٌ أَوْ مُسْكِرٌ حَتَّى يُغَسَّلَ سُئِلَ عَنِ النَّضُوحِ الْمُعْتَقِ كَيْفَ يُصْنَعُ بِهِ حَتَّى يَجَلَّ قَالَ خُذْ مَاءَ التَّمْرِ فَأَغْلِهِ حَتَّى يَذْهَبَ ثَلَاثًا مَاءَ التَّمْرِ وَ عَنِ الرَّجُلَيْنِ نَصَرَ ابْنَيْ بَاعٍ أَحَدُهُمَا مِنْ صَاحِبِهِ خَمْرًا أَوْ خَنَازِيرَ ثُمَّ أَسْلَمَا قَبْلَ أَنْ يَفِيضَ الدَّرَاهِمَ هَلْ تَحِلُّ لَهُ الدَّرَاهِمُ قَالَ لَا بَأْسَ وَ عَنِ الرَّجُلِ يَأْتِي بِالشَّرَابِ فَيَقُولُ هَذَا مَطْبُوحٌ عَلَى الثَّلَاثِ قَالَ إِنْ كَانَ مُسْلِمًا وَرِعًا مَأْمُونًا فَلَا بَأْسَ أَنْ يُشْرَبَ عَمَّارٌ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ع- عَنِ الرَّجُلِ يُكُونُ مُسْلِمًا عَارِفًا إِلَّا أَنَّهُ يُشْرَبُ الْمُسْكِرَ هَذَا النَّبِيذُ فَقَالَ يَا عَمَّارُ إِنْ مَاتَ فَلَا تُصَلِّ عَلَيْهِ.

The chain of transmitters is good and this narration probably has the strongest signification (*dalālah*) on the prohibition of eating on a table where there is alcohol – although it is not inclusive of just merely sitting on such a table.

7. Mursal Narration of Shaykh Ṣadūq:

لا تجالسوا شراب الخمر فان اللعنة إذا نزلت عمّت من في المجلس

The *marāsīl* of Shaykh Ṣadūq are not ḥujjah as we have discussed in ‘Ilm al-Rijāl. This narration is talking about sitting with alcoholics in general and not necessarily someone

who drinks once or twice. In fact, it does not even have anything to do with a mā'idah upon which there is khamr.

8. Narration of 'Alī b. Jā'far:

وَسَأَلْتُهُ عَنِ الطَّعَامِ يُوضَعُ عَلَى السُّفْرَةِ أَوْ الْخِوَانِ قَدْ أَصَابَهُ الْخَمْرُ أَيْؤَكَلُ قَالَ إِنْ كَانَ الْخِوَانُ يَابِسًا
قَلَّا بَأْسَ

Some have used this to prove the ḥurmah of sitting on a mā'idah, but I think it may not even be related to this subject, rather it has to do with the topic of najāsah and tahārah. If it had anything to do with eating and drinking from a mā'idah which had khamr, the discussion on it having dried out (*yābis*) is irrelevant. The possibility through which this narration was used is that if there is no issue with dried out remnants of khamr on the mā'idah then it is not an issue to eat from there, but if there is a significant dried out remnants of khamr on the mā'idah then it will not be allowed – but this is merely a probable meaning. As we said, it is not very clear in being in context about sitting on a table from which people are drinking khamr.

As for the chain, Ḥimyari narrates this from 'Abdullah b. Ḥasan and his withāqah is not proven. Sayyid Khū'ī would take this narration from Shaykh Ḥurr al-'Āmilī because he believed he had a correct path to Kitāb 'Alī b. Ja'far via Ṭūsī. However, we have researched the matter and have said the paths of later scholars – like Shaykh Ḥurr – do not mean much, and what we have at our disposal is a much later work. Yes, a lot of the traditions in it can be found in other works too, but that is irrelevant in this specific case.

9. Narration Attributed to Quṭb Rāwandī in his *Lubb al-Lubāb*, As Recorded in *al-Mustadrak*:

وَفِيهِ مُرْسَلًا: أَنَّ مُوسَى عَرَى إِبْلِيسَ بَاكِيًا إِلَى أَنْ قَالَ قَالَ يَعْزِي إِبْلِيسَ أَعْلَمَكَ كَلِمَاتٍ لَا تَجْلِسُ عَلَى
مَائِدَةٍ يُشْرَبُ عَلَيْهَا الْخَمْرُ فَإِنَّهُ مِفْتَاحُ كُلِّ شَرٍّ وَ لَا تَخْلُونَ بِأَمْرَاءٍ غَيْرِ مَحْرَمٍ فَإِنِّي لَسْتُ أَجْعَلُ بَيْنَكُمْ
رَسُولًا غَيْرِي الْخَبْرَ.

This report has no chain and I think the text is also strange. Why is Iblīs teaching Moses (a) about what is ḥarām, guiding him to the *Ṣirāṭ al-Mustaqīm*, when the goal of Iblīs is to misguide people? Perhaps there are some secrets behind these types of narrations, Allah knows best. In fact, this narration also sounds more like an advisory warning, rather than ḥurmah.

Also, the presumption here is that an Imam (a) is narrating something from Iblīs – this is a statement of Iblīs – is he really trying to convey ḥurmah of a rule through the words of Iblīs?

This once again makes it seem like it is more of a warning being conveyed to the audience rather than a ḥukm shar'ī.

These are most of the narrations on the subject, and what we can conclude from them is as follows:

1. There are only three or four narrations that very clearly prove ḥurmah of eating on a mā'idah where people are drinking alcohol.
2. Some of the narrations exist in both Sunni and Shi'ī books.
3. There are a few authentic narrations on the topic within both Sunni and Shi'a books.
4. One of the reports alone (of Jarrāh) has four different chains.
5. There are no contradictory narrations on this subject.
6. There is not a lot of textual criticism you can do on most of these narrations and instead, a very clear general meaning conveyed by them. Yes, some of them do have textual criticism, but they do not have to do with their dalālah on the ḥukm, rather other things.

One can say they have attained wuthūq in these narrations, or someone can say the narrations are too few and we do not attain wuthūq. In the next stage, we will see what ruling can precisely be extracted from these narrations and what its extent is if someone does attain wuthūq.

The Rule and its Extent

1. Is this ruling specific to khamr or is it inclusive of all intoxicants?

We say the bare minimum that is proven in these narrations is khamr which is *'asīr 'inābī* that becomes an intoxicant on its own gradually. As for rest of the intoxicants then there is nothing about them in these narrations except one of them which is, in fact, the reliable narration of 'Ammār Sābātī.

However, the generality of the ruling could also be argued by saying we can do *ilghā al-khuṣūṣīyyah* (negating the special relevance) of khamr to all intoxicants.

Although some may respond back and say we cannot do *ilghā al-khuṣūṣīyyah* here because of the Qurānic injunction on khamr. When the Qurān speaks about khamr it says *fa-jtanībūhu* and perhaps it was this command which led to this discussion of having to "stay away" from khamr. But of course, this interpretation itself is dependent on the presumption that *ijtanībū* means something more general than *la-tashribū*. If someone says it simply means "do not drink", then this argument will not really be that strong.

I believe generalizing (*ta'mīm*) the ruling to all intoxicants is more apparent and a much stronger position, and also more precautionous.

2. Is this ruling inclusive of just khamr and muskirāt, or all gatherings of ḥarām?

As mentioned in the beginning, some jurists have said even if the mā'idah has no intoxicant, as long as the gathering is ḥarām, then it is impermissible to sit on that table. This would include gatherings of ghinā', lahw, fīsq and fujūr – even if you are not engaging in the sin yourself.

Some have said this, but what is the evidence for this? A few justifications can be given:

i) Some can ask, what is so special about khamr or an intoxicant? All ḥarām gatherings are problematic. The reason why we were prohibited to sit on a table with khamr is because drinking khamr is a sin, and so we do *ilghā al-khusūṣiyyah* of khamr and say the ruling is applicable and general to all sins.

I believe this is extremely speculative, especially since the special relevance of khamr or intoxicants is very highly likely. We know that the impermissibility of khamr is very severe in Islam, it has very strict and exceptional laws, concerning many aspects such as the one who buys it, sells it, carries it etc. With what we know about khamr and intoxicants in Islam, how can we negate its relevance like this?

ii) Verse 4:140

وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّىٰ يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ ۚ إِذًا مِثْلُهُمْ ۗ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا

[4:140] And it has already come down to you in the Book that when you hear the verses of Allah [recited], they are denied [by them] and ridiculed; so do not sit with them until they enter into another conversation. Indeed, you would then be like them. Indeed Allah will gather the hypocrites and disbelievers in Hell all together.

Ibn Taymīyyah in some of his books and Sayyid Faḍlullah in his *Fiqh al-Aṭ'imah* have cited this verse to argue for this position.

It is possible to respond to this by saying this verse is restricted to a gathering where one is doing kufr alongside making a mockery of the signs of Allah (swt) – and this is an exceptionally severe situation to be in. To say this is inclusive of all gatherings of sin is far-fetched since it is speaking about a very severe type of gathering.

iii) *Nahī 'an al-Munkar*: Sayyid Mujāhid has used this argument in his work *al-Manāhil*. He says the fact that you have to stand up and move away from a table where there is khamr is an instance of *nahī 'an al-munkar*, and he alludes that this is what the philosophy of these traditions are, in which case there is no difference between staying away from this

table or other prohibited gatherings since the latter is also an instance of *nahī ‘an al-munkar*.

I believe this justification is not very precise. Not every instance of you stepping away from a table is going to be an instance of *nahī ‘an al-munkar*. One of the conditions of doing *nahī ‘an al-munkar* is that there will be an impact on an individual when they are prohibited. What if these people are those who will not care? Does that mean I am allowed to sit on the table at that point?

Secondly, not sitting on a table is inclusive of instances of both *nahī ‘an al-munkar* and not. For example, if I am already sitting on a table and someone brings khamr on it, and I step away, then yes that could be considered an instance of it. However, if I am not on a table yet, and I already know in advance there will be khamr there, and I do not show up at all without informing the people, that will not be an instance of it.

Thirdly, these narrations really do not hint at this law having anything to do with *nahī ‘an al-munkar* to begin with. Furthermore, the rulings of *nahī ‘an al-munkar* cannot be used on matters where there is a juristic dispute, or else what will you do in the instance where there is some jurist - like some Ḥanafīs - who allowed drinking non-khamr intoxicants (as long as you did not get drunk) – that would mean there is no reason to walk away from such a table. This is because there is no such thing as *inkār* in matters of *ijtihād* and *taqlīd*. This is while we know these traditions are inclusive of these instances and have nothing to do with *inkār*.

Fourthly, *nahī* can be done in various other ways, not just by standing up or walking away. Perhaps at times sitting on a table and prohibiting with the tongue and speech is more effective than walking away.

iv) Fāḍil Hindī in *Kashf al-Lithām* (v. 9) says, sitting in the gatherings of sin brings punishment upon people, whether the person who is sitting there themselves engages in the sin or not. This is what one of the aforementioned narrations (#7) also stated, then when the curse of Allah (swt) descends, it is going to descend on everyone in that vicinity. All gatherings of sins are also such which will lead to punishment and the intellect dictates that one refrains from throwing themselves in such probable punishment.

In response to this we say, besides the fact that the narration being used for this is weak, Fāḍil Hindī’s opinion will lead to a lot of problematic consequences. What if a person is living in a village, town or city, where the community engages in a sin that puts them on the brink of potential punishment; that would mean an innocent person would have to migrate out of that location. If someone is in Las Vegas where sin is widespread or even some cities in Muslim countries that are known for their *fiṣq* and *fujūr*, that would mean it is obligatory on the person to leave that city.

This is while someone could even argue on the contrary and say the presence of a religious person in such areas will dispel punishment and chastisement. Especially if this person will stay there and do *nahī ‘an al-munkar*.

Furthermore, just because there is probable harm in some places it does not mean the intellect always dictates one refrain from it. For example, if this principle is really true, then it would be prohibited to travel to non-Muslim countries – categorically - since there is a possibility of punishment and chastisement befalling them. Or even living in places that are very prone to earthquakes, tsunamis, hurricanes and so on – which includes many Muslim and Eastern countries. Is it prohibited to live in these places? No one gives such a verdict.

I believe this is an exaggeration of the principle of *daf' al-ḍarar al-muḥtamal*. What is the probability of them really being punished in these places – especially if a religious person remains there and does not participate in the sin or actively does *nahī 'an al-munkar*?

Yes, we do have narrations that speak about refraining from being in gatherings of sin, but these are very general narrations. For example, we have narrations that say not to participate in gatherings where people are announcing their kufr, or blaspheming the Imams (a), where backbiting of the believers is taking place, or where the saints and pious people are being cursed etc. We can say that with these narrations, alongside the narrations of the khamr on a mā'idah, it is prohibited to be in gatherings where very apparent, open and great sins are taking place. But to say that every single gathering of sin is included in this ruling, this will be difficult to prove.

3. What is ḥarām exactly – eating & drinking on the mā'idah or even merely sitting on it?

The relation between the two is *'umūm wa khuṣūṣ min wajh* (one can sit and eat, one can only sit and not eat, and one can eat but not be sitting – for example, they could be standing).

Some jurists have said merely sitting is ḥarām – whether you eat or not – they rely on Hārūn's narration (#1) which is reliable as per the popular view. After looking at all the narrations, we say what can be proven is the following:

i) Most of the narrations speak about merely sitting (*taḥrim al-julūs*), and not eating or drinking. Yes, some narrations like Jarrāh's and perhaps 'Ammār's narration (particularly the phrase: *ḥarumat al-mā'idah*) can be used to say eating and drinking are specifically prohibited.

I believe, *julūs* in the narrations does not literally mean sitting, rather the word is generally used colloquially to mean “being” (*kaynūnah*) somewhere. So, when it says do not “sit” on a mā'idah, it means *do not be there* – it does not mean just because you decide to stand up beside the mā'idah that your action will now be fine. Likewise, the narrations that say do not “eat” on such a mā'idah also imply not to “sit” on it, which in return means do not “be” in the vicinity of this mā'idah. When we put together all the narrations together, the customary meaning one would understand is that we should not “be” around this mā'idah – whether we are sitting or standing, eating or not.

This is why the narration of ‘Ammar says *ḥarumat al-mā’idah* which implies you “being” there is problematic. In fact, we know today that there are times people are eating and drinking while standing up. They may grab a plate and put some appetizers on it and then be drinking khamr alongside as well - there is no literal “julūs” here. What about tall tables where one can stand and eat on them? Does that mean people will say this is fine because you are not literally sitting, but as soon as there is a table where you have to be literally sitting on it, then that becomes ḥarām?

This is what I personally understand from these narrations, as per what I believe the people’s customary understanding is in line with and as per the *munāsibāt al-ḥukm wa al-mawḍū’*. That is, **it is prohibited to “be” (*taḥrīm al-kawn*) around a mā’idah of khamr (and all muskirāt), such that a person is considered a participant on that mā’ida in the eyes of people. Meaning, people will say they are “on” this mā’idah or part of a group where someone or a group of people are drinking alcohol. If one were to name the participants of a gathering of a mā’ida, people will mention the name of this individual as well (whether they are sitting, standing, drinking or not, eating or not).**

4. Is the “eating” or “drinking” from the mā’idah impermissible, or is the mere presence of the food or drink on such a table sufficient? In other words, is the *akl* impermissible or the *ma’kūl*?

Muqaddis Ardibellī is the one who put forth this question in his *Majmā’ al-Fā’idah*. He says what could potentially be impermissible is the *ma’kūl* when it is on such a mā’idah – although he did not give this as his final opinion.

To clarify the difference between the two, consider the following example: we say “*eating* usurped food is ḥarām”, not that the food itself is from those foods which are impermissible to eat; or “*drinking* from gold and silver utensils is ḥarām”, not that water itself is impermissible.

However, for us this discussion is meaningless since we have already concluded that the narrations are speaking about “being” on a mā’idah and eating qua eating or the food qua food is not relevant to the discussion. In fact, even if we were to say “eating and drinking” is prohibited, it won’t mean the *ma’kūl* is ḥarām. The phrase “*ḥarumat al-mā’idah*” in Sabāṭī’s narration does not mean the *ma’kūl* is ḥarām, rather the *sufrah* itself is to be refrained from.

5. *Majlis al-Khamr* and *Majlis Shurb al-Khamr*

Is the criterion for the impermissibility the fact that there is khamr on a mā’ida and someone is picking it up and drinking it, or is it the mere presence of khamr on a mā’idah even if no one is drinking it? In some restaurants, you will see there is khamr on tables, even if you and your family are not drinking it. Is it still ḥarām to be on this mā’idah?

When we look at the narrations, the bare minimum that is proven is that someone is drinking khamr from that mā’idah. The phrase *yushrab ‘alayhā al-khamr* is mentioned

numerous times. In ‘Ammār’s narration it is even clear that the mā’idah is not prohibited until someone begins drinking from it.

Hence, what Ardibellī and Sayyid Mujāhid have said regarding the prohibition of sitting on a mā’idah upon which there is khamr (even if no one is drinking it), is wrong.

6. *Majlis al-Khamr* and *Mā’ida al-Khamr*

Is the ruling related to *mā’idah al-khamr* or *majlis al-khamr*? For example, if some men are sitting in a gathering, there is no physical mā’idah, no physical sufraḥ, not even any food. Instead, they are watching television for example, and one of the individuals or some of them starts drinking. This is now considered a gathering (*majlis*) in which people are drinking khamr, but there is no physical mā’idah. All the narrations – except the *mursal* of Shaykh Ṣadūq which speaks about staying away from sitting with alcoholics – speak about a mā’idah.

Perhaps people’s customary understanding would be that a mā’idah is simply an example and instance of a *majlis* – and this is also in line with precaution. In which case, the instantiation (*ṣidq*) of *majlis* would be sufficient. The reason why people may understand mā’idah as an example is because when would the believers – especially in the past – ever have to sit in a *majlis* someone would drink khamr in? Most of the time a believer would have had to face this issue in the past would be on a physical mā’idah, because a believer would generally refrain from attending a *majlis al-khamr*.

Yes, the *majlis* has to be one – just like the mā’idah has to be one – such that the person is considered a participant of that specific *majlis*. So if there are 5 people in a big hall sitting at the back drinking, and you alongside some other people are in the front of that hall, according to the people’s customary understanding, they will most likely not consider you a participant of a *majlis al-khamr*.

This is why some contemporary jurists like Sayyid Mar‘ashī Najafī, Shaykh ‘Arāqī, Sayyid Muḥammad Rūḥānī, Mīrza Ṭabrīzī, Shaykh Montazarī, Fāḍil Lankarānī etc. have said you cannot be in a *majlis* where people consider you a participant of that gathering.