

THE LAWFUL  
AND THE PROHIBITED  
IN ISLAM

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**AL-FALAH FOUNDATION**

For Translation, Publication & Distribution

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# Preface

The lawful (*halal*) and the prohibited (*haram*) in Islamic *Shari`ah* is not a simple matter. It is not for any human to decide what is lawful and what is prohibited, not even the Prophet (pbuh) through his own personal judgments that depend on no Divine source. No body has the authority to declare any food, drink, dress, or trade and business as lawful or prohibited. Moreover, it is one of the striking features of Islam that all human beings, whatever the class or rank they enjoy, are equal before *halal* and *haram* injunctions. There is no double standard in the *Shari`ah*.

The only criterion for defining the *halal* or the *haram* is the Qur'anic injunctions revealed from Allah, the Creator, Who knows what benefits man most, as well as the authenticated Prophetic Sunnah, as it is based on a Divine revelation.

To define the *halal* and the *haram* is not an easy matter. Many Muslim Imams and scholars hesitate to handle such matters. When Sheikh Yusuf al-Qaradawi shouldered this responsibility, he knew well how much difficulty he had put on himself. However, he managed to present a book, which is small in size yet great in value. It contains moderate legal judgements that meet the needs of man in the contemporary changing circumstances.

Al-Falah feels indebted to Sheikh al-Qaradawi, first for giving it the chance to present this valuable work to our English-speaking readers in a previous edition and secondly for allowing the publishing of a second edition of it. This second edition is supposed to be better with respect to the preparation, translation, formatting, and revision, and the Foundation hopes it will secure an easier understanding of this prominent work.

Finally, all praise and thanks are due to Allah, without Whose help and guidance nothing can be accomplished.

*Al-Falah Director*  
*Muhammad `Abdu*



# Introduction

The Department of Islamic Culture of Al-Azhar University requested me to contribute in an academic undertaking to write easily readable books or pamphlets which, when translated into English, should introduce Islam and its teachings to Europe and America, educating the Muslims who reside there and attracting the non-Muslims toward Islam.

Certainly, this assignment to produce books and pamphlets has both a lofty aim and a broad scope. It should have been initiated long ago, since, many Muslims in Europe and America have very little knowledge of Islam, and even that little is not safe from distortion and confusion. Recently a friend from Al-Azhar who was sent to the United States of America wrote to us, saying, "Many Muslims in this state run bars and earn their living through the sale of liquor, not even knowing that this is a major sin in Islam." He adds, "Muslim men marry Christian, Jewish and sometimes *mushrik* women, passing over the Muslim women, who remain unmarried and have to fend for themselves."

If this is the condition of the Muslims, what about the non-Muslims? People in the West have a very distorted and ugly picture of Islam, its Prophet (pbuh) and its followers, a picture painted by Christian missionaries and the representatives of the imperialist powers. They have used all means of propaganda at their disposal to malign Islam and to prejudice the minds of people against it, while we, at the same time have been heedless and neglectful of combating this malicious propaganda.

It is indeed high time to launch an educational project in order to remedy this situation, to inform people about the truth of Islam, and to invite them to it. We welcome this blessed step, commending these devoted people of Al-Azhar; we request them to redouble their efforts in this direction, and pray to Allah ever to bless and help them.

The Department of Islamic Culture assigned me the task of writing on the subject of the lawful (*halal*) and the prohibited (*haram*) in Islam, requesting that I present the subject in a simple and easily understandable manner which was also to include a comparison with other religions and cultures.

At first glance the subject of the lawful and the prohibited may seem easy to write about, but it is, in fact, extremely difficult. No previous author, whether early or modern, has compiled a book specifically treating this topic. The researcher will find material pertaining to this subject scattered throughout various chapters in the books on Islamic Jurisprudence (*Fiqh*), and between the lines in the commentaries of the Qur'an and in the books of the Prophet's *hadiths*.

Such a subject, moreover, compels the writer to be precise concerning many matters about which earlier scholars differed and over which contemporary scholars are confused. Consequently, to prefer one opinion to another in matters relating to the *halal* and the *haram* in Islam requires patience, thoroughness in research, and intellectual exertion on the part of the researcher, all this after he has cleared his heart of all desires except that of pleasing Allah (Glorified and Exalted be He) and to seek the truth.

It is my observation that most contemporary researchers and writers on Islam fall under one of two groups. The vision of one group has been blurred by the glamor of Western civilization. Overawed by this great idol, they worship it, approach it imploringly, and stand before it humbly, with downcast eyes, accepting Western principles and customs as unassailable and proven beyond doubt. Accordingly, if one aspect of Islam is agreeable they accept it while if another opposes them, they try to find similarities and agreements, offer excuses and apologies, or resort to far-fetched explanations and distortions, as if Islam had no choice except to surrender to the philosophy and customs of Western civilization. When we examine their views, we find that they permit things which Islam has prohibited, such as statues, lotteries, interest, privacy with a non-mahram woman, a man's wearing gold and silk, and so on. They frown upon things which Islam has permitted, such as divorce and polygamy, as if, in their view, whatever is legal in the West is halal and whatever is illegal is haram. They forget that

Islam is the word of Allah and that His word is always uppermost. Islam came to be followed, and not to follow; to be dominant, and not subordinate. How can the Lord of men follow men and how can the Creator submit to the whims of His creatures?

﴿If the truth had been in accord with their desires, the heavens and the earth, and all therein, would have been in corruption ...﴾

(Al-Mu'minun: 71)

﴿Say: Is there among your partners (whom you associate with Allah) any who guides to the truth? Say: Allah guides to the truth. Then does He who guides to the truth have more right to be obeyed, or the one who is not guided unless he receives guidance? Then what is wrong with you all? How do you judge?﴾

(Yunus: 35)

The other group is frozen in its fixed opinions concerning questions about the *halal* and the *haram*, following a statement in a text which they assume to be Islam. They do not budge a hair's breadth from their position, nor do they try to weigh their opinion against the arguments of others, and to arrive at the truth after a comparison and critical evaluation of opinions. If one of them were to be asked his opinion concerning music, singing, chess, women's education, a woman's showing her face and hands, and similar matters, the most likely answer would be *haram*. This group has forgotten the caution exercised by our righteous forebears in such matters, who never applied the word *haram* to anything unless they knew it to be definitely prohibited. If there were the slightest doubt about the matter they would only say, "We disapprove of it" or "We do not like it," or some other similarly mild statements.

I have endeavored to follow neither. I cannot compromise my religion by taking the West as my god after accepting Allah as the Lord, Islam as the religion, and Muhammad (pbuh) as the Messenger. At the same time, I cannot compromise my intellect by following one particular school of jurisprudence in all its judgements, right or wrong, suspending my own reasoning faculty and discernment. "A blind follower," in the words of Ibn al-Jawzi, "does not have any trust in what he follows. To imitate is to suspend the use of the intellect, whereas the intellect is created for thinking

and reasoning. It is stupidity for a person given a light to show him the way, only to extinguish it and walk in darkness."<sup>(1)</sup>

This is why I have not confined myself to any one of the several schools of jurisprudence (*madhahib*, singular *madhab*) prevalent in the Islamic world, for the truth is not the monopoly of any one's school. The leading scholars of these schools never claimed that they were infallible; they were, in fact, researchers who sought to know the truth. If they erred in a ruling they would have a reward, and if they were correct, their reward would be twice as great.

Imam Malik said, "The word of any person other than the Prophet (pbuh) is sometimes acceptable and sometimes objectionable." And Imam Shafi'i commented, "My opinion is correct with the possibility of its being erroneous. An opinion different from mine could be erroneous and could be correct."

While it is not worthy of a Muslim scholar who is capable of comparing and choosing to tie himself to a single school of jurisprudence or to submit to the opinion of a particular jurist; he must give weight to arguments and proofs. The jurist with stronger arguments and a valid proof deserves to be followed, while the one with weaker arguments and stale proofs should be rejected, regardless of whomever he is. On this point, Imam `Ali said, "Truth is not to be learned on the basis of authority. Learn the truth and then you will know who the truthful ones are."

I have tried, to the best of my ability, to follow the guidelines of the Department of Islamic Culture. Thus I have presented material supported by arguments, proofs, and comparisons, employing the latest scientific ideas and contemporary ideas. Praise be to Allah, Islam is like the radiant sun, whose light bears the proof that it is an eternal religion for all mankind.

﴿(Our religion) takes its hue from Allah, and who can give a better hue than Allah?...﴾

(Al-Baqarah: 138)

The concept of the lawful and the prohibited has been known to every nation since ancient times. However, people have differed in defining the

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1. *Talbis Iblis*, p. 81.

scope, variety, and causes of taboos and prohibitions, most of which were a product of their primitive beliefs, superstitions, and myths. Then came the divinely revealed religions,<sup>(1)</sup> with their laws and injunctions concerning the *halal* and the *haram*, uplifting mankind from the level of superstition, myth, and tribalism to the level of dignity which befits a human existence.

However, in the religions revealed prior to Islam there existed some prohibitions and permissions which were legislated for a temporary period, in relation to the specific conditions of the people and their environment. For example, Allah prohibited some lawful things to the Children of Israel as a punishment for their rebellious attitude; thereafter, Prophet 'Isa (peace be upon him) told the people that he had come

*﴿... confirming the truth of what was before me of the Tawrah and to make lawful to you some of what was prohibited to you ...﴾*

(Al 'Imran: 50)

Finally, when mankind had reached the stage of intellectual maturity and was ready to receive the last message from Allah (Glory be to Him), Islam came with its complete, comprehensive, and eternal *Shari`ah* (law) for the whole of mankind. Concerning this, after mentioning what He has prohibited as food, Allah says,

*﴿... This day I have perfected your religion for you and have completed My favour upon you, and have chosen Islam for you as religion...﴾*

(Al-Ma'idah: 3)

Islam's view of the *halal* and the *haram* is very simple and clear. It is a part of that great trust which Allah offered to the heavens, the earth, and the mountains, which they declined but which man accepted. This trust requires man to carry out the duties placed on him by Allah as His vicegerent on earth and to assume accountability concerning them. This responsibility is

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1. According to the Qur'an there has been only one true, authentic faith; Islam. Islam means the attainment of peace through conscientious and loving submission to the Will and Guidance of Allah. This was the mission of all Prophets and Messengers in human history. It is the same fundamental faith which was revealed to Prophets Musa, 'Isa, and Muhammad (peace be upon them). The original revelations given to Musa and 'Isa are no longer available in their complete, original, and unadulterated form. The Qur'an is the only divine revelation that is meticulously preserved in its complete, original, and unadulterated form. As such, it is to be used as the criterion to judge the authenticity of the present form of previous revelations.

the basis on which the human individual will be judged by Allah and given His reward or punishment. Because of this trust, Allah gave man intellect, will, power, and freedom of choice; because of this, He sent His messengers and revealed His Books. It is not for man to question, "Why is there *halal* and *haram*? Why am I not left free to do as I please?" for this is precisely the test of his freedom of choice and action. Moreover, man is neither a purely spiritual being like the angels nor simply a creature of instinct like the animals. Rather he occupies a position between the two: he can attain or even surpass the spiritual heights of the angels, or he can sink to the level of the beasts, or even lower.

From another perspective, the *halal* and the *haram* are part of the total legal system of Islam, its *Shari`ah*, a system whose primary objective is the good of mankind. The Islamic *Shari`ah* removes from human beings harmful, burdensome customs and superstitions, aiming to simplify and ease the business of day-to-day living. Its principles are meant to protect man from evil and for him to benefit all aspects of his life. And they are meant to benefit everyone in the community - rich or poor, ruler or ruled, man or woman - as well as to benefit the whole of humanity all over the world in various countries and climes, with its multitudinous groupings, and in every period of time throughout succeeding generations.

This religion came as a mercy from Allah to include all his servants in the final stage among the various stages of man. Concerning His Messenger (pbuh) Allah says,

﴿And We have not sent thee except as a mercy for all the worlds.﴾

(Al-Anbiya': 107)

And the Prophet (pbuh) himself said,

"I am a merciful gift."<sup>(1)</sup>

One aspect of this mercy is that Allah removed from the Muslim *Ummah* all traces of fanaticism and zealotry, and the signs of the alleged lawfulness and prohibition that the idolaters and the People of the Book (Jews and Christians) made as part of life, as they prohibited the good things and permitted the foul. Allah says,

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1. Narrated by Al-Hakim on the authority of Abu Hurayrah, Adh-Dhahabi said that this *hadith* is authentic.

﴿... My mercy embraces all things. Thus I shall ordain it for those who are conscious (of Me) and who give the purifying alms (Zakah), and those who believe in Our revelations. ﴾

(Al-A`raf: 156)

The Islamic criteria with regard to the *halal* and the *haram* are embodied in the following two Qur'anic verses, .

﴿Say: Who has forbidden the adornment of Allah which He has brought forth for His servants, and the good things of His providing? Say: They are, on the Day of Resurrection, exclusively for those who believed during the life of this world. Thus do We explain the signs for those who know. Say: What my Lord has indeed prohibited are shameful deeds, whether open or secret, and sin and rebellion without just cause, and that you associate with Allah that for which He has sent down no authority, and that you say concerning Allah that about which you do not know. ﴾

(Al-A`raf: 32-33)

In view of the fact that the *halal* and the *haram* constitute such an important subject, I believe that this book, in spite of its modest size, will fill a gap in the library of the contemporary Muslim; that it will solve many problems which he faces in his personal, family, and social life; and that it will answer many questions of this kind: What is permitted to him? What is prohibited to him? And what is the reason for permitting this and prohibiting that?

In bringing this introduction to a close, I would like to express my thanks to the scholars of Al-Azhar and the Department of Islamic Culture for placing their trust in me to deal with such a vital subject. I hope I have proven worthy of their trust and have achieved their objective.

I pray Allah (Glory be to Him) to benefit those who read this book, grant us truthfulness in what we say and do, preserve our thoughts and our pens from deviation, and guide us in all our affairs. It is He alone Who hears to supplication.

*Yusuf al-Qaradawi*

Safar 1380 / August 1960



# Definitions

## ***Al-Halal* (The lawful):**

That which is permitted, with respect to which no restriction exists, and the doing of which the Law-Giver, Allah, has allowed.

## ***Al-Haram* (The prohibited):**

That which the Law-Giver has absolutely prohibited; anyone who commits it is liable to incur the punishment of Allah in the Hereafter as well as a legal punishment in this world.

## ***Al-Makruh* (The detestable):**

That which is disapproved by the Law-Giver but not very strongly. The makruh is less in degree than the *haram*, and the one who commits it is not punished as he is punished for a *haram* act, except when he does it in excess and in a manner which leads an individual toward what is *haram*.



# **CHAPTER ONE**

**THE ISLAMIC PRINCIPLES  
PERTAINING TO  
THE LAWFUL AND THE PROHIBITED**

1. The Essence *Asl* Is Permissibility of Things.
2. To Make Lawful and to Prohibit Is the Right of Allah Alone.
3. Prohibiting the *Halal* and Permitting the *Haram* Is Similar to Committing *Shirk*.
4. The Prohibition of Things Is Due to Their Impurity and Harmfulness.
5. What Is *Halal* Is Sufficient, While What Is *Haram* Is Superfluous.
6. Whatever Is Conducive to the *Haram* Is Itself *Haram*.
7. Falsely Representing the *Haram* as *Halal* Is Prohibited.
8. Good Intentions Do Not Make the *Haram* Acceptable.
9. Doubtful Things Are to Be Avoided.
10. The *Haram* Is Prohibited to Everyone Alike.
11. Necessity Dictates Exceptions.

## **The Islamic Principles Pertaining to the Lawful and the Prohibited**

The question of what ought to be *halal* (lawful) and *haram* (prohibited) was one of the matters concerning which, prior to the advent of Islam, the nations of the world had gone very far astray and were utterly confused, permitting many impure and harmful things and prohibiting many things that were good and pure.

They erred grievously, going either far to the right or far to the left. On the extreme right was the ascetic Brahmanism of India and the self-denying monasticism of Christianity. In addition to these two, there were other religions which were based on the principles of the mortification of the flesh, abstention from good food, and avoidance of other enjoyments of life which Allah has provided for human beings. Christian monasticism attained its peak during the Middle Ages when the avoidance of good and pure things among the monks, thousands in number, reached the point at which washing one's feet was considered a sin and taking a bath was something to regret and repent. On the extreme left, the Mazdak philosophy emerged in Persia, advocating absolute freedom and allowing people to take whatever they wanted and to do whatever they pleased, even exhorting them to violate what is naturally held inviolable by human beings.

The Arabs of the pre-Islamic era provide a noteworthy example of utter confusion regarding the criteria for making lawful or prohibiting things and actions. They permitted the drinking of alcohol, the taking of usury at exorbitant rates, the torturing and secluding of women, and many similar practices. Those who had diabolical minds allured most of them to the killing of their own children, until, suppressing their natural paternal feelings, they obeyed them. As Allah (Glory be to Him) says,

*﴿Thus have their partners made alluring to many of the idolaters the killing of their children, in order to lead them to their own destruction,*

*and to confound for them their religion... ﴿*

(Al-An`am: 137)

These "partners" from among the guardians of the idols had devised many impressive arguments to persuade fathers to kill their own children; among them were the fear of actual or anticipated poverty, the impending shame in the case of a daughter, and the affinity to the gods to be attained by the sacrifice of a son.

It is strange that these same people who permitted the killing of their own children by cutting their throats or burying them alive abstained from the eating of certain vegetable stuff and beef. Stranger still is that they considered such abstinence as part of their religion, attributing it to Allah's command.<sup>(1)</sup> But Allah rejected their false claim:

*﴿ And they say, 'These cattle and crops are sacred; none shall eat of them except those whom we wish', - so they assert - 'and cattle whose backs are prohibited (to burden), as well as cattle on which (at slaughter) the name of Allah is not mentioned, fabricated lies against Him. He will assuredly recompense them for what they have forged. ﴾*

(Al-An`am: 138)

Moreover, the Qur'an exposed the error of those who made *halal* what is prohibited and made *haram* what is permitted:

*﴿ Lost are those who kill their children in folly, without knowledge and prohibited what Allah has provided them, forging (lies) against Allah. They have indeed gone astray and are without guidance. ﴾*

(Al-An`am: 140)

When Islam came, the errors, confusions, and deviations with respect to the question of *halal* and *haram* were very rampant. One of Islam's initial accomplishments was, therefore, to establish certain legal principles and measures for rectifying this vital issue; these principles were then made the determining criteria on which the questions of what is *halal* and what is *haram* were to be based. Thus this vital aspect was determined according to the correct perspective, and rules related to matters of *halal* and *haram* were

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1. It should be noted that while worshiping and ascribing powers to numerous male and female deities, the pagan Arabs of the pre-Islamic era had the concept of a supreme Deity, Allah, ascribing to Him many false attributes and laws. (Translator)

established on the principle of justice. The Muslim *Ummah* (nation) thus became a nation, occupying a position midway between the extremist deviations to the right and to the left, which Allah (Glory be to Him) describes as a "*middle Ummah*" (Al-Baqarah: 143) and "*the best Ummah that has ever been brought forth for mankind.*" (Al `Imran: 110)

## 1. The Essence As *l<sup>(1)</sup>*: Permissibility of Things

The first *asl*, or principle, established by Islam is that the things which Allah has created and the benefits derived from them are essentially for man's use, and hence are permissible. Nothing is *haram* except what is prohibited by a sound and explicit *nass*<sup>(2)</sup> from the Law-Giver, Allah (Glory be to Him). If the *nass* is not sound, as for example in the case of a weak *hadith*, or if it is not explicit in stating the prohibition, the original principle of permissibility applies.

Muslim scholars have derived this principle of the natural utility and permissibility of things from the clear verses of the Qur'an. For example, Allah says,

﴿It is He who created all that is in the earth for you...﴾

(Al-Baqarah: 29)

﴿He has subjected to you, from Himself, all that is in the heavens and all that is on the earth...﴾

(Al-Jathiyah: 13)

﴿Do you not see that Allah has subjected to you whatever is in the heavens and what is on earth, and has showered upon you His favors, both apparent and unseen?...﴾

(Luqman: 20)

It cannot be that Allah (Glorified be He) created all these things, gave man control over them, counted them as His favors upon him, and then after that to inform him that their use is prohibited; how could this be when He

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1. *Asl*, plural *usul*, denotes origin, source, foundation, basis, fundamental, or principle. (Translator)

2. *Nass* denotes either a verse of the Qur'an or a clear, authentic, and explicit *sunnah* (practice or saying) of Prophet Muhammad (pbuh). These two are the main sources of Islamic *Shari`ah*. (Translator)

created all this for man's use and benefit? He has, indeed, prohibited only a few things for specific reasons, the wisdom of which will be discussed later.

In Islam, the sphere of things prohibited is very small, while that of things permissible is extremely vast. There is only a small number of sound and explicit texts concerning prohibitions, while whatever is not mentioned in a *nass* as being lawful or prohibited falls under the general principle of the permissibility of things and within the scope of Allah's favor. In this regard, the Prophet (pbuh) said,

*"What Allah has made lawful in His Book is halal and what He has prohibited is haram, and that concerning which He is silent is allowed as His favor. So accept from Allah His favor, for Allah is not forgetful of anything."*

He then recited,

﴿... And thy Lord is not forgetful. ﴾

(Maryam: 64)<sup>(1)</sup>

Salman al-Farsi reported that when the Messenger of Allah (pbuh) was asked about animal fat, cheese, and fur, he replied,

*"The lawful is that which Allah has made lawful in His Book and the prohibited is that which He has prohibited in His Book, and that concerning which He is silent He has permitted as a favor to you."*<sup>(2)</sup>

Thus, rather than giving specific answers to what the speaker has asked, the Prophet (pbuh) referred to the general criterion for determining the *halal* and the *haram*. Accordingly, it is sufficient for us to know what Allah has made *haram*, since what is not included in it is deemed pure and permissible. The Prophet (pbuh) also said,

*"Allah has prescribed certain obligations for you, so do not neglect them; He has defined certain limits, so do not transgress them; He has prohibited certain things, so do not do them; and He has kept silent concerning other things out of mercy for you and not because of forgetfulness, so do not ask (questions) concerning them."*<sup>(3)</sup>

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1. This *hadith* was narrated by Al-Hakim, who classified it as *sahih*, and quoted by Al-Bazzar.

2. Narrated by At-Tirmidhi and Ibn Majah.

3. Narrated by Ad-Daruqutni and classified as *hasan* by An-Nawawi.

I would like to emphasize here that the principle of natural permissibility is not limited to things and objects but also includes all human actions and behavior not related to acts of worship, which may be termed living habits or day-to-day affairs. Here again, the principle is that these are allowed without restriction, with the exception of a small number of things which are definitely prohibited by the Law-Giver, Allah (Glory be to Him), Who says,

﴿... He (Allah) has explained to you what He has made haram for you...﴾

(Al-An`am: 119)

including both objects and actions.

The case is different, however, in relation to acts of worship. These are purely religious acts which can be taken only from what Allah Himself reveals. Concerning this we have a sound *hadith*:

*"Any innovation in our matter (religion) which is not a part of it must be rejected."*<sup>(1)</sup>

Anyone who invents or originates a form of worship on his own has gone astray and must be repudiated, for only the Law-Giver Himself has the right to originate acts of worship through which human beings may seek nearness to Him. Living habits and day-to-day matters, however, did not originate with the Law-Giver; they were originated and acted upon by human beings themselves. Thus the Law-Giver intervenes only to rectify some practices which are harmful or which may lead to strife.

The great Islamic scholar Ibn Taymiyah stated,

"Peoples' sayings and actions are of two kinds: acts of worship by which their religion is established, and customary practices which are required for day-to-day living. From the principles of the *Shari`ah*, we know that acts of worship are those acts which have been prescribed by Allah or approved by Him; nothing is to be affirmed here except through the *Shari`ah*. However, as far as the worldly activities of people are concerned, they are necessary for everyday life. Here the principle is freedom of action; nothing may be restricted in this regard except what Allah (Glory be to Him) has restricted."

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1. This *hadith* is classified as *muttafaq `alayh*.

This is the case because commanding and prohibiting are both in Allah's Hands. As far as worship is concerned, there has to be a command from Him concerning it. Thus, when it requires a command (from Allah) to establish something, how can we say that something is restricted without His command?

This is why Ahmad (ibn Hanbal) and other jurists specialized in *Hadith* Literature, say: In relation to acts of worship, the principle is limitation (*tawqif*); that is to say, nothing can be legislated in this regard except what Allah Himself has legislated. To do otherwise is to incur the risk of being included in the meaning of the verse:

*﴿Do they have partners (with Allah) who have prescribed for them in religion that concerning which Allah has given no permission?...﴾*

(Ash-Shura: 21)

But as far as living habits are concerned, the principle is freedom because nothing can be restricted in this regard except what Allah Himself has prohibited. Here, to do otherwise, is to be included in the meaning of His saying:

*﴿Say: Do you see what Allah has sent down to you for sustenance? Yet you have made some part of it haram and some part halal.﴾*

(Yunus: 59)

This is a great and beneficent principle, on the basis of which we can say that buying, selling, leasing, giving gifts, and such other matters are as necessary activities for people as eating, drinking, and the wearing of clothes. If the *Shari`ah* says something concerning these mundane matters, it is in order to teach good behavior. Accordingly, it has prohibited whatever leads to strife, has made obligatory that which is essential, has disapproved that which is frivolous, and has approved that which is beneficial. All this has been done with due consideration for the kinds of activities involved, their magnitudes, and properties.

Since this is the stand of the *Shari`ah*, people are free to buy, sell, and lease as they wish, just as they are free to eat and to drink what they like as long as it is not *haram*. Although some of these things may be disapproved, they are free in this regard, since the *Shari`ah* does not go to the extent of

prohibiting them, and thus the original principle (of permissibility) remains."<sup>(1)</sup>

This principle is also supported by what is reported in a sound tradition by the Prophet's Companion, Jabir ibn 'Abdullah. He said, "We used to practice 'azl (coitus interruptus, or withdrawal before ejaculation during intercourse) during the period when the Qur'an was being revealed. If the practice were to have been prohibited, the Qur'an would have prohibited it." He therefore concluded that if the divine revelation was silent about something, it was permissible and people were free to practice it. Assuredly, the Prophet's Companions (may Allah be pleased with them) had a perfect understanding of the *Shari`ah*. Accordingly, this great principle - that no worship can be ordained except by the command of Allah, and no practice can be prohibited except by His prohibition - is firmly established.

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1. *Al-Qawa`id an-Nuraniyyah al-Fiqhiyyah* by Ibn Taymiyah, pp. 112-113. According to this principle, Ibn Taymiyah, his disciple Ibn al-Qayyim, and the Hanbali jurists in general hold that contracts and the conditions laid down in them are essentially permissible, as any contract that does not involve any matter that is established as *haram* by a *nass* is valid.

## 2. To Make Lawful and to Prohibit Is the Right of Allah Alone

The second principle is that Islam has restricted the authority to legislate the *haram* and the *halal*, taking it out of the hands of human beings, regardless of their religious or worldly position, and reserving it for the Lord of human beings alone. Neither rabbis nor priests, kings or sultans, have the right to prohibit something permanently to Allah's servants; if someone does this, he has certainly exceeded his limits, usurping the sovereignty which, with respect to legislating for the people, belongs to Allah (Glory be to Him) alone. Others who acquiesce to this transgression of such usurpers and act upon what they have legislated thereby elevate them to the rank of partners or associates with Allah:

﴿Do they have associates (with Allah) who have prescribed for them in religion that concerning which Allah has given no permission?...﴾

(Ash-Shura: 21)

The Qur'an blamed the People of the Book, that is, Christians and Jews, for putting the power to make lawful and to prohibit things and actions into the hands of their rabbis and priests.

﴿They have taken their rabbis and priests as lords besides Allah, and the Messiah, son of Mary, although they were commanded to worship no one except the One Allah. There is no deity but He, Glory be to Him above what they associate with Him!﴾

(At-Tawbah: 31)

‘Adi ibn Hatim, who had been a Christian before accepting Islam, once came to the Prophet (pbuh). When he heard him reciting the above verse he said, "O Messenger of Allah, but they did not worship them." The Prophet (pbuh) replied,

*"Yes, but they prohibited to the people what was halal and permitted them what was haram, and the people obeyed them. This is how they worshiped them."<sup>1)</sup>*

Christians still claim that Prophet `Isa (peace be upon him), before ascending to heaven vested in His apostles the authority to declare things permissible or prohibited as they saw fit, as reported in *Matthew* 18:18,

*"I tell you the truth: whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven."*

The Qur'an also blamed the polytheists for ordaining and prohibiting things without any authority from Allah:

*﴿Do you see what Allah has sent down to you for sustenance and yet you have made some part of it haram and some part halal?...﴾*

(Yunus: 59)

*﴿And do not say, concerning the falsehood which your tongues utter, 'This is halal and that is haram,' in order to fabricate a lie against Allah; assuredly those who fabricate a lie against Allah will not prosper.﴾*

(An-Nahl: 116)

From these explicit verses of the Qur'an and from clear *hadiths* of the Prophet (pbuh) the jurists of Islam grasped with certainty that it is Allah (Glory be to Him) alone Who has the right to make lawful or to prohibit a matter, either through His Book or through the tongue of His Messenger (pbuh). The jurists' task does not go beyond explaining what Allah has decreed to be *halal* or *haram* *﴿... He has explained to you in detail what He has made haram for you...﴾* (Al-An`am: 119) It is definitely not their task to decide what is to be allowed and what is to be prohibited to human beings. Thus the great jurists, in spite of their scholarship and ability of *ijtihad*, refrained from pronouncing judgements concerning matters of *halal* and *haram*, passing the problem from one to the other out of fear of committing the error of declaring *halal* what is actually *haram* and *vice-versa*.

In his book *Al-'Umm*, Imam Shafi`i narrated that Abu Yusuf, a companion of Abu Hanifah and a chief judge (*qadi*), said,

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1. Narrated by At-Tirmidhi and others.

"I witnessed that our knowledgeable teachers avoided saying, 'This is *halal* and that is *haram*', apart from what they found clearly stated without requiring an interpretation in the Book of Allah. We have been told by Ibn as-Sayb that Ar-Rabi` ibn Khaytham, one of the greatest of the second generation of Muslims, said, 'Beware that none of you says, 'Allah has made this lawful or approves of it'. Allah may then say that He did not make it lawful nor approve it; or that you say, 'Allah has prohibited this'. Allah may then, say 'You lie! I have not prohibited nor disapproved of it'. Some companions of Ibrahim an-Nakh`i, a great jurist of Kufah among the second generation of Muslims, have told us of his mentioning his colleagues as saying, when they gave a judgement concerning something, 'It is disapproved' or 'There is no harm in it,' rather than, 'It is *haram*' or 'It is *halal*', as *haram* and *halal* are terms of much greater import."<sup>(1)</sup>

This is what Abu Yusuf reported concerning our righteous forebears and what Ash-Shafi`i quoted from him, and completely agreed with. Similarly, Ibn Muflih reported the great scholar Ibn Taymiyah as saying that the jurists of the early days of Islam did not pronounce anything *haram* unless it was definitely known to be so.<sup>(2)</sup> In the same spirit, the great Imam Ahmad ibn Hanbal, when asked about some matter, would say, "I disapprove of it" or "It does not appeal to me," or "I do not like it" or "I do not prefer it." Similar reports are narrated concerning Malik, Abu Hanifah, and all the other Imams (may Allah be pleased with them).<sup>(3)</sup>

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1. *Al-'Umm*, vol. 7, P. 317.

2. This is further supported by the fact that the Companions did not give up the drinking of wine after the revelation of the Qur'anic verse: ﴿They ask thee concerning wine and gambling. Say: In them is great sin and some benefit...﴾ (Al-Baqarah: 219) since this verse did not definitely prohibit drinking prior to the revelation of the verses in *Surat al-Ma'idah* (90-91).

3. This is a lesson to the followers of such Imams who freely use the word "*haram*" without having a proof, or even a semblance of a proof.

### **3. Prohibiting the *Halal* and Permitting the *Haram* Is Similar to Committing *Shirk***

While Islam reprimands all those who, on their own authority, declare what is lawful and what is prohibited, it is more strict with respect to those who voice prohibitions; for the tendency to make up prohibitions results in hardship for human beings, unjustifiably narrowing what Allah has made spacious for His creatures. Moreover, this tendency is prevalent among some of those who go to extremes in matters of religion and so must be checked. The Prophet (pbuh) fought against this false piety and ecstasy by all means, warning those who indulged in it with the words, "The zealots will perish," repeated three times.<sup>(1)</sup>

The Prophet (pbuh) characterized his Message by saying,

*"I have been sent with what is straight and easy."*<sup>(2)</sup>

The straightness of his Message consists in belief in the Oneness of Allah and its ease in practice and legislation, in contrast to *shirk* (polytheism) and to the prohibiting of good things of this life. The Prophet (pbuh) has mentioned all this in a *Hadith Qudsi*, reporting the saying of Allah (Glorified be He):

*"I created My servants upright (hunafa'). Then the evil ones came to them and led them astray from their religion, and forbade what I had made lawful for them and commanded them to associate with Me that for which I had not sent down any authority."*<sup>(3)</sup>

Prohibiting something which is *halal* is similar to committing *shirk*, and this is why the Qur'an censured the idolaters of Arabia for their polytheism,

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1. Narrated by Muslim, Ahmad, and Abu Dawud.

2. Narrated by Ahmad.

3. Narrated by Muslim.

their idols, and for prohibiting to themselves, without any authority from Allah, the eating and the use of certain kinds of crop and cattle. Among these prohibited animals were those which were called *bahirah*, *sa'ibah*, *wasilah*, and *ham* during the pre-Islamic period of *Jahiliyyah*. *Bahirah* (the slit-eared) denoted a female camel which had given birth to five calves, the last of which was a male. The ear of such a camel was slit and she was loosed to roam freely; she was not to be ridden, milked, or slaughtered, and was free to eat and drink from any place she liked without hindrance. *Sa'ibah* referred to a male or female camel which was released to roam freely because of a vow, usually made following a safe return from a journey, the cure of an illness, or for some other reason. As for *wasilah*, if the firstborn of a female goat were a he-goat, the polytheists would sacrifice him to their gods, while if it were a she-goat they would keep her for themselves. In case of twin offspring, one female and the other male, they would say, "He is her brother," and instead of sacrificing the male they would release him to roam free; he was known as *wasilah*. And if a male camel's second generation offspring was capable of carrying a rider, they would let the older camel go free, saying, "He saved his back," and calling him *ham*.

While there are other interpretations to these four terms, they are all of a similar nature. The Qur'an rejected these prohibitions and left no excuse for those who practiced them to follow the errors of their forefathers:

﴿Allah did not appoint "anything" as *bahirah* or *sa'ibah* or *wasilah* or *ham*; but those who disbelieve forge a lie against Allah, and most of them do not consider. When it is said to them, 'Come to what Allah has revealed and to the Messenger,' they say, 'What we found our fathers doing is enough for us'. What! And even though their fathers did not know anything and were not rightly guided?﴾

(Al-Ma'idah: 103-104)

In *Surat al-An`am*, there is a detailed discussion of what such people claimed to be *haram* of camels, oxen, sheep, and goats. In this context, the Qur'an uses an ironic style of rhetorical questioning to convince them of their error:

﴿Eight pairs (of cattle), two of mutton and two of goats. Say: Has He forbidden the two males or the two females or that which the wombs of the two females hold? Inform Me with knowledge if you are truthful. And two (pairs) of camels and two of oxen. Say: Has He forbidden the two males or the two females?...﴾

(Al-An`am: 143-144)

In another discussion contained in *Surat al-A`raf*, Allah (Glory be to Him) rejects the claims of all prohibitors, laying down the final criteria governing prohibitions:

﴿Say: Who has forbidden the adornment of Allah which He has brought forth for His servants, and the good things of His providing?... Say: What my Lord has indeed prohibited are shameful deeds, whether open or secret, and sin and rebellion without just cause, and that you associate with Allah that for which He has sent down no authority, and that you say concerning Allah that about which you do not know.﴾

(Al-A`raf: 32-33)

A significant aspect of these discussions is that they were revealed in Makkah. The Makkan revelations invariably dealt with matters of faith, the Oneness of Allah (Glorified be He), and the Hereafter. We may, therefore, deduce that, in the sight of Allah, this matter of declaring things to be prohibited without any authority from Him was not a minor matter but one which pertained to the fundamentals and general principles of the faith.

In Madinah certain Muslims showed a tendency toward asceticism, denying themselves some permissible pleasures. Then, in order to keep them within the limits set by Himself and bring them back to the straight path of Islam, Allah revealed the following strongly-worded verses:

﴿You who believe! Do not make haram the good things which Allah has made halal for you, and do not transgress; indeed, Allah does not like the transgressors. And eat of what Allah has provided for you, lawful and good, and fear Allah, in Whom you are believers.﴾

(Al-Ma'idah: 87-88)

## 4. The Prohibition of Things Is Due to Their Impurity and Harmfulness

It is the right of Allah, the One Who created human beings and bestowed innumerable gifts on them, to legitimize or prohibit as He deems proper, and to place obligations and responsibilities upon them as He sees fit. As His creatures, they have neither the right to question nor to disobey Him. But Allah (Glory be to Him) is not arbitrary in what He commands. Because He is Merciful to His servants, He makes things *halal* and *haram* for a reason, the well-being of nations in view. Accordingly, He has neither permitted anything except what is pure nor has He prohibited anything except what is impure.

It is true that Allah (Glorified be He) had prohibited certain good things to the Jews, but this was only as a punishment for their rebelliousness and transgression of the limits set by Allah. Thus He says,

﴿And to the Jews We forbade every animal with claws, and of oxen and sheep We have forbidden them their fat, except what is carried on their backs or entrails, or what is connected to the bone; thus did We recompense them for their rebelliousness, and indeed, We speak the truth.﴾

(Al-An`am: 146)

Elsewhere in the Qur'an, Allah describes other manifestations of this rebellious attitude:

﴿Because of the injustice of the Jews, We prohibited to them some of the good things which had been permitted to them, and because of their hindering many from the path of Allah, and their taking usury although they had been forbidden to do it, and their wrongfully devouring peoples' wealth...﴾

(An-Nisa': 160-161)

When Allah sent His last Messenger (pbuh) with the eternal complete religion to humanity after it had developed to a state of maturity, He demonstrated His mercy by removing these prohibitions, which had been a temporary penalty for a rebellious, stiff-necked people.<sup>(1)</sup> And the coming of the Prophet (pbuh) who would relieve them of this burden was foretold onto the Jews and Christians. The Qur'an states,

﴿... (They) find (him) described in their own scriptures, in the Tawrah and the Injil.<sup>(2)</sup> He commands them what is right and forbids them what is evil; He makes lawful to them what is good and makes unlawful what is foul; He releases them from their burdens and from the yokes which were upon them... ﴾

(Al-A`raf: 157)

In Islam, ways other than prohibiting the good things were prescribed by Allah (Glorified be He) for the eradication of sins: sincere repentance, which cleanses sins as water cleanses dirt; good deeds, which put away evil ones; spending in charity, which extinguishes the error as water extinguishes the fire; and trials and sufferings, which disperse sins as the winter wind disperses dry leaves. Accordingly, we know that in Islam things are prohibited only because they are impure or harmful. If something is entirely harmful it is *haram*, and if it is entirely beneficial it is *halal*; if the harm of it outweighs its benefit it is *haram*, while if its benefit outweighs its harm it is *halal*. This principle is explained in the Qur'an in relation to wine and gambling:

﴿They ask thee concerning wine and gambling. Say (O Prophet): In them is great sin and some benefit for human beings, but the sin is greater than the benefit... ﴾

(Al-Baqarah: 219)

By the same logic, if it is asked, what is *halal* in Islam, the answer is, the good things. Good things are those which moderate people acknowledge to be wholesome and which are approved by human beings in general without relation to the habits of a particular group. Allah (Glorified be He) says,

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1. See, for example, Exodus 32: 9.

2. Tawrah refers to the original scripture that Allah revealed to Prophet Musa, and Injil refers to the scripture He revealed to Prophet `Isa. These are not to be confused either with the existing Torah or Old Testament, or the four Gospels of the New Testament. (Translator).

﴿They ask thee what is lawful to them (as food). Say: Whatever is good is lawful to you...﴾ (Al-Ma'idah: 4)

﴿Today whatever is good is made lawful to you...﴾ (Al-Ma'idah: 5)

A Muslim is not required to know exactly what is unclean or harmful in what Allah has prohibited; it may be hidden from him but be apparent to someone else, or its harm may not have been discovered during his lifetime but may be understood at a later period. What is required of a Muslim is simply to say, "We have heard and we shall obey." Do we not observe that Allah prohibited the eating of pork without the Muslims being aware of the reason for its prohibition apart from the fact that the pig is a filthy animal? Centuries passed, and then scientific research discovered the presence of parasites and deadly bacteria in its flesh. Yet even if scientific research had discovered nothing in pork, or if it had discovered much more than this, the Muslim would still continue to believe it to be unclean.

Another example of this is in the Prophet's saying,

*"Avoid three abominable acts (that is, the one who does them is cursed by Allah and by the people): defecating in streams, (defecating) on roadways, and (defecating) in shaded places."*<sup>(1)</sup>

The people of earlier times merely knew that these were filthy acts, abhorrent to civilized taste and public manners. With the advancement of science, we now know that these "three abominable acts" are hazards to public health, as they are the root-cause of the spread of such dangerous diseases as hookworm (ancylostomiasis) and *bilharzia* (schistosomiasis).

Thus, as the light of knowledge penetrates more deeply and new discoveries are made, the beneficial aspects of the Islamic dispensation relating to the lawful and the prohibited - in fact, the benefits of all its legal injunctions - become apparent to us. How could it be otherwise when they come from the Wise, All-Knowing, and Merciful God?

﴿... and Allah knows the corrupter from the reformer. And if Allah had willed, He could have put you into difficulties; indeed, Allah is Ever Mighty, Ever Wise.﴾ (Al-Baqarah: 220)

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1. Narrated by Abu Dawud, Ibn Majah, and Al-Hakim, and classified as *sahih* by Al-Bayhaqi.

## 5. What Is *Halal* Is Sufficient, While What Is *Haram* Is Superfluous

One of the beauties of Islam is that it has prohibited only such things which are unnecessary and dispensable, while providing alternatives which are better and which give greater ease and comfort to human beings. This point has been explained by Ibn al-Qayyim:

"Allah has prohibited seeking omens by drawing lots but has provided the alternative of *istikharah* which is a supplication for seeking Allah's guidance.

He has prohibited usury but has encouraged profitable trade. He has prohibited gambling but has permitted betting in the form of competition which is useful for religious striving, such as horse or camel racing and competing in marksmanship.

He has prohibited (to men) the wearing of silk but has given them the choice of other materials such as wool, linen, and cotton.

He has prohibited adultery, fornication, and homosexuality but has encouraged lawful marriage.

He has prohibited intoxicating drinks in order that they may enjoy other delicious drinks which are wholesome for the body and mind.

And, He has prohibited unclean food but provided alternative wholesome food."<sup>(1)</sup>

Thus, wherever we survey the Islamic injunctions in their totality, we find that if Allah limits the choice of His servants in relation to some things, He provides them with a still wider range of more wholesome alternatives in relation to other things of a similar kind. For, Allah has no desire, indeed, to make people's lives difficult, narrow, and circumscribed; on the contrary,

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1. *Rawdat al-Muhibbin*, p. 10, and *A`lam al-Muwaqqi`in*, vol. 2, p. 111.

He desires ease, goodness, guidance, and mercy for them, according to His saying,

*﴿Allah desires to make clear to you and to guide you to the ways of the (righteous) people before you and to turn to you in mercy; and Allah is Knowing, Wise. And Allah desires to relent to you, and those who follow their lusts desire that you should deviate with a great deviation. And Allah desires to lighten your burden, for man was created weak.﴾*

(An-Nisa': 26-28)

## **6. Whatever Is Conducive to the *Haram* Is Itself *Haram***

Another Islamic principle is that if something is prohibited, anything which leads to it is likewise prohibited. By this means, Islam intends to block all avenues leading to what is *haram*. For example, as Islam has prohibited sex outside marriage, it has also prohibited anything which leads to it or makes it attractive, such as seductive clothing, private meetings and casual mixing between men and women, the depiction of nudity, pornographic literature, obscene songs, and so on.

Accordingly, Muslim jurists have established the criterion that whatever is conducive to or leads toward *haram* is itself *haram*. A similar principle is that the sin of the *haram* is not limited to the person engaged in it but extends to others who have supported him, materially or morally; each is held accountable according to his share. For example, in the case of intoxicating drinks, the Prophet (pbuh) cursed not only the one who drinks them but also the one who produces them, the one who serves them, the one to whom they are served, the one to whom the price is paid, etc. This point will be discussed later. Again, in the matter of usury, the Prophet (pbuh) cursed the one who pays it, the one to whom it is paid, the one who writes the contract, and the one who acts as a witness thereto. Accordingly, we derive the rule that anything which assists in the doing of what is *haram* is itself *haram*, and anyone who helps another person to do it shares the sin.

## 7. Falsely Representing the *Haram* as *Halal* Is Prohibited

Just as Islam has prohibited whatever leads toward the *haram*, it has also prohibited resorting to technical legalities in order to do what is *haram* by devious means and excuses inspired by Satan. It has reprimanded the Jews for resorting to such practices. The Prophet (pbuh) said,

*"Do not do what the Jews did by (technically) legalizing Allah's prohibitions by flimsy excuses."<sup>(1)</sup>*

This is a reference to the fact that Allah had prohibited the Jews to hunt on the Sabbath (Saturday). To evade this prohibition, they would dig ditches on Friday so that the fish would fall into them on Saturday, to be caught on Sunday. Those who resort to rationalizations and excuses to justify their actions consider such practices to be permissible, but the jurists of Islam consider them *haram*, since Allah's purpose was to prevent them from hunting on the Sabbath, whether by direct or indirect means.

Calling a *haram* thing by a name other than its own or changing its form while retaining its essence is devious tactic, since obviously a change of name or of form is of no consequence as long as the thing and its essence remain unchangeable. Thus, when some people invent new terms in order to deal in usury or to consume alcohol, the sin of dealing in usury and drinking remains. As we read in the collections of *hadiths*,

*"A group of my nation will make intoxicants halal by giving them other names."<sup>(2)</sup>*

*"A time will come when people will devour riba, calling it "trade". "<sup>(3)</sup>*

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1. This *hadith* is mentioned in *Ighathat al-Lahfan* by Ibn al-Qayyim, vol. 1, p. 3485. The author said it was reported by `Abdullah ibn Battah on good authority and that At-Tirmidhi classified a similar *hadith* as *sahih*.

2. Narrated by Ahmad.

3. Narrated by Al-Bukhari and Muslim.

And among the strange phenomena of our time is that people term obscene dance "art," liquor "spirits," and *riba* "interest".

## 8. Good Intentions Do not Make the *Haram* Acceptable

In all its legislations and moral injunctions, Islam lays great stress on nobility of feelings, loftiness of aims, and purity of intentions. The Prophet (pbuh) said,

*"Actions will be judged by intentions, and everyone will be recompensed according to his intention."*<sup>(1)</sup>

Indeed, in Islam the routine matters of life and its mundane affairs are transformed into acts of worship and devotion to Allah by good intentions. Accordingly, if one eats food with the intention of sustaining life and strengthening his body in order that he may be able to carry out his obligations to his Creator and to other human beings, his eating and drinking are considered worship and devotion to Allah (Glorified be He). Again, if one enjoys sexual intimacy with his wife, desiring a child and seeking to keep himself and his wife chaste, it is considered an act of worship on his part, deserving of reward in the Hereafter. Concerning this the Prophet (pbuh) said,

*"When you satisfy your desire with your wife, it is counted for you as an act deserving of reward."*

Those who were listening to him said, "O Messenger of Allah, how can it be that one of us satisfies his desire and will then be rewarded for it?" The Prophet (pbuh) replied,

*"Would it not be sinful if he had satisfied it in a prohibited manner? Consequently, if he satisfies it in a permissible manner, there is a reward for him."*<sup>(2)</sup>

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1. Narrated by Al-Bukhari.

2. Narrated by Al-Bukhari and Muslim.

He also said,

*"Anyone who seeks to get what is permissible from the world, keeping himself away from sins, working for the sake of his family, and taking care of his neighbor, will meet his Lord with a face shining like the full moon."<sup>(1)</sup>*

In this manner, whenever any permissible action of the believer is accompanied by a good intention, his action becomes an act of worship. But the case of the *haram* is entirely different; it remains *haram* no matter how good the intention, how honorable the purpose, or how lofty the aim may be. Islam can never consent to employing a *haram* means to achieve a praiseworthy end. Indeed, it insists that not only should the aim be honorable but also that the means of attaining it should be pure. "The end justifies the means" is not the maxim of the *Shari`ah*, nor is "Secure your right even through wrong-doing". This can never be, for the *Shari`ah* demands that the right should be secured through just means only.

If someone accumulates wealth through usury, forgery, gambling, prohibited games, or in any other *haram* manner in order to build a mosque, to establish a charitable foundation, or to do any other good work, the guilt of having done what is *haram* will not be lifted from him because of the goodness of his objective; in Islam good aims and intentions cannot lessen the sinfulness of what is *haram*.

This is what the Prophet (pbuh) taught us when he said,

*"Verily, Allah is good and does not accept but what is good, and Allah has commanded the Believers, with what He had already commanded His Messengers, saying, ﴿O you Messengers! Eat of whatever is good and do righteous deeds. Indeed, I am aware of what you do.﴾<sup>(2)</sup> He also said, ﴿O you who believe! Eat of the good things which We provide you...﴾<sup>(3)</sup>"*

The Prophet (pbuh) then said,

*"A man travels far, shaggy and dust-stained (for Hajj, 'Umrah, or the like), raising his hands to the sky (and saying), 'O Lord! O Lord! I*

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1. The text of the *hadith* was narrated by At-Tabarani.

2. Qur'an: 23: 51

3. Qur'an: 2: 172

*beseech You,' while eating what is haram, drinking what is haram, wearing what is haram, and nourishing himself through haram means. How can his prayers be accepted!"<sup>(1)</sup>*

He also said,

*"If anyone amasses wealth through haram means and then gives charity of it, there is no reward for him and the burden of sin remains."<sup>(2)</sup>*

Again he (pbuh) said,

*"If a person earns property through haram means and then gives charity of it, it will not be accepted (by Allah); if he spends from it there will be no blessing for it; and if he leaves it behind (at his death), it will be his provision in the Fire. Indeed, Allah (Glorified be He) does not obliterate one bad deed by another bad deed, but He cancels out a bad deed by a good deed. Verily, an unclean thing does not wipe away another unclean thing."<sup>(3)</sup>*

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1. Narrated by Muslim and At-Tirmidhi on the authority of Abu Hurayrah.
2. Narrated by Ibn Khuzaymah, Ibn Hibban, and Al-Hakim on the authority of Abu Hurayrah.
3. Narrated by Ahmad and others on the authority of Ibn Mas`ud.

## 9. Doubtful Things Are to Be Avoided

It is Allah's mercy to human beings that He did not leave them in ignorance of what is lawful and what is prohibited. Indeed, He has made explicit what is *halal* and explained what is *haram*, as He says,

﴿... He has explained to you what He has made haram for you...﴾

(Al-An`am: 119)

Accordingly, one may do what is lawful and must avoid what is prohibited insofar as he has the choice. However, there is a gray area between the *halal* and the *haram*. This is the area of the doubtful. Some people may not be able to decide whether a particular matter is permissible or forbidden; such confusion may be due either to doubtful evidence or because of doubt concerning the applicability of the text to the particular circumstance or matter in question.

In relation to such matters, Islam considers it an act of piety for the Muslim to avoid doing what is doubtful in order to stay clear of doing something *haram*. This is similar to what was discussed earlier concerning the blocking of the avenues which lead to what is *haram*. Such a cautious approach, moreover, trains the Muslim to be farsighted in planning and increases his knowledge of affairs and people. The root of this principle is the saying of the Prophet (pbuh):

*"Verily, the halal is clear and the haram is clear. Between the two there are doubtful matters which many people do not know whether they are halal or haram. He who avoids them in order to safeguard his religion and his honor is safe, while if someone engages in a part of them he may be doing something haram, like anyone who grazes his animals near the hima (the grounds reserved for animals belonging to the king and which are out of bounds for others' animals); it is thus quite likely that some of his animals will stray into it. Truly, every king has a hima, and the hima of Allah is what He has prohibited."*<sup>(1)</sup>

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1. Narrated by Al-Bukhari, Muslim, and others; the narration is taken from At-Tirmidhi.

## 10. The *Haram* Is Prohibited to Everyone Alike

In the *Shari`ah* of Islam the *haram* has a universal applicability; here there is no such thing as that which is prohibited to a non-Arab but permitted to an Arab, nor anything which is restricted to a Black but allowed to a White. For, in Islam there are no privileged classes or individuals who, in the name of religion, can do whatever they please according to their whims. Muslims do not have any privilege of making something *haram* for others while it is lawful for themselves; this cannot be, for truly Allah is the Lord of all, and the *Shari`ah* of Islam is the guide for all. Whatever Allah has legislated through His *Shari`ah* holds for all human beings and whatever he has prohibited holds for all human beings until the Day of Resurrection.

For example, stealing is equally *haram* for the Muslim and the non-Muslim, and the punishment for it is the same, regardless of the family or the origin of the thief. The Prophet (pbuh) firmly enforced this rule, proclaiming,

*"By Allah, if Fatimah, the daughter of Muhammad, were to steal, I would cut her hand off."<sup>(1)</sup>*

A case of theft was brought before the Prophet (pbuh) involving two suspects, the one a Jew and the other a Muslim. Some relatives of the Muslim advanced circumstantial evidence to cast doubt on the Jew in order to save their man while he was, in fact, guilty. The Prophet (pbuh) was almost persuaded to believe that the Muslim was innocent. Then a revelation was sent down exposing the conspiracy, clearing the Jew of the crime and directing the Prophet (pbuh) to establish justice without any bias:

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1. Narrated by Al-Bukhari.

﴿Indeed, We have sent down to thee the Book with the truth, so that thou mightest judge between the people as shown by Allah; then do not be an advocate for the treacherous, and seek forgiveness of Allah; indeed, Allah is Ever Forgiving, Ever Merciful. And do not plead on behalf of those who deceive themselves; indeed, Allah does not like the one who is treacherous and sinful. They may hide from men, but they cannot hide from Allah, for He is with them even when they hold, by night, discourse not pleasing to Him, and Allah encompasses what they do. Ah! You are the ones who pleaded for them in the life of this world, but who will plead for them with Allah on the Day of Resurrection, or who will be their trustee?﴾

(An-Nisa': 105-109)

In the distorted scripture of the Jews, it is alleged that while usury or interest is prohibited to the Jew when lending money to a brother Jew, there is no harm in charging it to a gentile, as stated in *Deuteronomy* 23: 19-20:

*"You must not lend on interest (usury) to your brother, whether the loan be of money or food or anything else that may earn interest. You may demand interest on a loan of a foreigner, but you must not demand interest from your brother..."*

The Qur'an also speaks about another similar tendency among the Jews, that of cheating others who are not of their race or faith without feeling anything wrong in it. The Qur'an says,

﴿... And of them is he who, if you put in his custody one dinar, will not pay it back to you, except as long as you are upright over him. That (is) because they say, 'There is no way over us as to the gentiles<sup>(1)</sup>.' And they speak lies against Allah. And they know (that).﴾

(Al 'Imran: 75)

They have unquestionably uttered falsehood in what they have ascribed to Allah, for the law of Allah does not discriminate between one people and another, insofar as cheating is concerned, Allah has condemned it on the tongue of all His Messengers and Prophets.

With due apologies, we may say that this tendency to use a double standard, one for one's "brother" and another for a "foreigner" or outsider, is

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1. "Gentiles" here refers to the Arabs, who before Islam possessed neither religion nor a divinely revealed scripture.

a characteristic of primitive ethics. It can never be ascribed to a divinely revealed religion, for high morality - that is, true morality - is distinguishable by its universality and comprehensiveness and by its lack of a double standard. The distinction between us and primitive peoples is not in the existence or absence of a moral code but in the enlargement of the area of its application. As an example, such people also consider honesty a praiseworthy quality, but they restrict its practice to the people of their own tribe. When dealing with people from outside their tribe or clan, they see nothing wrong with cheating them, or in fact recommending or even requiring it.

The author of *The Story of Civilization* wrote,

"Almost all groups agree in holding other groups to be inferior to themselves. The American Indians looked upon themselves as the chosen people, specially created by the Great Spirit as an uplifting example for mankind. One Indian tribe called itself "The Only Men;" another called itself "Men of Men". The Caribs said, 'We alone are people.' The Eskimos believed that the Europeans had come to Greenland to learn manners and virtues. Consequently, it seldom occurred to primitive man to extend to other tribes the moral restraints which he acknowledged in dealing with his own; he frankly conceived it to be the function of morals to give strength and coherence to his group against other groups. Commandments and taboos were applied only to the people of his tribe; with others, except when they were his guests, he might go as far as he dared."<sup>(1)</sup>

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1. Will Durant, *The Story of Civilization*, Simon and Schuster, New York, 1935, vol. 1, pp. 54-55.

## 11. Necessity Dictates Exceptions

While Islam has narrowed the range of what is prohibited, it is, at the same time, very strict in seeing that its prohibitions are observed. Accordingly, it has blocked the ways, apparent or hidden, leading to what is prohibited. Thus, what is conducive to the *haram* is itself *haram*, what assists in committing the *haram* is *haram*, any rationalization for engaging in the *haram* is *haram*, and so on, to the last of the principles which we have elucidated. At the same time, Islam is not oblivious of the exigencies of life, to their magnitude, nor to human weakness and capacity to face them. It permits the Muslim, under the compulsion of necessity to eat prohibited food in quantities sufficient to remove the necessity and save himself from death.

In this context, after listing the prohibited foods in the form of dead animals, blood, and pork, Allah (Glorified be He) says,

﴿... But if one is compelled by necessity, neither craving (it) nor transgressing, there is no sin on him; indeed, Allah is Ever Forgiving, Ever Merciful.﴾

(Al-Baqarah: 173)

And this is repeated at four places in the Qur'an after each mention of the prohibited foods.

On the basis of these and similar verses of the Qur'an, Muslim jurists formulated an important principle, namely, that "necessity dictates exceptions". However, it is to be noted that the individual experiencing the necessity is permitted to eat of the *haram* food on the condition that he is "neither craving it nor transgressing". This is interpreted to mean that he should not desire to relish it nor transgress by eating more than the bare amount needed to satisfy his hunger. From this stipulation, jurists have derived another principle, that "The quantity permitted is determined by (magnitude) of the necessity". Here the underlying idea is that, even though

compelled by necessity, a person need not surrender to it or embrace it with eagerness; rather he must live with what is essentially *halal* and seek a way of returning to it so as not to become accustomed to the *haram* or begin enjoying it under the pretext of necessity.

In permitting the use of the *haram* under necessity, Islam is true to its spirit and general principles. This spirit, which we find permeating its law, is to make life easy and less oppressive for human beings, and to lift the burden and yoke imposed by earlier systems and religions. True is the saying of Allah Almighty:

﴿... Allah desires ease for you, and He does not desire hardship for you...﴾

(Al-Baqarah: 185)

﴿... It is not Allah's desire to place a burden upon you, but He desires to purify you and to perfect His favor on you in order that you may be thankful.﴾

(Al-Ma'idah: 6)

﴿Allah desires to lighten your burden, for man was created weak.﴾

(An-Nisa': 28)



## **CHAPTER TWO**

**THE LAWFUL AND THE PROHIBITED  
IN THE PRIVATE LIFE  
OF THE MUSLIM**

## **1. Food and Drink**

- The Islamic Manner of Slaughtering
- Hunting
- Intoxicants

## **2. Clothing and Adornments**

- Gold and Silk
- The Dress of the Muslim Woman
- Artificial Change of Features

## **3. The Home**

- The Use of Gold and Silver
- Statues
- Photographs

## **4. Work**

- Music and Dance
- Making Statues and Crosses
- Intoxicants
- Prohibited Trade

## 1. Food and Drink

Since ancient times, peoples have differed in their eating and drinking habits and in relation to what is to be allowed and avoided, especially with regard to food of animal origin.

Concerning food and drink of vegetable origin, the peoples of the earth have been close to a consensus. Islam does not prohibit vegetarian foods, with the exception of what turns into an intoxicant, whether it be grapes, dates, barley, or any other substance that becomes so. Similarly, Islam prohibits anything which intoxicates, affects the functioning of the brain, or harms the body, as we shall see later. However, with regard to foods derived from animal sources, peoples and nations have held widely varying attitudes.

### **The Attitude of the Brahmins Toward Slaughtering Animals and Eating Meat**

The Brahmins and a group of philosophers, subsisting on vegetarian food, only prohibit to themselves the killing and eating of animals. They claim that the slaughtering of animals is a cruelty inflicted by men on these creatures, who are living beings like themselves and that they must not deprive the animals of their right to live.

However, when we ponder the creation, we realize that these animals have not been created for their own sake, because they have not been endowed with intellect or freedom of choice; we also see that their natural position is such that they have been subjected to the service of man. It is therefore not to be doubted that man should benefit from their flesh after slaughter just as he benefits from their service while they are alive.

Again, we realize that it is the law of Allah in His creation that the lower order of species be sacrificed for the benefit of the higher. Thus green plants are cut and fed to an animal, the animal is slaughtered to be food for man,

and a man must also fight and risk his life for the sake of the group. Moreover, even if a man refrains from slaughtering an animal, it will not thereby be saved from death and destruction; it will either become prey to some other animal or will die in some other way, possibly in a much more painful manner than by a quick stroke of a sharp knife.

### **Animals Prohibited to the Jews and Christians**

In the divinely revealed religions, Allah prohibited to the Jews the eating of many land and marine animals; for description of these one may refer to the Old Testament book of *Leviticus*, chapter eleven. The Qur'an mentions some of the things which Allah prohibited to them. The cause of prohibition, as we mentioned previously, was to punish them for their transgressions and sins:

*﴿And to the Jews We forbade every animal with claws, and of oxen and sheep We have forbidden them their fat, except what is carried on their backs or entrails or what is connected to the bone; thus did We recompense them for their rebelliousness, and indeed We speak the truth.﴾*

(Al-An`am: 146)

These prohibitions applied to the Jews, and it may be assumed that the Christians were also supposed to observe them since the *Injil* declares that Prophet `Isa (peace be upon him) did not come to abolish the Law of Prophet Musa but to fulfill it. However, the Christians made permissible things which had been prohibited in the *Tawrah*, although not abrogated in the *Injil*. The Christians followed the teachings of Paul, who declared all foods and drinks permissible with the sole exception of the flesh of animals sacrificed to idols,<sup>(1)</sup> since "to the pure everything is pure".<sup>(2)</sup> Accordingly, Christians permitted themselves the eating of pork, despite the fact that the text of the *Tawrah* prohibits it to this day.

### **The Attitude of the Pre-Islamic Arabs**

The pre-Islamic Arabs prohibited certain animals as being unclean, together with some other animals which were considered sacred and

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1. I Cor. 8: 4-10, 10: 19-29; Col. 2: 13-14, 16; 1 Tim. 4: 4-5. (Translator)

2. Rom. 14: 14-17; Tit. 1: 15. (Translator)

dedicated to their gods; we have already mentioned *bahirah*, *sa'ibah*, *wasilah*, and *ham*, which fall into the latter category. In contrast to this, they permitted many kinds of impure foods, such as the flesh of dead animals and flowing blood.

### **Islam Permits What Is Wholesome**

This was the state of the world in relation with food of animal origin at the advent of Islam; excessiveness whether to eating or non-eating. Then Allah addressed all human beings saying;

*﴿O mankind! Eat of what is permissible and good on earth, and do not follow the footsteps of Satan; truly he is an open adversary to you.﴾*

(Al-Baqarah: 168)

Thus He speaks to all the people on this globe, calling on them to eat of the good things which He has provided for them on this vast, outspread table, the earth, and not to follow the ways of Satan, who has made it alluring to some people to prohibit to themselves various wholesome things which Allah has made *halal*, thus leading them toward the pitfalls of self-destruction. Then Allah addresses the believers in particular saying,

*﴿O you who believe! Eat of the good things that We have provided for you, and be thankful to Allah if it is He alone Whom you worship. Indeed, what He has forbidden to you is the flesh of dead animals and blood and the flesh of swine, and that which has been sacrificed to anyone other than Allah. But if one is compelled by necessity, neither craving (it) nor transgressing, there is no sin on him; indeed, Allah is Ever Forgiving, Ever Merciful.﴾*

(Al-Baqarah: 172-173)

In this particular message to the believers, Allah (Glory be to Him) tells them to eat of the good things of His providing and to give thanks to Him for His favors, He then explains that no food is *haram* to them except the four kinds mentioned in the verse. The same four kinds, with some further details, are mentioned at other places in the Qur'an:

*﴿Say: I do not find in what is revealed to me anything prohibited to an eater in his food unless it be carrion, or flowing blood, or the flesh of swine, for that is indeed foul, or the abomination which has been*

*dedicated to anyone other than Allah. But if one is compelled by necessity, neither craving (it) nor transgressing, then, indeed, thy Lord is Ever Forgive, Ever Merciful. ﴿*

(Al-An`am: 145)

And in even greater detail:

*﴿Forbidden to you are the flesh of dead animals and blood and the flesh of swine, and that which has been dedicated to any other than Allah, and that which has been killed by strangling or by beating or by falling or by being gored, and that which has been (partly) eaten by a wild beast except that which you make lawful by slaughtering (before its death), and that which has been sacrificed to idols... ﴾*

(Al-Ma'idah: 3)

There is no contradiction between this verse, which lists ten prohibited categories, and the previous verse which lists four, since animals which are killed by strangulation, by a blow, by a fall, by being gored, or which are partly eaten by wild animals are all included in the category of dead animals. Similarly, what is sacrificed to idols falls into the category of that which is dedicated to anyone other than Allah. Accordingly, the foods which are prohibited fall into four broad categories which may be reclassified into ten detailed categories, as follows:

### **The Prohibition of Eating What Is Dead and Its Wisdom**

The first thing mentioned in these verses concerning prohibited foods is the flesh of "dead animals," that is, the beast or fowl which dies of natural causes, without being slaughtered or hunted by men. There are obvious reasons for this prohibition:

- a. Eating the flesh of a dead animal is repugnant to civilized taste and is considered by thinking people in all societies to be contrary to human dignity. We also observe that all peoples possessing a divinely revealed scripture have prohibited it and that they do not eat the flesh of an animal unless it is slaughtered. However, the methods of slaughter may vary.
- b. In whatever he does, the Muslim acts with a set purpose and intention; he does not use a thing nor reap its benefit without directing his intention, aim, and effort toward it. The significance of slaughtering, which is a

purposeful act, and the intention of which is to take the life of the animal in order to use it as food is to remove the slaughtered animal from the category of "dead animals". Allah (Glory be to Him) does not desire that man should eat of what he did not intend or think of eating as is the case with the dead animal; conversely, slaughtering an animal or hunting it as game both require an intention followed by effort and subsequent action.

- c. If the animal died naturally, it is quite likely that it died of some acute or chronic disease, through eating a poisonous plant, or other similar causes; hence eating its flesh would probably be harmful. The same is the case when the cause of death is old age or starvation.
- d. By prohibiting the flesh of a dead animal to human beings, Allah in His mercy provides a source of food to animals and birds, that, in the words of the Qur'an, constitute communities (*umam*) like ourselves. The truth of this is demonstrated by the fact that carcasses of animals lying out in the open are devoured by birds and animals.
- e. This prohibition encourages the owner of an animal to guard it from disease and malnutrition lest it die and be wasted. Accordingly, in the case of disease, he will be quick to seek a cure for it or will hasten to slaughter the animal.

### **The Prohibition of Flowing Blood**

The second prohibition relates to flowing or liquid blood.<sup>(1)</sup> Ibn `Abbas was asked about the spleen and he replied, "You can eat it". The questioners said, "But it is blood".<sup>(2)</sup> He answered, "Only flowing blood is prohibited to you". The reason for this prohibition is both that the drinking of blood is repugnant to human decency and that it may likewise be injurious to health.

During the period of *Jahiliyyah*, a person who felt hungry might jab a bone or a sharp object into the flesh of his animal, and collect and drink the flowing blood.

Thus, since piercing the flesh of a living animal injures and weakens it, Allah (Glorified be He) prohibited such a practice.

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1. It is not prohibited to eat the blood that remains in the flesh of the slaughtered animal after one has done one's best to remove it. (Translator)

2. In early times the spleen was believed to be congealed blood. (Translator)

## Pork

The third prohibited food is pork, that is, the flesh of swine. Since the pig relishes filth and offal, this meat is repugnant to persons of decent taste; moreover, recent medical research has shown that eating swine-flesh is injurious to health in all climates, especially hot ones. Scientific research has also shown that pork carries a deadly parasite (trichina), among others and perhaps science may discover in the future what will shed more light on the wisdom of this prohibition. Allah Almighty spoke the truth in describing His Messenger, Muhammad (pbuh) as the one who *forbids them the wicked things*, ﴿ (Al-A`raf: 157).

In addition to this, there are also some scholars who say that eating pork frequently diminishes the human being's sense of shame in relation to what is indecent.

## That Which Is Dedicated to Anyone Other Than Allah

The fourth prohibited category refers to an animal which is dedicated to anyone other than Allah, that is to say, one which is slaughtered with the invocation of a name other than the name of Allah - for example, the name of an idol. When slaughtering an animal, the Arab polytheists would invoke the names of their idols, such as *Al-Lat* or *Al-'Uzza*. Such a practice is a devotional act addressed to other than Allah and is a form of worship in which His glorious Name is not mentioned. In this case the reason for the prohibition is entirely related to faith: to safeguard the belief in the Oneness of Allah, to purify worship, and to fight *shirk* and polytheism in whatever form they may be expressed.

Indeed, it is Allah Who created man and gave him control over everything on the earth, subjecting animals to his power and permitting him to take their lives for food on condition that His name be pronounced at the time of slaughter. Pronouncing the Name of Allah while slaughtering an animal is a declaration that one is taking the life of this creature by the permission of its Creator, while if one invokes any other name, he has forfeited this permission and must be denied the use of its flesh.

## Types of Dead Animals

The preceding are the four principle categories of prohibited animal foods. As revealed in the verse of *Surat al-Ma'idah* (verse, 3), to these four are added five other categories which pertain to further classifications of the "dead animal," as follows:

5. The strangled: an animal which has been strangled, for example, by a rope around its neck, or suffocated, as for instance by putting its head into something which produces suffocation.
6. The beaten: an animal which has been beaten to death by a club or similar object.
7. The fallen: an animal which dies as a result of a fall from a high place, or by falling into a gully or ravine.
8. The gored: an animal which dies as a result of being gored by the horns of another animal.
9. That which has been (partly) eaten by wild beasts: an animal which has been partially devoured by wild animals and dies as a result.

After naming these five categories, Allah makes an exception of "*that which you make lawful by slaughtering*," meaning that if one comes upon such an animal while it is still alive, slaughtering renders it *halal* as food. The correct understanding of "still alive" is that some sign of life remains in it. 'Ali Ibn Abi Talib said, "If you can slaughter a beaten, a fallen, or a gored animal while it (still) moves its hoof or leg, you may eat it." Ad-Dahhak commented, "The people of the time of *Jahiliyyah* used to eat them (dead animals); then Allah prohibited them in Islam, excepting what is slaughtered. If it is slaughtered while it (still) moves a leg, a tail, or an eye, it is *halal*.<sup>(1)</sup>

## Reasons for the Prohibition of the Foregoing Categories

The reason why the forgoing categories are prohibited is what we mentioned concerning animals that die naturally, with the exception of the possible expectation of the danger to health, which is not clear in such

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1. Some jurists have held that there must be life in it, the signs of which are the flow of blood and reflex movements.

cases. However, we wish to emphasize again the significance of prohibitions 5 through 9 above. The All-Wise Law-Giver wants to teach people to be kind to the animal and to protect it from harm. One should not neglect it until it is strangled, falls from a high place, or is gored in a fight with other animals, nor torture it by severe beating, possibly resulting in its death, as vicious herdsmen, particularly the hired ones, sometimes do, even goading animals such as two bulls or sheep to fight each other until one wounds or gores the other to death.

It is solely for this reason that Muslim jurists have prohibited the eating of the flesh of an animal which has been gored to death, even if it was wounded by the horns of the other and its blood has flowed; this prohibition holds even if the blood flowed from a wound in the usual site of slaughter, the throat. According to my understanding, the purpose behind this is to penalize the owner of such animals who has left them unattended to gore each other to death; he is not to be rewarded for this negligence by being permitted to make use of their flesh for food.

The reason for prohibiting the eating of animals partially devoured by wild beasts is to preserve human dignity; a Muslim is not to degrade himself by eating the leavings of animals. The people of the period of *Jahiliyyah* were in the habit of eating what had been left by wild animals, whether of sheep, camel, or cow, but subsequently Allah prohibited this to the believers.

## **Animal Sacrifices**

The tenth category of prohibited animal food is that which has been sacrificed to idols. During the period of *Jahiliyyah*, stone altars stood in front of the idols around the Ka`bah, and the polytheists would slaughter animals on or close to these altars in order to seek nearness to the deities to which the altars were assigned.

Such immolation is similar to that which is dedicated to any other than Allah, as both involve the glorification of false deities. The difference is that in case of that which was dedicated to other than Allah, the slaughtering might not take place in the vicinity of the idol and only its name was mentioned over the object of sacrifice, while in the latter case the

immolation was done in front of the idol or on the altar assigned to it, and it was therefore unnecessary to mention its name.

Since these altars were in the vicinity of the Ka`bah, it was possible to imagine that these sacrifices were meant to render homage to the Sacred House. The Qur'an, by an explicit declaration, removed this possibility from the minds of people, classifying this practice under the same category as that which is dedicated to anyone other than Allah.

### **The Exemption of Sea Food and Locusts**

The Islamic *Shari`ah* has exempted fish, whales, and other sea creatures from the category of "dead animals". When the Prophet (pbuh) was asked about the sea, he replied,

*"Its water is pure and its dead is lawful."*<sup>(1)</sup>

Says Allah (Glorified be He),

*﴿The game of the sea is permitted to you and so is its food...﴾*

(Al-Ma'idah: 96)

'Umar explained, *﴿Its game﴾* is what is caught from it and *﴿its food﴾* is what is thrown out from it," while Ibn `Abbas said, *﴿Its food﴾* is its dead (animals)".

In the two *Sahih*s of Al-Bukhari and Muslim, it is narrated on the authority of Jabir that the Prophet (pbuh) once sent some of his Companions on an expedition. They found a dead whale by the sea and subsisted on it for more than twenty days. On their return to Madinah, they told the Prophet (pbuh) about this and he said,

*"Eat the food which Allah has brought forth for you, and feed us from it if you have any left."*

They then brought him some whale meat and he ate it.<sup>(2)</sup>

By the same token, locusts are exempted from the category of "dead animals". The Prophet (pbuh) permitted the eating of dead locusts, since the question of slaughtering them does not arise. Said ibn Abu Awfa, "We went with the Prophet (pbuh) on seven expeditions, and we ate locusts with him."<sup>(3)</sup>

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1. Narrated by Ahmad and other compilers of the *Sunnah*.

2. Narrated by Al-Bukhari.

3. Narrated by all the authentic collections of *hadiths* except that of Ibn Majah.

## **Making Use of the Skin, Bones, and Hair of the Dead Animal**

The prohibition concerning the dead animal is limited to the eating of its flesh. One can - in fact, one should - make use of its skin, horns, bones, and hair, for throwing them away is a waste, and waste is not permitted. Concerning this, Ibn 'Abbas narrated, "The freed maid-servant of Maymunah, the Prophet's wife, was given a sheep, and it died. The Prophet (pbuh) passed by its carcass and said, *'Why do you not take its skin to be tanned and used?'* They replied, 'But it is dead.' The Prophet (pbuh) said, *'What is prohibited is the eating.'*"<sup>(1)</sup>

The Prophet (pbuh) made it clear that the way to purify the skin of a dead animal is to tan it. He is reported to have said,

*"The tanning of the skin is its slaughtering,"*<sup>(2)</sup>

meaning that just as slaughtering makes the eating of the flesh of a sheep or cow *halal*, likewise tanning makes the use of the skin *halal*.

He also said,

*"Tanning removes its impurity,"*<sup>(3)</sup>

and

*"If the skin is tanned, it is purified."*<sup>(4)</sup>

The application of these latter *hadiths* is quite general, including the skin of the dog or the pig. This was the opinion of the jurists of the Zahiri school, of Abu Yusuf, the disciple of Abu Hanifah, and of Ash-Shawkani. Sawdah, the wife of the Prophet (pbuh) said, "One of our sheep died, so we tanned its skin and used it as a waterskin, putting dates in it to sweeten the water. We used it until it wore out."<sup>(5)</sup>

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1. Narrated by all the authentic collections of *hadiths* except that of Ibn Majah.

2. Narrated by Abu Dawud and An-Nasa'i.

3. Narrated by Al-Hakim.

4. Narrated by Muslim and others.

5. Narrated by Al-Bukhari and others.

## **Exceptions Dictated by Necessity**

All the above-mentioned prohibitions apply in situations in which one has a choice. However, in case of a necessity a different rule applies, as was discussed earlier. Allah (Glorified be He) says,

*﴿... He has explained to you what He has made haram for you, except that to which you are compelled... ﴾*

(Al-An`am: 119)

And after mentioning the prohibitions concerning the flesh of dead animals, blood, and so, He says,

*﴿Whosoever is constrained, neither being inequitable nor aggressive, then no sin is on him; indeed, Allah is Ever-Forgiving, Ever-Merciful. ﴾*

(Al-Baqarah: 173)

The jurists unanimously agree that necessity in this case signifies the need for food to alleviate hunger when no food is available. Some jurists hold the opinion that at least one day and one night should pass without food. In such a situation a person may eat as much will satisfy his hunger and thus save himself from death. Imam Malik said, "The amount of it is what will alleviate his hunger, and he should not eat more than what will keep him alive." This, perhaps, is the meaning of Allah's words, "*neither craving (it) nor transgressing*," - that is, neither desiring it nor eating more than necessary. That hunger can be a compelling need is expressly mentioned in the Qur'anic verse:

*﴿... And whosoever is constrained in scantiness, without any indication to vice, then indeed Allah is Ever-Forgiving, Ever-Merciful. ﴾*

(Al-Ma'idah: 3)

## **Medical Necessity**

Concerning the question of whether some of the prohibited food substances can be used as medicine, there is a difference of opinion among jurists. Some do not consider medicine to belong to the category of a compelling necessity like food, and in support of their position they cite the *hadith*:

*"Assuredly Allah did not provide a cure for you in what He has prohibited to you."<sup>(1)</sup>*

Others consider the need for medicine equal to that of food, as both are necessary for preserving life. In support of their position that prohibited food substances may be used as medicine, they argue that the Prophet (pbuh) allowed `Abd ar-Rahman ibn `Awf and Az-Zubayr ibn al-`Awwam to wear silk because they were suffering from scabies.<sup>(2)</sup>

Perhaps this latter view is closer to the spirit of Islam which, in all its legislations and teachings, is concerned with the preservation of human life. However, taking medicine containing some of the *haram* substances is permissible only under the following conditions:

1. The patient's life is endangered if he does not take this medicine.
2. No alternative or substitute medication made from entirely *halal* sources is available.
3. The medication is prescribed by a Muslim physician who is knowledgeable as well as Allah-fearing.

We may, however, add that on the basis of our own observations and the opinions of expert physicians, we have arrived at the conclusion that there hardly exists any medical necessity which requires ingesting what is *haram* as a medicine. Nevertheless, we have stated this principle in case a Muslim happens to be in a place where he cannot find medications other than those which contain *haram* substances.

### **Necessity Does Not Exist If the Society Possesses Excess Food**

Consider a situation in which an individual does not have enough to eat but other people, Muslims or *dhimmis*, in his community have excess food. In such a case he does not fulfill the stipulation of being in a state of necessity and consequently *haram* foods do not become permissible to him, for an Islamic community is like a single body supporting its members or like a fortified wall in which each brick strengthens the other.

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1. Narrated by Al-Bukhari on the authority of Ibn Mas`ud.

2. The text of this *hadith* is quoted in the section entitled "Clothing and Ornaments".

The concept of social solidarity is expressed very forcefully by the great jurist Imam Ibn Hazm, who said,

"The Muslim is not in a state of necessity such that it becomes permissible for him to eat the flesh of dead animals or swine as long as someone else, whether a Muslim or a *dhimmi*, has excess food. It is obligatory on the person having food to feed the one who is hungry, and that being the case, the hungry person is not compelled to resort to the flesh of dead animals or swine. If the person having excess food denies it to him, he has a right to fight for it. If he (the hungry person) is killed, the killer is guilty of murder and consequently subject to *qisas* (retaliation), while if he kills the denier of food he has dispatched him to the curse of Allah, as he denied him his right and was one of the rebellious. Allah (Glorified be He) says,

*And if one of them transgresses against the other, fight against the one who transgresses until he complies with the command of Allah.*

(Al-Hujurat: 9)

One who denies the rights of his brother is a rebel against Allah. That is why Abu Bakr fought against those who refused to pay *Zakah* (while professing to be Muslims)."<sup>(1)</sup>

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1. Ibn Hazm, *Al-Muhalla*, vol. 6, p. 159.

## The Islamic Manner of Slaughtering

### All Marine Animals Are Halal

Depending on their habitats, animals are of two kinds: either marine or terrestrial. Marine animals, that is, those which live in water and cannot survive outside it, are all *halal*. It does not matter in what way they are obtained: whether they are taken out of the water dead or alive, whole or in pieces, whether they are fish or marine animals, whether they are called sea dogs or sea hogs, or whether they are caught by a Muslim or a non-Muslim. Allah, the Most Generous, has opened wide the gates of His bounty upon His worshipers by permitting them to eat all marine animals, without the requirement of bleeding; man has been left free to catch them in whatever manner he is able, avoiding any unnecessary cruelty as far as possible. Reminding us of His favors, Allah (Glorified be He) says,

﴿And it is He Who has subjected the sea (to you) in order that you may eat fresh meat from it...﴾

(An-Nahl: 14)

﴿The game of the sea is permitted to you and so is its food, a provision for you and for travelers by sea...﴾

(Al-Ma'idah: 96)

Praise be to Allah for not having excluded anything, for ﴿Thy Lord is not forgetful﴾ (Maryam: 64).

### Prohibited Terrestrial Animals

As far as terrestrial or land animals are concerned, Allah has prohibited only the eating of pork, the flesh of any animal which dies naturally or is sacrificed to anyone other than Allah, and the drinking of blood. These prohibitions are explicitly mentioned in the text of the Qur'an, comprising, as we have seen, four major and ten minor categories.

At the same time, the Qur'an says concerning the Messenger of Allah (pbuh),

﴿He ... makes lawful to them what is good and makes unlawful what is foul...﴾

(Al-A`raf: 157)

Foul things are those which, although some individuals may like, people generally find detestable. As an instance of this, on the day of the confrontation of Khaybar, the Prophet (pbuh) forbade the eating of the flesh of domesticated donkeys.<sup>(1)</sup>

Another example of the same thing is provided by a *hadith* narrated by both Al-Bukhari and Muslim, which states that the Prophet (pbuh) "forbade the eating of any wild animal with a canine tooth and any bird with talons". "Wild animals" denotes those which prey on others and devour them tearing them apart, e.g., the lion, leopard, wolf, and the like; birds with talons such as the hawk, eagle, falcon, etc., do the same.

According to Ibn `Abbas, nothing is *haram* other than the four categories mentioned in the Qur'an, while what the Prophet (pbuh) forbade, such as beasts of prey, are to be regarded as *makruh* (detestable) rather than reaching the degree of *haram*. Said ibn `Abbas,

"The people of the time of *Jahiliyyah* ate certain foods and avoided others, according to their whim. Then Allah sent His Prophet (pbuh) and revealed His Book, and He legislated what is permissible and what is prohibited. Accordingly, what He permitted is *halal*, what He prohibited is *haram*, and that concerning which He was silent is allowed."

Ibn `Abbas then recited,

﴿Say: I do not find in what is revealed to me anything prohibited to an eater in his food...﴾

(Al-An`am: 145)<sup>(2)</sup>

On the basis of this verse, Ibn `Abbas argued that the flesh of domesticated donkeys is permissible. Imam Malik agrees with him on this matter, considering beasts of prey *makruh* rather than *haram*.

1. Narrated by Al-Bukhari. Concerning this *hadith*, it is said that the prohibition of eating donkeys was temporary due to an emergency, as donkeys were needed for riding. This is similar to a situation where, due to a shortage of meat, a government may forbid the slaughtering of young animals so they may grow bigger, or the hunting of deer in a particular season, etc.

2. Narrated by Abu Dawud as a saying of Ibn `Abbas.

The jurists agree that cutting the throat of a prohibited animal does not render it *halal*. However, it then becomes permissible to use its skin without tanning it.

## **The Requirement of Slaughtering in the Islamic Manner**

Land animals which are permissible as food are of two kinds. The first consists of those animals which are tame or domesticated, such as camels, cows, goats, poultry, and other fowl which are raised on a farm or in the house, while untamed and wild animals are of the second type. In order to render their flesh *halal*, Islam requires that animals of the first category be slaughtered in the manner prescribed by Islam.

## **The Conditions of Islamic Slaughtering**

According to the *Shari`ah*, the legal purification of the flesh of animals requires that the following conditions be met:

1. The animal should be slaughtered by a sharp instrument which is capable of making it bleed by severing blood vessels, even if the sharp object is a stone or a piece of wood. `Adi ibn Hatim narrated that he said to the Prophet (pbuh), "O Messenger of Allah, we go hunting and sometimes we do not have a knife with us. We may find a sharp rock or a piece of wood or a reed." The Prophet (pbuh) said,

*"The object is to make it bleed with whatever you have and mention the Name of Allah over it."*<sup>(1)</sup>

2. The slaughtering is to be done by cutting the throat of the animal or by piercing the hollow of the throat, causing its death. The best way is to cut the windpipe, the gullet, and the two jugular veins.<sup>(2)</sup>

However, if it becomes impossible to slaughter the animal in the specified manner, this second condition is cancelled; for example, the

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1. Narrated by Ahmad, Abu Dawud, An-Nasa'i, Ibn Majah, Al-Hakim, and Ibn Hibban.

2. Some jurists have cited further conditions, but we have omitted them as we did not find explicit texts mentioning them. The slaughtering of animals is known instinctively to all people, and to go into depth and detail concerning it does not accord with Islam, which keeps matters easy and simple. These jurists have differed to a great extent concerning this matter; for example: is it necessary to cut off all four parts - the windpipe, the gullet, and the two jugular veins - or only some of them? Should the knife point downward or upward? Can the hand be raised before the slaughtering is completed or not?

animal may have fallen headlong into a well so that its throat is inaccessible, or it may become wild and start kicking and running. Such cases are treated in the manner of game animals and it is sufficient to wound the animal at any place to make it bleed. On the authority of Rafi` ibn Khadij, both Al-Bukhari and Muslim narrated the former as narrating, "We were on a journey with the Prophet (pbuh) when one of the camels bolted away. As the people did not have a horse, a man shot an arrow which struck the camel and wounded it. The Prophet (pbuh) said,

*'These animals may behave like wild beasts. If any of them behaves like this, treat it in this fashion.'"<sup>(1)</sup>*

3. No name other than Allah's should be mentioned over the animal at the time of slaughter; concerning this condition there is a consensus among all the jurists. The people of the time of *Jahiliyyah* sought to propitiate their deities and idols by sacrificing animals to them, either by invoking their names while slaughtering or by immolating them on altars specified for them. As mentioned previously, the Qur'an prohibited all this in the words,

*﴿Forbidden to you are ... that which has been dedicated to anyone other than Allah ... and that which has been sacrificed to idols.﴾*

(Al-Ma'idah: 3)

4. The name of Allah should be mentioned while slaughtering the animal.<sup>(2)</sup> This is clear in Qur'anic texts and *hadiths*. Allah (Glorified be He) says,

*﴿Then eat of that over which the name of Allah has been mentioned, if you really believe in His signs.﴾*

(Al-An`am: 118)

*﴿And do not eat of that over which the name of Allah has not been mentioned, for truly that is impiety...﴾*

(Al-An`am: 121)

And, the Messenger of Allah (pbuh) said,

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1. Narrated by Al-Bukhari and Muslim.

2. The correct manner of mentioning the name of Allah at slaughtering is to say, "*Bismillah, Allahu Akbar*" (In the name of Allah, Allah is the Greatest). On this occasion the words "*Ar-Rahman ar-Rahim*" (the Most Merciful, the Ever-Merciful) do not follow *Bismillah* as ordinarily done, since slaughtering is not an act of mercy. (Translator)

*"If the blood is drained (from the animal) and the name of Allah has been mentioned over it, you may eat of it."*<sup>(1)</sup>

This case is further supported by other sound *hadiths* which state that Allah's name must be pronounced while hunting just before an arrow is shot or a hunting dog is sent for the chase. This point will be discussed later in the section on hunting.

Some scholars are of the opinion that although the name of Allah must be mentioned, it is not necessary to mention it at the time of slaughtering the animal; one can mention it at the time of eating, since in that case it cannot be held that it was eaten without mentioning the name of Allah over it. In the *Sahih* of Al-Bukhari we find a *hadith* narrated by `A'ishah, who said,

"Some people who had recently become Muslims said to the Prophet (pbuh), 'People bring us meat and we do not know whether they have mentioned the name of Allah over it or not. Shall we eat of it or not?' The Prophet (pbuh) replied, 'Mention the name of Allah (over it) and eat.'"<sup>(2)</sup>

## **The Wisdom of the Islamic Manner of Slaughtering**

The wisdom of the Islamic rules of slaughtering is to take the animal's life in the quickest and most painless way; the requirements of using a sharp instrument and of cutting the throat relate to this end. It is forbidden to rend the throat by using teeth or nails since this will cause pain to the animal and is likely to strangle it. The Prophet (pbuh) recommended sharpening the knife and putting the animal at ease, saying,

*"Allah has ordained kindness (or excellence) in everything. If killing is to be done, do it in the best manner, and when you slaughter, do it in the best manner by (first) sharpening the knife and putting the animal at ease."*<sup>(3)</sup>

In another *hadith* narrated by Ibn `Umar, the Prophet (pbuh) said,

*"When one of you slaughters, let him complete it."*<sup>(4)</sup>

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1. Narrated by Al-Bukhari and others.
2. The correct invocation when one is about to start eating or drink is to say, "Bismillah" (in the Name of Allah), in addition to a supplication such as "*Allahumma Barik lana fi ma Razaqtana wa Qina 'Adhab an-Nar*" (O Allah! Please bless what you have provided for us and save us from the punishment of the Fire!). (Translator)
3. Narrated by Muslim on the authority of Shaddad ibn Aws.
4. Narrated by Ibn Majah.

By this he (pbuh) meant that one should sharpen his knife well and feed, water and soothe the animal before slaughtering.

Ibn `Abbas reported that once the Prophet (pbuh) saw a man sharpening his knife after laying down a sheep to be slaughtered. The Prophet (pbuh) rebuked him, saying,

*"Do you intend to make it die twice? Why did you not sharpen your knife before laying it down?"*<sup>(1)</sup>

Once, `Umar saw a man dragging a sheep by its leg to be slaughtered. He said, "Woe to you! Lead it to its death in a decent manner."<sup>(2)</sup>

Thus the main intent here is to be kind to the animal, which cannot express itself freely, and to spare it unnecessary suffering insofar as this is possible. The people of *Jahiliyyah* were fond of cutting off the humps of live camels and the fat tails of live sheep in order to eat them. In order to put a stop to this barbaric practice, the Prophet (pbuh) forbade the eating of any part obtained in this fashion, saying,

*"Any part cut off from a living animal is dead (flesh)."*<sup>(3)</sup>

### **The Significance of Mentioning Allah's Name**

Mentioning the name of Allah to purify the act of slaughtering has a subtle significance which we would do well to ponder. First, this practice is in opposition to the practice of the idolaters and the people of *Jahiliyyah*, who mentioned the names of their non-existent deities while slaughtering animals. Since the polytheist mentions the name of a false deity, how can the Believer fail to mention the name of the true God?

Second, these animals, like human beings, are creatures of Allah, and like them they have life. How then can a man take control of them and deprive them of life unless he first obtains permission from his, and their, common Creator, to Whom everything belongs? Mentioning the name of Allah while slaughtering the animal is a declaration of this divine

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1. Narrated by Al-Hakim, who classified it as *sahih* according to the standard of Al-Bukhari.

2. Narrated by `Abd ar-Razzaq.

3. Narrated by Ahmad, Abu Dawud, At-Tirmidhi, and Al-Hakim.

permission, as if the one who is killing the animal were saying, "This act of mine is not an act of aggression against the universe nor of oppression against this creature, but in the name of Allah I slaughter, in the name of Allah I hunt, and in the name of Allah I eat."

### **Animals Slaughtered by the People of the Book**

We have seen that Islam emphasizes that the animal must be slaughtered in a prescribed manner. The polytheists of Arabia and other nations had made animal sacrifice an act of worship, or rather an integral part of their belief system and a pillar of their religion, seeking to propitiate their deities by sacrificing animals either at their special altars or by mentioning their names over them. Islam abolished these pagan rites and ordained that no name except that of Allah be mentioned while slaughtering, and it prohibited what was sacrificed at an altar or anyone other than Allah (Glory be to Him).

Now although the People of the Book - the Jews and Christians - are essentially believers in one God, some Muslims nevertheless supposed that in matters related to food the People of the Book were to be treated in the same way as idolaters. Thereupon Allah (Glorified be He) granted special permission to Muslims in the matter of eating with the People of the Book and in the matter of marriage to their women. In *Surat al-Ma'idah*, Allah says,

*﴿Today whatever is good is made lawful to you. And the food of those who were given the Scripture (before you) is permitted to you and your food is permitted to them...﴾*

(Al-Ma'idah: 5)

The meaning of this verse is, in brief, that from this day forward all good, pure, and wholesome things are permitted to Muslims; consequently, there can be no more *bahirah*, *sa'ibah*, *wasilah*, or *ham*. Since Allah did not prohibit it, the food of the Jews and Christians is permitted to Muslims on the basis of the original permissibility of things, and likewise they can share their food with them. Accordingly, Muslims can eat the flesh of the animals they have slaughtered or hunted, and they can eat what Muslims have slaughtered or hunted.

While Islam takes an uncompromising attitude toward polytheists, it is lenient toward the People of the Book, for they are closer to Muslims for their belief in divine revelation, prophethood, and other fundamentals of religion. Islam permits us to eat with them, to marry their women, and, in general, to have social relations with them. It may be that, by interacting with Muslims in an Islamic environment and observing the beliefs, practices, and characters of Muslims, they may come to realize that Islam is in truth their own religion but with a higher level of spirituality, a more perfect law, and books of greater authenticity,<sup>(1)</sup> while also free of the influence of paganism, man-made concepts, and falsehood.

The application of the phrase, "*the food of those who were given the Scripture*," is general and includes their meats, produce, and other foods. All of these are *halal* for us excepting what is *haram* in itself, e.g., the flesh of a dead animal, pork, and flowing blood, as these are *haram* regardless of whether they are obtained from a Christian, a Jew, or a Muslim.

We now turn to various questions which are of sufficient importance to Muslims to require an answer here.

### **Animals Slaughtered for Churches and Christian Festivals**

If one does not hear from a Christian or a Jew that a name other than Allah's, such as that of `Isa (Jesus) or `Uzayr, was mentioned at the time of slaughter, the meat he offers is *halal*. If, however, he hears him mentioning a name other than Allah's, it is *haram*, according to the opinion of some jurists arguing that it falls under the heading of what has been dedicated to other than Allah. Some others hold the opinion that the food of the People of the Book has been permitted to us by Allah, Who is aware of what they say when slaughtering an animal.

Someone asked Abu ad-Darda' whether he could eat the flesh of a lamb, slaughtered for the Church of St. George, which had been given to him. Abu ad-Darda' answered, "Are they not the People of the Book, whose food is *halal* for us and ours for them?" He then told the person to eat it."<sup>(2)</sup>

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1. That is, the Qur'an, the books of *hadiths*, and the *Sirah* (biography) of the Prophet (pbuh). (Translator)

2. Narrated by At-Tabari.

Imam Malik was once asked about eating the flesh of animals slaughtered for Christian festivals and churches. He replied, "I classify it as *makruh* but not as *haram*."<sup>(1)</sup>

He classified it as *makruh* because he was afraid that it might have been dedicated to someone other than Allah but not as *haram* because perhaps, with respect to the People of the Book, the meaning of the phrase, '*that which has been dedicated to any other than Allah*,' applies only to those animals which they slaughter for the purpose of seeking the pleasure of their deities and not to eat. As for what they slaughter to eat, it is their food, and Allah says,

﴿*The food of those who were given the Scripture is permitted to you...*﴾  
(Al-Ma'idah: 7)<sup>(2)</sup>

### **Animals Killed by Electric Shock and Other Methods**

The second question is: is it necessary that the method of slaughtering an animal employed by the People of the Book be the same as ours, which is to cut the throat? A majority of jurists stipulate this as a condition, while a number of Maliki jurists have ruled that it is not a condition.

Ibn al-'Arabi, in explaining the verse of *Surat al-Ma'idah*, ﴿*The food of those who were given the Scripture is permitted to you,*﴾ said,

"This is a decisive proof that the game and food of the People of the Book are among the good things which Allah has allowed for us. He, the Most High, has repeated it twice in order to allay doubts and to seal the mouths of those mischievous objectors, who would raise questions and prolong the discussion. I was asked, 'If a Christian kills a chicken by cutting off its head and then cooks it, is it permissible to eat with him or to partake of his food?' I told the questioner to eat it, as this is his food and the food of his priests and monks. Although this is not our way of slaughtering, yet Allah has permitted their food to us unconditionally, and also other things in

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1. This ruling of Imam Malik demonstrates his humility, piety, and caution with regard to matters pertaining to religion. He did not rush to the conclusion that it was *haram*, as some jurists do today, but confined himself to stating that it was *makruh*. As we can see, faced with the problem of reconciling two conflicting general categories, that which is dedicated to other than Allah and the permissibility of the food of the People of the Book, he exercised caution and deliberation.

2. This may refer to Jesus (Isa), Mary (Maryam), or to any of their saints.

their religion excepting those which Allah says they have falsified. Our scholars have said that they give us their women in marriage and it is permissible to engage in sexual intercourse with them, and in matters concerning *halal* and *haram*, sexual intercourse is of graver import than eating; how then does it make sense to say that their food is not *halal*?"

This is the opinion of Ibn al-`Arabi. On another occasion he said, "What they eat without intending to make it lawful for eating, as for example by strangling the animal or smashing its head, is *haram*." There is no contradiction between these two statements of his. What is meant here is that what they consider to be religiously lawful to eat is *halal* for us, even though the method of killing the animal in their religion may be different from ours and what is not religiously lawful to them is *haram* for us. What is meant by killing the animal in their religion is killing it with the intention of making it lawful as food according to their religion. This is the opinion of a group of Maliki jurists.

In the light of this ruling, we know that imported meats, such as chicken and canned beef, originating with the People of the Book are *halal* for us, even though the animal may have been killed by means of electric shock or the like. As long as they consider it lawful in their religion, it is *halal* for us. This is the application of the above verse from *Surat al-Ma'idah*.

### **The Meat of Zoroastrians and Others Like Them**

A difference of opinion exists among jurists concerning the meat of animals slaughtered by the Zoroastrians or Parsees (*Majus*). The majority forbids the eating of it because they are polytheists, while others say that it is *halal* because the Prophet (pbuh) said, "*Treat them as you treat the People of the Book.*"<sup>(1)</sup>

The Prophet (pbuh) accepted *Jizyah* from the Zoroastrians of Hajar.<sup>(2)</sup> In the chapter on slaughtering in his book *Al-Muhalla*,<sup>(3)</sup> Ibn Hazm stated,

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1. Narrated by Malik and Ash-Shafi`i. The part that comes at the end of this *hadith* and that reads, "Do not marry their women nor eat their meat," is not considered authentic by the compilers of *hadiths*.

2. Narrated by Al-Bukhari and others.

3. Vol. 7, p. 456.

"They can also be classified as belonging to the People of the Book; hence all the rules related to the People of the Book apply to them."<sup>(1)</sup>

Likewise the Sabaeans are classified by Abu Hanifah as belonging to the category of People of the Book.<sup>(2)</sup>

### **A Rule: What We Do Not See Should Not Be Probed into**

It is not required of the Muslim to inquire about what he has not witnessed, for example: How was the animal killed? Did the manner of slaughter meet the Islamic conditions? Was the name of Allah mentioned while slaughtering or not? If the animal was slaughtered by a Muslim, even if he is ignorant or sinful, or by someone from among the People of the Book, eating it is *halal* for us.

We have already cited a *hadith* in which it was said to the Prophet (pbuh), "People bring us meat and we do not know whether they have mentioned the name of Allah over it or not. Shall we eat it or not?" and the Prophet (pbuh) replied,

*"Mention the name of Allah (over it) and eat."*

Concerning the application of this *hadith*, scholars say: This is a proof that the actions and practices of people are ordinarily considered to be correct and appropriate, while deviation or error must be proven.

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1. Ibn Hazm's opinion undoubtedly carries a great weight. He was very meticulous in applying the texts of the Qur'an and *hadiths*, as well as being knowledgeable concerning the history of nations and their customs. Al-Baghdadi, in his Book *Al-Farq bayn al-Firaq*, stated, "The Magians (Zoroastrians) claim that Zoroaster was a Prophet". Some modern Islamic scholars, who have conducted researches into ancient cultures such as Abu al-Kalam Azad, support this view.
2. Some researchers of our time have attempted to extend the circle of the People of the Book to include idolaters such as Hindus and Buddhists, but they are stretching the matter too far. See, for example, *Tafsir al-Manar*, vol. 6, in the interpretation of the verse, *¶ The food of those who were given the Scripture is permitted to you... ¶* in the chapter dealing with food of idolaters and marriage to their women.

## Hunting

Many Arabs and peoples of other nations formerly lived by hunting; hence the Qur'an and *Sunnah* have addressed them to this matter. Muslim jurists have always treated the subject of hunting under a separate heading, explaining what is lawful and what is prohibited, what is obligatory and what is commendable in this regard, since many animals and birds whose flesh is wholesome are neither tamed nor under man's control.

In order to render eating them *halal*, Islam does not require that the throats of such creatures be cut or that the hollow of their throat be pierced, as is required for the slaughter of tame and domesticated animals. It is sufficient to do something of this sort but to a lesser degree, as the circumstances of the hunt permit. People have always followed their instincts while hunting, and Islam does not oppose what is natural and instinctive, but merely adds a few conditions in order to bring hunting, as it brings all the other affairs of Muslims, in accord with its general system of belief. Some of these conditions apply to the hunter, others to the game, and still others to the instrument of hunting.

These conditions apply, naturally, only to land game. As for sea game, Allah has permitted all of it without restriction, as was mentioned earlier:

﴿The game of the sea is permitted to you and so is its food, a provision for you and for travellers by sea...﴾

(Al-Ma''idah: 96)

### Conditions Pertaining to the Hunter

The conditions pertaining to the hunter are the same as those which pertain to the butcher: that he should be either a Muslim, or one of the People of the Book, or one of those who are classified as belonging to their category such as Zoroastrians and Sabeans.

Islam teaches the hunter that he should not hunt merely for jest, taking the lives of animals without intending to eat them or benefit from them. The Prophet (pbuh) said,

*"If someone kills a sparrow in vain, the sparrow will cry out on the Day of Judgement, 'O Lord! O Lord! That person killed me in vain! He did not kill me for any useful purpose.'"<sup>(1)</sup>*

Moreover, he once said,

*"Whoever kills a sparrow or anything bigger than that without a just cause, Allah will hold him accountable on the Day of Judgement."*

The listeners asked, "O Messenger of Allah, what is a just cause?" He replied,

*"That he kills it to eat, not to simply chop off its head and then throw it away."<sup>(2)</sup>*

Another condition is that the Muslim should not be in the state of *ihram* for *hajj* or *'umrah*, for at that time he is in a state of total peace and serenity, the sphere of which extends to the animals and birds around him. Even if some game should appear right in front of him so that he could catch or kill it with a spear, it is not permissible for him to do so. This is to test and train the Believer in order to make him strong and patient. As Allah (Glorified be He) says,

*﴿O you who believe! Do not kill game while you are in the state of ihram...﴾*

(Al-Ma'idah: 95)

*﴿... And hunting is haram for you while you are in the state of ihram...﴾*

(Al-Ma'idah: 1)

## **Conditions pertaining to the Game**

One of the conditions pertaining to the game is that it should be an animal which man is not able to bring under control in order to slaughter properly, for, according to principle, if it is possible to slaughter it, this must be done, and no other choice remains.

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1. Narrated by An-Nasa'i, and by Ibn Hibban in his *Sahih*.

2. Narrated by An-Nasa'i, and by Al-Hakim who said that its chain of transmitters is sound.

Similarly, if one shoots an arrow at the animal or if his hunting dog has brought it down, as long as he reaches the animal while there is still abundant life remaining in it, its throat must be cut. However, although cutting the throat is preferable, if it is barely alive and the hunter leaves it to die without cutting the throat there is no harm in it. According to the two *Sahihs* of Al-Bukhari and Muslim, the Prophet (pbuh) said,

*"When you set your hound (for the chase), mention the name of Allah over it. If it catches the game, and you reach it while it is still alive, cut its throat."*

## **Conditions Pertaining to the Instrument**

Instruments of hunting are two kinds:

a. Weapons, such as swords, arrows, and spears, as mentioned in the verse:

*﴿... in the game which you take with your hands and your spears... ﴾*

(Al-Ma'idah: 94)

b. Hunting animals which can be trained, such as the dog and the leopard among beasts, and the falcon and hawk among birds.

Allah (Glorified be He) says,

*﴿Say: Whatever is good is lawful for you. And eat of what is caught for you by those you have trained among hunting animals, teaching them as Allah has taught you... ﴾*

(Al-Ma'idah: 4)

## **Hunting with Weapons**

Two conditions must be met if the game is killed by a weapon.

First, the weapon should pierce the body of the animal, making a wound; death by mere impact does not render it *halal*. `Adi ibn Hatim narrated, "I asked the Messenger of Allah (pbuh) about the game killed with a *m`irad* (a weapon) and he said,

*'If you hurl the mi`rad and it pierces the game, eat it, but if it is killed by the blow of its side, do not eat it.'<sup>(1)</sup>*

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1. Narrated by Al-Bukhari and Muslim.

This *hadith* is a proof that what makes the game *halal* is that the body of the animal be pierced, even if the weapon is blunt. Accordingly, game killed by a rifle or pistol or the like is *halal* as the bullet will penetrate its body even more deeply than an arrow, spear, or sword.

With reference to the *hadith* reported by Ahmad, "Do not eat what is (killed) by a *banduqah* unless you slaughter it," and the one narrated by Al-Bukhari on the authority of Ibn 'Umar, which states that the animal killed by a *banduqah* is like an animal killed by a blow, it should be noted that *banduqah* here refers to a ball of clay and not to the modern rifle (known in Arabic as *bunduqiyyah*). The Prophet (pbuh) likewise forbade throwing stones at the hunted animal, saying that "It will not hunt the game or kill an enemy, but it may break a tooth or gouge out an eye."<sup>(1)</sup>

The second condition to be met when hunting with a weapon is that the name of Allah must be mentioned when hurling or striking with the weapon, as the Prophet (pbuh) instructed 'Adi ibn Hatim, whose reports of a *hadith* are the source material for this topic.<sup>(2)</sup>

### **Hunting with Hounds and the Like**

If hunting is done with a dog or falcon or the like, the following is required: first, it should be a trained animal; second, it should catch the game for its owner and not for itself, as the Qur'an specifies; and third, the name of Allah must be mentioned while sending it for the chase. The source of these conditions is the following verse:

﴿They ask thee (O Muhammad) what is lawful to them (as food). Say: Whatever is good is lawful for you. And eat of what is caught for you by those you have trained among hunting animals, teaching them as Allah has taught you, and mention, the name of Allah over it...﴾

(Al-Ma'idah: 4)

1. The definition of "training" is well known. It means that the animal so trained is under the control of its owner so that when he calls it, it responds; when he sends it toward the game, it hunts it; and when he restrains it, it halts. The jurists have laid down various criteria for this; however, common sense is a better guide in deciding whether a hunting animal is trained or not.

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1. Narrated by Al-Bukhari and Muslim.

2. The above instructions likewise apply to hunting with a gun. (Translator)

2. The definition of "catching the game for its owner" is that it does not itself eat the game. The Prophet (pbuh) said,

*"If you send your hound after the game, and it eats part of it, you should not eat of it, for the hound has hunted the game for itself and not for you; but if you send the dog and it kills the game without eating it, you can eat it, as it has caught it for its master."<sup>11</sup>*

Some jurists make a distinction between hunting animals such as dogs and hunting birds such as falcons. Their opinion is that eating game which has been partly eaten by a bird is permissible, while if a dog has eaten from it, it is not allowed.

The reason for laying down these two conditions is, first, to emphasize that the hunting dog should be well-trained, always being under the control of its master, and second, to preserve human dignity by not allowing man to eat the leavings of animals. Finally, we note that a well-trained dog which catches the game for its master is very similar to an inanimate weapon in his hands such as an arrow.

3. Mentioning the name of Allah while sending a dog for a chase is like mentioning His name while shooting an arrow, hurling a spear, or striking with a sword. This is instructed by the Qur'anic injunction, "*mention the name of Allah over it*," as well as by authentic *hadiths*, such as that was reported by 'Adi ibn Hatim.

The mandatory nature of this condition has also been demonstrated by the fact that if a dog other than that of the hunter takes part in hunting, the game is not lawful. 'Adi said to the Prophet (pbuh), "What if I send my dog but I find another dog at the game, and I do not know which dog has caught it?" The Prophet (pbuh) replied,

*"Do not eat it, for while you mentioned the name of Allah over your dog, you did not mention it over the other dog."*

However, if one forgets to mention Allah's name while dispatching his weapon or the hunting animal, he can make up for it by mentioning it at the time of eating, for Allah has forgiven the Muslim *Ummah* the errors it

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1. Narrated by Ahmad; also by Al-Bukhari and Muslim.

commits due to oblivion or error. As was mentioned earlier, this also applies in the case of forgetting to pronounce the name of Allah at the time of slaughtering.

The significance of mentioning the name of Allah over animal needs not be repeated here, as it was explained in connection with slaughtering.

## **When a Game Is Found Dead**

It may happen that although a game is struck by an arrow it may nevertheless escape; the hunter may find it some time - perhaps even days - later, dead. In such a case, the game is lawful as food under the following conditions:

1. That it is not found in water. The Prophet (pbuh) said,

*"If you shoot an arrow and it kills (the animal), you can eat it. But if it is found in water, you cannot eat it, for you do not know whether its death was caused by drowning or by your arrow."*<sup>(1)</sup>

2. That it has no wounds other than the wound inflicted by the hunter's arrow. `Adi ibn Hatim asked the Prophet (pbuh), "What if I shoot an arrow and find the game the next morning with my arrow in it?" The Prophet (pbuh) replied,

*"If you know that your arrow killed it, and you do not find any wound inflicted by wild beasts, you may eat it."*<sup>(2)</sup>

3. That the game has not reached the stage of decay. People of sound taste are naturally revolted and nauseated by rotten meat, and eating it is also likely to be injurious. It is narrated in the *Sahih* of Muslim that the Prophet (pbuh) said to Abu Tha`labah al-Khashni,

*"If you shoot an arrow but the game disappears for three days, and you then come upon it, you may eat what is not decayed of it".*

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by At-Tirmidhi, who classified it as *sahih*.

## Intoxicants

The Arabic word *khamr* signifies any alcoholic drink which causes intoxication. We would be stating the obvious if we were to discuss the harmful effects of drinking on the individual's mind, his health, his religion, and his work; or if we discussed the disasters which he brings upon his family by neglecting their needs and by not fulfilling his obligations, as the head of the family, toward his wife and children; or if we elaborated on the spiritual, material and moral evils which proliferate in societies and nations due to the widespread consumption of alcohol.

A researcher in this area has rightly stated,

"Mankind has not suffered any greater calamity than that brought about by the use of alcohol. If statistics were collected worldwide of all the patients in hospitals who, due to alcohol, are suffering from mental disorders, delirium tremens, nervous breakdowns, and ailments of the digestive tract, to which are added the statistics of suicides, homicides, bankruptcies, sales of wealth, and broken homes related to the consumption of alcohol, the number of such cases would be so staggering that, in comparison to it, all exhortation and preaching against drinking would seem too little."

The Arabs during the period of *Jahiliyyah* were very fond of wine and drinking parties. This love of wine is reflected in their language, which has nearly one hundred names for it, and in their poetry, which celebrates the praises of wine, goblets, drinking parties, and so on.

To eradicate this pervasive evil from society, Allah (Glory be to Him) adopted a wise course of education and training, prohibiting it in measured stages. First, He made it clear to them that the harm of *khamr* is greater than its benefit; next, He told them not to come to Prayer while intoxicated; and finally, He revealed the verse in *Surat al-Ma'idah* which prohibited it totally and decisively:

﴿O you who believe! Truly, intoxicants and gambling and idol worshipping and divination by arrows are an abomination of Satan's doing: avoid it in order that you may be successful. Assuredly Satan desires to sow enmity and hatred among you with intoxicants and gambling, and to hinder you from the remembrance of Allah and from Salah. Will you not then desist?﴾

(Al-Ma'idah: 90-91)

In these two verses, Allah strictly prohibited *khamr* and gambling, linking them to idols and seeking omens by means of divining arrows, and declared them to be *rijs* (abominable or filthy), a term which the Qur'an reserves for extremely indecent and evil things. He ascribes them to the work of Satan, which indeed consists only of obscenity and evil, and commands the believers to abstain from them as the only way to attain success. Allah (Glorified be He) then mentions the harmful effects of wine and gambling on society, namely, the breaking of relationships and ensuing enmity and hatred, in addition to the harm they do to man's soul by causing him to neglect the religious obligations of remembering Allah and of performing Prayer. The verses end with a very stern admonition to abstain: ﴿Will you not then desist?﴾ And when the Prophet (pbuh) had finished reciting these two verses for the first time, the listeners answered with the fervent cry, "We have desisted, O Lord! We have desisted!"

The response of the Muslims to these verses was remarkable indeed. At the time some people were drinking, with half-filled cups in their hands. As soon as they heard someone announcing, "Wine has indeed been prohibited," they poured the remaining drinks upon the ground.

Many present-day governments throughout the world are convinced of the harmful effects of alcohol on individuals, families, and society. Some governments, such as that of the United States, have even tried to abolish alcohol by passing, and attempting to enforce, laws prohibiting the drinking of alcohol. It is only Islam which has succeeded in combating and eradicating it.

The churchmen hold different opinions concerning the position of alcohol in Christianity. Some argue that the Biblical text permits drinking in small quantities, since it is good for the digestion.<sup>(1)</sup> But if this should be

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1. See, for example, 1 Tim. 5:23.

true, even though a little wine may be beneficial to the digestion, this little must be prohibited, as a small amount leads to large amounts and one glass to other glasses, until one becomes addicted to it. For this reason Islam's stand in prohibiting alcohol and in blocking all avenues which lead to drinking it is very clear and unequivocal.

### **All That Intoxicates Is Haram**

The first declaration made by the Prophet (pbuh) concerning this matter was that not only is wine prohibited but that the definition of *khamr* extends to any substance which intoxicates, in whatever form or under whatever name it may appear. Thus, for example, beer and similar drinks are *haram*.

The Prophet (pbuh) was once asked about certain drinks made from honey, corn, or barley by the process of fermenting them until they became alcoholic. The Messenger of Allah (pbuh), as he was blessed with the best of speech, replied succinctly,

*"Every intoxicant is khamr, and every khamr is haram."*<sup>(1)</sup>

And `Umar declared from the pulpit of the Prophet, "*Khamr* is that which befogs the mind."<sup>(2)</sup>

### **Whatever Intoxicates in Large Amounts Is Haram in any Amount**

Islam takes an uncompromising stand in prohibiting intoxicants, regardless of whether the amount is little or much. If an individual is permitted to take but a single step along this road, other steps follow; he starts walking and then running, and does not stop at any stage.

That is why the Prophet (pbuh) said,

*"Of that which intoxicates in a large amount, a small amount is haram."*<sup>(3)</sup>

and again,

*"If a bucketful intoxicates, a sip of it is haram."*<sup>(4)</sup>

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1. Narrated by Muslim.
2. Narrated by Al-Bukhari and Muslim.
3. Narrated by Ahmad, Abu Dawud, and At-Tirmidhi.
4. Narrated by Ahmad, Abu Dawud, and At-Tirmidhi.

## Trading in Intoxicants

The Prophet (pbuh) did not stop at prohibiting the drinking of *khamr*, whether much or little, but he also forbade any trading in it, even with non-Muslims. It is not permissible for a Muslim to import or export alcoholic beverages, or to own or work in a place which sells them. In connection with *khamr*, the Prophet (pbuh) cursed ten categories of people saying,

*"Truly, Allah has cursed *khamr* and has cursed the one who produces it, the one for whom it is produced, the one who drinks it, the one who serves it, the one who carries it, the one for whom it is carried, the one who sells it, the one who earns from the sale of it, the one who buys it, and the one for whom it is bought."*<sup>(1)</sup>

When the previous verse of *Surat al-Ma'idah* was revealed, the Prophet (pbuh) announced,

*"Truly, Allah has prohibited *khamr*. Therefore, whoever hears this verse and possesses some of this (substance) should neither drink nor sell it."*

The narrator of this *hadith* said, "The people brought forth whatever they possessed of it and poured it out in the streets of Madinah."<sup>(2)</sup>

Since the Islamic method is to block all avenues which lead to the *haram*, it is also *haram* for a Muslim to sell grapes to a person whom he knows will make *khamr* from them. A *hadith* stated,

*"If someone stockpiles grapes during harvest time and holds them in order to sell them to a Jew or Christian or anyone else (even if he be a Muslim) who produces *khamr*, he will be leaping into the Fire with his eyes open."*<sup>(3)</sup>

## Intoxicants Cannot Be Given as a Gift

Just as the sale of *khamr* or receiving its price is *haram* for the Muslim, likewise giving it as a gift to anyone, such as a Christian or Jewish friend, is

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1. Narrated by At-Tirmidhi and Ibn Majah, on reliable authority.

2. Narrated by Muslim.

3. Narrated by At-Tabarani in *Al-Awsat*, and classified as *sahih* by Al-Hafiz in *Bulugh al-Maram*.

*haram*. Alcoholic beverages cannot be received or given by a Muslim as gifts because a Muslim is pure and neither gives nor receives anything except what is pure.

It is reported that a man brought a cask of wine to the Prophet (pbuh) as a gift. The Prophet (pbuh) informed him that Allah had prohibited it. "Shall I not sell it?" asked the man. "*The One Who has prohibited drinking it has also prohibited selling it,*" replied the Prophet (pbuh). "Shall I not give it to a Jew as a gift?" asked the man. "*The One Who has prohibited it has also prohibited that it be given as a gift to the Jews,*" said the Prophet. "Then what shall I do with it?" asked the man. "*Pour it on the ground,*" replied the Prophet (pbuh).<sup>(1)</sup>

### **Avoiding Drinking Parties**

In the same spirit, the Muslim is ordered to stay away from drinking parties or gatherings where drinks are served. 'Umar narrated that he heard the Messenger of Allah (pbuh) saying,

*"Whoever believes in Allah and the Last Day must not sit at table at which khamr is consumed."*<sup>(2)</sup>

While it is the duty of a Muslim to eradicate the evil he sees, if he is unable to do so, he must stay away from it, leaving the place where people are engaged in such things.

It is reported that the rightly guided Caliph, 'Umar ibn 'Abd al-'Aziz, used to flog not only those who drank intoxicants but those who sat with them as well, even if they were not themselves drinking. When once he was told of a group of people who were at a drinking party, he ordered that all of them be flogged. He was told that a person who was fasting was among them. "Begin with him," he said. "Have you not heard Allah's saying, *¶ And He has revealed to you in the Book that when you hear the Message of Allah held in defiance and ridicule, you are not to sit with them until they turn to some other theme; for if you do so you will be like them... ¶* (An-Nisa': 140)?"

### ***Khamr, Itself a Disease, Cannot Be a Medicine***

From all the explicit texts of the Qur'an and *hadiths* quoted above, we see that Islam is very firm in combating *khamr*, as well as in keeping the

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1. Narrated by Al-Hamidi in his *Musnad*.

2. Narrated by Ahmad; At-Tirmidhi also narrated something similar to it.

Muslim away from it by erecting barriers between him and it so that no opening, either wide or narrow, is left for him either to consume *khamr* or to touch it. The Muslim is not allowed to drink it in large or small amounts; he is not allowed to handle it through selling or buying, manufacturing, or giving it as a gift; he is not allowed to bring it to his home or shop; he is not allowed to serve it at gatherings, for a joyous occasion or otherwise, or to serve it to a non-Muslim guest; and he is not allowed to mix it with any food or beverage.

A question raised by some people which still remains to be answered concerns the use of *khamr* as a medicine. The Prophet (pbuh) answered this question when a man told him that he used wine as a medicine. The Prophet (pbuh) said,

*"It is not a medicine but a disease."*<sup>(1)</sup>

He also said,

*"Allah has sent down diseases and medicines, and has made a medicine for every disease. So take medicine but do not use anything haram as medicine."*<sup>(2)</sup>

With regard to intoxicants Ibn Mas`ud said, "Allah has not made a cure for you in what He has prohibited to you."<sup>(3)</sup> It is therefore not surprising that Islam forbids the use of alcohol and other prohibited substances as medicines. As explained by Ibn al-Qayyim, the prohibition of a thing implies avoiding and staying away from it by every means, as taking it as a medicine renders it desirable and requires keeping it on hand, and this is against the Law-Giver's purpose. Ibn al-Qayyim, said, "If *khamr* were permitted as medicine when people are already inclined toward it, it would provide them with an excuse to drink it for pleasure and enjoyment, especially since people have the impression that it is beneficial for their health, alleviates their complaints, and cures their diseases."<sup>(4)</sup>

One may also mention that the attitude of the patient toward the medicine he takes has a considerable effect in hastening or delaying the

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1. Narrated by Muslim, Ahmad, Abu Dawud, and At-Tirmidhi.

2. Narrated by Abu Dawud.

3. Narrated by Al-Bukhari as a comment on the preceding *hadith*.

4. *Zad al-Ma`ad*, vol. 3, pp. 115-116.

cure. Ibn al-Qayyim, who had considerable insight into human psychology, elaborates on this point in the following manner:

"One condition for the efficacy of the medicine is that the patient believes in its efficacy and that Allah has placed the blessing of cure in it. Now the Muslim patient's belief that a particular substance, such as alcohol, is *haram* prevents him from believing that it can at the same time be beneficial or blessed. Thus he will not have any trust in it nor will he take it approvingly. On the contrary! The stronger the Muslim's faith, the greater will be his aversion to it and the greater his mistrust of it. If he then grudgingly takes what he hates and loathes, it will not be a cure for him but a disease."<sup>(1)</sup>

Having said this, we must again mention the exempted case of necessity; the Islamic *Shari`ah* has a different ruling for such a case. Supposing a man's life were in danger and no substitute for a medication containing alcohol were available; a Muslim physician, who was an expert in his field and at the same time zealous in safeguarding the commands of religion, would then find no alternative except to prescribe a medication containing alcohol. As its aim is always the welfare of human beings, the *Shari`ah* permits the taking of such a medicine in such a case. However, one must be aware that this concession is strictly limited to that quality which is deemed essential:

﴿... Yet whosoever is constrained without being inequitable or  
aggressive then indeed your Lord is Ever-Forgiving, Ever-Merciful.﴾

(Al-An`am: 145)

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1. Adapted from his discussion in *Zad al-Ma`ad*, vol. 3.

## Drugs

"*Khamr* is that which befogs the mind." These are the words said by `Umar ibn al-Khattab (may Allah be pleased with him) from the pulpit of the Prophet (pbuh), providing us with a decisive criterion for defining what falls under the prohibited category of *khamr*. There remains then no room for doubts or questions: any substance which has the effect of befogging or clouding the mind, impairing its faculties of thought, perception, and discernment is prohibited by Allah and His Messenger (pbuh) until the Day of Resurrection.

Drugs such as marijuana, cocaine, opium, and the like are definitely included in the prohibited category of *khamr*. It is well known that the use of such drugs affects the sensory perceptions, making what is near seem distant and what is distant seem near; that their use produces illusions and hallucinations, so that the real seems to disappear and what is imaginary appears to be real; and that drug usage in general impairs the faculty of reasoning and decision-making. Such drugs are taken as a means of escape from the inner reality of one's feelings and the outer realities of life and the religion into the realm of fantasy and imaginations. Added to this psychological fact are the physical effects: bodily lassitude, dullness of the nerves, and decline in overall health. The moral consequences, moral insensitivity, weakening of the will-power and neglect of responsibilities are also well known. Eventually, addiction to drugs renders a person a diseased member of society. Furthermore, drug addiction may result in the destruction of the family or even in a life of crime. Since obtaining drugs involves a great outlay of money, a drug addict may deprive his family of necessities in order to buy drugs and may resort to illegal means to pay for them.

When we recall the principle that impure and harmful things have been made *haram*, there can be no doubt in our minds concerning the prohibition of such detestable substances such as drugs, which cause so much physical, psychological, social, and economic harm.

The Muslim jurists were unanimous in prohibiting those drugs which were found during their respective times and places. Foremost among them was Sheikh al-Islam Ibn Taymiyah, who said,

"This solid grass (*hashish*) is *haram*, whether or not it produces intoxication. Sinful people smoke it because they find it produces rapture and delight, an effect similar to drunkenness. While wine makes the one who drinks it quarrelsome, hashish produces dullness and lethargy; furthermore, smoking it disturbs the mind and temperament, excites sexual desire, and leads to shameless promiscuity, and these are greater evils than those caused by drinking. The use of it has spread among the people after the coming of the Tartars. The *hadd* punishment for smoking hashish, whether a small or large amount of it, is the same as that for drinking wine, that is, eighty or forty lashes."

He explained the imposition of *hadd* for smoking hashish in the following manner:

"It is a rule of the Islamic *Shari`ah* that any prohibited thing which is desired by people, such as wine and illicit sexual relations, is to be punished by imposing *hadd*, while the violation of a prohibited thing which is not desired, such as (eating) the flesh of a dead animal, calls for *ta`zir*. Now *hashish* is something which is desired, and it is hard for the addict to renounce it. Accordingly, the application of the texts of the Qur'an and *Sunnah* to *hashish* is similar to that of wine."<sup>(1)</sup>

### **The Consumption of Harmful Things Is *Haram***

A general rule of the Islamic *Shari`ah* is that it is *haram* for the Muslim to eat or drink anything which may cause his death, either quickly or gradually, such as poisons, or substances which are injurious to health or harmful to his body. It is also *haram* to eat or drink large quantities of a substance if large quantities of it cause illness. For the Muslim is not entirely his own master; he is also an asset to his religion and his *Ummah*, and his life, health, wealth, and all that Allah has bestowed upon him are a trust with him which he is not permitted to diminish. Says Allah (Glory be to Him),

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1. *Fatawa ibn Taymiyah*, vol. 4, p. 262 f. See also his book *As-Siyasah ash-Shari`iyah*.

﴿And do not kill yourselves; indeed, Allah is Ever-Merciful to you.﴾

(An-Nisa': 29)

He also says,

﴿And do not be cast into ruin by your own hands...﴾

(Al-Baqarah: 195)

And His Messenger (pbuh) said,

"Do not harm yourself or others."<sup>(1)</sup>

As an application of this principle, we may say that if it is proven that the use of tobacco is injurious to health, it is *haram*, especially for a person whose physician has advised him to stop smoking. Even if it is not injurious to health, it is still a waste of money, spent neither for religious nor for secular benefit, and the Prophet (pbuh) forbade wasting of property.<sup>(2)</sup> This becomes the more serious when the money is otherwise needed for the sustenance of oneself or one's family.

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1. Narrated by Ahmad and Ibn Majah.

2. Narrated by Al-Bukhari.

## 2. Clothing and Adornment

Islam permits, and in fact requires, that the Muslim be careful about his appearance, dress decently, maintain his dignity, and enjoy what Allah has created for the purpose of clothing and adornment.

From the Islamic point of view, clothing has two purposes: to cover the body and to beautify the appearance. Allah (Glory be to Him) counts His bestowal of clothing and adornment upon human beings as one of His favors to mankind:

*﴿O Children of Adam! Verily, We have bestowed upon you clothing to cover your shame as well as to be an adornment to you...﴾*

(Al-A`raf: 26)

Whoever neglects either of these two aspects, covering and adornment, has deviated from the way of Islam toward the path of Satan. Accordingly, Allah warns people concerning both nakedness and neglect of good appearance, as these are snares of Satan, in the following verses:

*﴿O Children of Adam! Do not let Satan seduce you in the same manner as he expelled your parents (Adam and Eve) from the Garden, stripping them of their raiment in order to expose their shame...﴾*

(Al-A`raf: 27)

*﴿O Children of Adam! Wear your beautiful apparel at every place of worship, and eat and drink, but do not be wasteful...﴾*

(Al-A`raf: 31)

Islam has made it obligatory on Muslims to cover their private parts, which everyone naturally feels a sense of shame at exposing, in order that they may be distinguished from the naked animals; in fact, it instructs them to avoid uncovering these parts of their bodies even when they are alone so that they may attain perfection in morals and religion.

Bahaz ibn Hakim reported from his father that his grandfather said,

"I asked, 'O Messenger of Allah! What should we conceal and what can we show of our private parts?' He replied, *'Let no one see them except your wife or your bondswoman.'* I then asked, 'What if some people live together (e.g., during travel, or camping)?' He replied, *'If you can manage it, try not to let anyone see them.'* I then said, 'And what if no one is present (meaning if one is alone)?' He said, *'Allah (Glorified be He) is most deserving of your modesty.'*"<sup>(1)</sup>

## **Cleanliness and Beautification Are Characteristics of Islam**

Before directing its attention to the question of adornment and good appearance, Islam addressed itself in considerable depth to the question of cleanliness, for cleanliness is the essence of good appearance and the beauty of every adornment.

It is reported that the Prophet (pbuh) said,

*"Cleanse yourself, for Islam is cleanliness."*<sup>(2)</sup>

*"Cleanliness invites toward faith, and faith leads one who has it to Paradise."*<sup>(3)</sup>

The Prophet (pbuh) placed a great emphasis on keeping the body, clothing, houses, and streets clean, and he laid special stress on cleaning the teeth, hands, and hair. This emphasis on cleanliness is not to be wondered at in a religion which makes cleanliness the key to its principal form of worship, Prayer, for the Muslim's Prayer, is not acceptable unless his body, clothing, and the place where he performs his Prayer, are all clean. In addition to this requirement, there are the obligatory types of cleansing, either of the entire body in the form of *ghusl* (washing the whole body), or of those parts of the body which are exposed to dirt, in the form of *wudu'* (ablution for Prayer).

The desert environment of Arabia and the nomadic life of its people were not very conducive to cleanliness and refinement, and most of them

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1. Narrated by Ahmad, Abu Dawud, At-Tirmidhi, Ibn Majah, Al-Hakim, and Al-Bayhaqi.

2. Narrated by Ibn Hibban.

3. Narrated by At-Tabarani.

neglected these aspects. The Prophet (pbuh), with his lively instruction and to-the-point admonition, gradually led them out of their uncouth habits and taught them refinement and civil manners. Once a man approached the Prophet (pbuh) with his hair and beard disheveled. The Prophet (pbuh) made some gestures as if asking the man to comb his hair. He did so, and when he returned the Prophet (pbuh) said to him,

*"Is this not better than that one should come with disheveled hair, looking like a devil?"<sup>(1)</sup>*

On another occasion the Prophet (pbuh) saw a man with unkempt hair and remarked,

*"Does he have nothing with which he may comb his hair?"*

Upon seeing another man with dirty clothes he remarked,

*"Can he not find anything with which he may wash his clothes?"<sup>(2)</sup>*

A man came to the Prophet (pbuh) wearing cheap-looking garments. *"Do you have property?"* the Prophet (pbuh) asked him. "Yes," the man replied. *"What kind of property?"* asked the Prophet (pbuh). "Allah has given me from all kinds of property," he said. The Prophet (pbuh) then said to him, *"Since Allah has given you property, let Him see the effects of His favor and bounty upon you."<sup>(3)</sup>*

The Prophet insisted that people come to general gatherings, such as the Friday and the 'Id prayers, nicely dressed and well-groomed. He said,

*"If you can afford it, it is befitting that you wear garments other than your working clothes to Friday prayer."<sup>(4)</sup>*

## **Gold and Pure Silk Are Haram for Men**

Beautification and elegance are not merely permitted but are required by Islam, and, in general, it repudiates any attempts to prohibit them.

*﴿Say: Who has forbidden the adornment of Allah which He has brought forth for His servants, and the good things of His providing?...﴾*

(Al-A`raf: 32)

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1. Narrated by Malik in *Al-Muwatta'*.

2. Narrated by Abu Dawud.

3. Narrated by An-Nasa'i.

4. Narrated by Abu Dawud.

Islam has, however, prohibited two kinds of adornment for men, while permitting them to women. These are, first, gold ornaments and, second, clothing made of pure silk. `Ali reported that the Prophet (pbuh) took some silk in his right hand and some gold in his left, declaring,

*"These two are haram for the males of my Ummah."*<sup>(1)</sup>

`Umar reported that he heard the Prophet (pbuh) say,

*"Do not wear silk, for those who wear it in this life shall not wear it in the Hereafter."*<sup>(2)</sup>

On another occasion, referring to a silken garment, the Prophet (pbuh) said,

*"This is the dress of one who has no character."*<sup>(3)</sup>

The Prophet (pbuh) once saw a gold ring on a man's hand. He immediately took it from him and threw it down saying, *"Does a person pick up a piece of burning coal and hold it in his hand?"* After the Prophet (pbuh) had left the place, someone asked the man, "Why do you not pick it up and benefit from it". He replied, "No, by Allah! I shall not pick it up after the Messenger of Allah (pbuh) has thrown it away."<sup>(4)</sup>

The same prohibition which applies to the gold ring likewise applies to what we observe among conspicuous spenders, i.e., the gold pen, gold watch, gold cigarette case and lighter, gold teeth, etc.

The Prophet (pbuh), however, permitted men to wear silver rings. On the authority of Ibn `Umar, Al-Bukhari reported the former saying, "The Messenger of Allah (pbuh) wore a silver ring. After him, Abu Bakr and then `Umar and `Uthman wore it, until it fell off his finger into the well of Arees."<sup>(5)</sup> As for other metals such as iron, there are no sound texts

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1. Narrated by Ahmad, Abu Dawud, An-Nasa'i, Ibn Hibban, and Ibn Majah, who narrated the additional phrase, *"but halal for its females"*.

2. Narrated by Al-Bukhari and Muslim. A similar *hadith* was narrated by them on the authority of Anas.

3. Narrated by Al-Bukhari and Muslim.

4. Narrated by Muslim.

5. Narrated by Al-Bukhari in the chapter on "Clothing" (*Al-Libas*).

prohibiting them. On the contrary, in the *Sahih* of Al-Bukhari we find that the Messenger of Allah (pbuh) advised a man who wanted to marry a woman to, "seek to (present her with a gift), even if it be ring made of iron".

On the basis of this *hadith* Al-Bukhari inferred the permissibility of iron rings.

The Prophet (pbuh) made concessions in the wearing of silken garments for medical reasons, as he gave `Abd ar-Rahman ibn `Awf and Az-Zubayr ibn al-`Awwam, both of whom suffered from scabies, permission to wear silk.<sup>(1)</sup>

### **The Wisdom of These Two Prohibitions Concerning Men**

By means of these two prohibitions concerning men, Islam's aim is to achieve certain noble educational and moral objectives.

Since it is the religion of *jihad* (striving), and strength, Islam must safeguard the manly qualities of men from any show of weakness, passivity, and lethargy. Allah has made the physique of the man different from that of the woman, and it does not befit a man to wear clothes made of fine material or to adorn his body with costly ornaments.

There is, however, a social aim underlying these prohibitions. The prohibition of gold and silk to males is part of a broader Islamic program of combating luxuriousness in living. From the Qur'anic point of view, luxurious living leads to weakness among nations and to their eventual downfall; the existence of luxury is also an expression of social injustice, as only a few can afford luxurious items at the expense of the deprived masses of people.

In addition to this, luxurious living is an enemy of every call towards truth, justice, and social reform. The Qur'an says,

﴿And when We intend that We should destroy a township, We permit its luxury-loving people to commit wickedness therein. Then the word is proved true against it, and We then destroy it utterly.﴾

(Al-Isra': 16)

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1. Narrated by Al-Bukhari.

And again:

*﴿And We did not send a warner to any township without its luxury-loving people saying, 'Assuredly we are disbelievers in that with which you have been sent.'﴾*

(Saba': 34)

In keeping with the spirit of the Qur'an, the Prophet (pbuh) forbade Muslims any indulgence in conspicuous consumption. He not only forbade the use of gold and silk to men but also forbade men and women alike the use of gold and silver utensils.

Finally, economic considerations also carry some weight here. Since gold is a universal medium of exchange, using it to make household utensils or ornaments for men does not make sense in economic terms.

### **Why Gold and Silk Are Permitted to Women**

Woman has been exempted from this prohibition out of consideration for her feminine nature, as the love of jewelry and ornaments is quite natural and becoming for a woman. However, she is not to use her adornments to attract men and arouse their sexual desires. According to a *hadith*,

*“When a woman puts on perfume and goes among people so that its scent reaches them, she is a zaniyah (adulteress or fornicatress), and any eye which is attracted to her is that of a zani (adulterer or fornicator).”<sup>(1)</sup>*

And Allah (Glorified be He) warns women:

*﴿... that they should not stamp their feet in order to make apparent what is hidden of their adornment...﴾*

(An-Nur: 31)

### **The Dress of the Muslim Woman**

Islam makes it *haram* for women to wear clothes which fail to cover the body and which are transparent, revealing what is underneath. It is likewise *haram* to wear tightly fitting clothes which delineate the parts of the body,

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1. Narrated by An-Nasa'i, and also by Ibn Khuzaymah and Ibn Hibban in their respective *Sahih*s.

especially those parts which are sexually attractive. Abu Hurayrah narrated that the Messenger of Allah (pbuh) said,

*"I will not be a witness for two types of people who are destined for the Fire: people with whips, like the tails of cows, who beat the people (i.e., tyrannical rulers who are the enemies of their own people), and women who although clothed, are yet naked, seducing and being seduced, their hair styled like the tilted humps of camels. These will not enter the Garden nor will its fragrance even reach them, although its fragrance reaches a very great distance."<sup>(1)</sup>*

The Prophet (pbuh) described such women as being clothed, yet naked, since their clothing, being transparent and fine, does not do the job of concealing the body but is rather intended to reveal it; such is the dress of many women of our time. The Prophet (pbuh) likened their hairstyle to the humps, special breed of camel (*bukht*) which has very large humps, because they put up their hair in a beehive shape from the middle of their heads. It is as if the Prophet (pbuh) were looking beyond the centuries to the present age, when dressing the hair of women and styling it in variety of shapes has become a profession dominated by men who charge top prices for their work. And this is not all. Many women, not satisfied with what Allah gave them in the way of natural hair, buy wigs made of artificial hair to add to their own in order to increase its body, beauty, and luster, imagining that this renders them better looking and more attractive.

The astonishing thing about this *hadith* is the connection of political oppression with moral laxity. This connection is borne out by facts, since it is the way of rulers to keep people preoccupied with their personal desires and lusts so that they have no time to think about public affairs.

### **Concerning Woman's Imitating Man and Vice Versa**

The Prophet (pbuh) declared that a woman should not wear a man's clothing nor a man a woman's.<sup>(2)</sup> He cursed men who imitate women and women who imitate men.<sup>(3)</sup> Aspects of such imitation include the manner of speaking, walking, dressing, moving, and so on.

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1. Narrated by Muslim.

2. Narrated by Ahmad, Abu Dawud, An-Nasa'i, Ibn Majah, Ibn Hibban in his *Sahih*, and Al-Hakim.

3. Narrated by Al-Bukhari and others.

The evil of such conduct, which affects both the life of the individual and of society, is that it constitutes a rebellion against the natural ordering of things. According to this natural order, there are men and there are women, and each of the two sexes has its own distinctive characteristics. However, if men become effeminate and women masculinized, this natural order will be reversed and will disintegrate.

Among those who are cursed by Allah and His angels, both in this world and in the Hereafter, the Prophet (pbuh) mentioned the man whom Allah has made a male but who becomes effeminate by imitating women, and a woman whom Allah has made a female but who becomes masculinized by imitating men.<sup>(1)</sup>

For this reason the Prophet (pbuh) forbade men to wear fabric decorated with large, loud, or bold designs. In his *Sahih*, Muslim reported `Ali as saying, "The Messenger of Allah (pbuh) forbade me the wearing of a gold ring, a silken garment, and clothing with bold designs."

It is also reported from Ibn `Umar, who said, "The Messenger of Allah (pbuh) saw me wearing two garments having bold designs, and he said,

*'These are among (things) that unbelievers wear, so do not wear such things.'*

### **Dressing for the Sake of Ostentation and Pride**

The general rule for the enjoyment of the good things of life, such as food, drink, and clothing, is that their use should be without extravagance or pride.

Extravagance consists in the exceeding of the limits of what is beneficial in the use of the *halal*, while pride is something related to the intention and the heart rather than to what is apparent. Pride is the intention to look superior and above others, and

*﴿Allah does not love any proud boaster.﴾*

(Al-Hadid: 23)

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1. Narrated by At-Tabarani.

The Prophet (pbuh) said,

*"On the Day of Resurrection, Allah will not look at the person who trails his robe behind him out of pride."<sup>(1)</sup>*

In order to avoid even the suspicion of pride, the Prophet (pbuh) forbade Muslims to wear garments of "fame" that is, clothes which are worn in order to impress others and which generate competition in vain and idle pursuits. According to a *hadith*,

*"On the Day of Resurrection, Allah will clothe the one who wears garments of fame with the garments of humiliation."<sup>(2)</sup>*

A man asked Ibn `Umar, "What kind of clothes should I wear?" Ibn `Umar replied, "Such as would invite neither the scorn of the weak-minded (because of their cheap and ugly) nor the blame of the wise (because of their being immoderately expensive)."<sup>(3)</sup>

### **Going to Extremes in Beautification by Changing What Allah Created**

Islam denounces such excesses in beautifying oneself as require altering one's physical features as Allah created them. The Qur'an considers such alterations to be inspired by Satan, who

( ... will command them (his devotees) to change what Allah has created... )

(An-Nisa': 119)

### **The Prohibition of Tattooing, Cutting the Teeth, and Undergoing Surgery for Beautification**

Among such excesses are tattooing and shortening the teeth.

The Messenger of Allah (pbuh) cursed the woman who tattoos and the woman who is tattooed, the woman who shortens teeth and the woman whose teeth are shortened.<sup>(4)</sup>

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Ahmad, Abu Dawud, An-Nasa'i, and Ibn Majah.

3. Narrated by At-Tabarani.

4. Narrated by Muslim.

As far as tattooing is concerned, it permanently distfigures the face and other parts of the body with blue pigment and repulsive designs. Some Arabs, especially women, were in the habit of tattooing large portions of their bodies, while people of certain religious sects tattooed pictures of their deities or religious rituals on their hands and chests. To all these abominations is added the pain and agony which the person being tattooed must undergo from the pricking of the needles. Because all of this, both the woman who tattoos and the woman who is tattooed are cursed.

As for cutting or shortening the teeth, the Prophet (pbuh) cursed the women who do it and the women to whom it is done. If a man does it, he merits an even greater curse. Similarly, the Prophet (pbuh) prohibited widening the spaces between the teeth, and he cursed

*"... women who widen the gaps between their own or others' teeth for the sake of beauty, changing what Allah has created."<sup>(1)</sup>*

Allah obviously created some women with gaps between their teeth and others without. Some women who have no such gaps desire to create them artificially, either by filing or by cutting away parts of the adjoining teeth. Islam considers this a form of deception and excessive involvement with personal beauty, both of which it discourages.

From these sound *hadiths* of the Prophet (pbuh), we also know the ruling of the Islamic *Shari`ah* concerning plastic surgery. Surgeries for beautification are in vogue today as the result of the materialistic outlook of Western civilization, a civilization stressing the body and its desires. Men and women spend hundreds and thousands of dollars to reshape their noses or breasts, or whatever they consider misshapen. This behavior most certainly belongs in the category of excessive beautification, unnecessarily changing what Allah has created, and it merits the curse of Allah and His Prophet (pbuh). It likewise involves torture, pain, and moreover, an expression of an individual's preoccupation with form rather than substance, with body rather than with spirit.

"It may happen that a person has an unusual physical defect which attracts the attention of others to the point of inflicting physical and psychological pain every time he meets people. In this case, he may treat the

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1. Narrated by Al-Bukhari and Muslim on the authority of Ibn Mas`ud.

defect and thus alleviate the embarrassment which made his life miserable. Allah the Most Merciful has imposed no hardship on us in religion..."<sup>(1)</sup>

This statement is perhaps supported by the *hadith* concerning widening the gap between the teeth for the sake of beautification, for what is disapproved here is doing this merely for the sake of achieving good looks and artificial beauty. However, if it is needed to eliminate pain or distress, there is nothing wrong with it; but Allah knows best.

### **Plucking the Eyebrows**

Among the extremes of beautification prohibited by Islam is *an-nams*, which denotes removing the hair of the eyebrows by plucking in order to thin or shape them. The Prophet (pbuh) cursed both the women who do the plucking and those who seek to have it done.<sup>(2)</sup> This practice is particularly frowned upon because it is customarily done by indecent and non-Muslim women.

According to some Hanbali scholars, if the husband approves it, the removal of facial hair (other than that of the eyebrows) and the use of powder, creams, and other beauty aids are permitted to women, as this is part of feminine adornment. An-Nawawi however considered the removal of facial hair to be included in *an-nams* and hence forbidden. In contrast to his opinion, we may however, mention Abu Dawud's statement in his *Sunan* that "*an-nams* is plucking the eyebrows in order to thin them," from which we may conclude that *an-nams* does not include the removal of facial hair.

At-Tabari reports a narrative concerning the wife of Abu Ishaq, who loved to beautify herself. Once she visited `A'ishah and asked, "What if a woman removes the hair from her forehead to please her husband?" `A'ishah replied, "Remove what is harmful from yourself whenever possible."<sup>(3)</sup>

### **Wigs and Hairpieces**

In the category of female adornments, the addition of any other hair, real or artificial, to one's own hair - that is, the wearing of wigs and hairpieces - is also prohibited.

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1. Al-Bahiyy al-Khuli, *Al-Mar'ah bayn al-Bayt wal-Mujtama`* (Woman between Home and Society), 2nd edition, p. 105.

2. Narrated by Abu Dawud on good authority.

3. *Fath al-Bari*, the chapter dealing with "those who pluck the eyebrows," in the book of "Closing".

It is reported by al-Bukhari on the authority of 'A'ishah, her sister Asma', Ibn Mas'ud, Ibn 'Umar, and Abu Hurayrah that "The Messenger of Allah (pbuh) cursed the *wasilah* and the *mustawsilah*." "*Wasilah*" refers to the woman whose profession is making wigs and hairpieces, and "*mustawsilah*" to the woman who uses them.

Men are forbidden such things to an even greater degree, whether they are a *wasil* (coiffeur or hairdresser) or a *mustawsil*, like today's effeminate, long-haired young men of the "hippie" mold.

The Prophet (pbuh) was very strict in combating such deceptions, so much so that if a woman lost her hair due to some illness, he did not permit her to add other hair to that on her head, even if she were soon to be married. Al-Bukhari reports 'A'ishah's narrative concerning a girl of the *Ansar* who was married and subsequently fell ill, losing her hair. Some people wanted to add other hair to her own, but when they asked the Prophet (pbuh) about this he replied,

*"Allah has cursed the wasilah and the mustawsilah."*<sup>(1)</sup>

Al-Bukhari also reported Asma's narrative concerning a woman who said to the Prophet (pbuh), "O Messenger of Allah, since my daughter has had measles, her hair has fallen out, and I am about to give her in marriage. Shall I add some strands of hair to her hair?" and the Prophet (pbuh) replied,

*"Allah has cursed the wasilah and the mustawsilah."*<sup>(2)</sup>

Sa'id ibn al-Musayyab narrated that Mu'awiyah delivered a public address during his last visit to Madinah. In the course of it he took out a strand of hair, saying, "I have not seen anyone using this besides the Jews. Indeed, the Prophet (pbuh), referring to the adding of hair to one's own hair, called it forgery". According to another report, he said to the people of Madinah, "Where are your scholars? I heard the Prophet (pbuh) prohibiting the use of this and saying,

*'The Children of Israel were destroyed when their women started using this.'*

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1. Narrated by Al-Bukhari in his *Sahih*, the book of "Closing", the chapter entitled "Adding to the Hair".

2. Narrated by Al-Bukhari.

The Prophet's terming the use of false hair "forgery" indicates the reason for its prohibition. It is, in fact, fraud, falsification, and deception, and Islam condemns deception and dissociates itself from those who practice it either by material or psychological means, for

*"Whoever deceives us is not of us."*<sup>(1)</sup>

Al-Khattabi said,

"Harsh punishments are promised (in the Hereafter) for such practices because they involve deception and fraud. If any of these was allowed, gates would be open for other types of forgery. Moreover, this involves the alteration of God-given features, as mentioned in the *hadith* of Ibn Mas`ud concerning 'The alterers of Allah's creation'."<sup>(2)</sup>

What is prohibited in these *hadiths* is the addition of other hair, whether natural or artificial, to one's own, as this is a form of deceit and fraud. What is not included in this prohibition is the use of material other than hair, such as thread or cloth, which can be interwoven with natural hair. On the authority of Sa`id ibn Jubayr, we have the saying of the Prophet (pbuh),

*"There is nothing wrong with tawamil,"*<sup>(3)</sup>

meaning braids made of wool or silk. Imam Ahmad ibn Hanbal also commented on its permissibility.<sup>(4)</sup>

## **Dyeing the Hair**

Another aspect of beautification relates to dyeing the gray hair of the head or the beard. It was reported that the Jews and Christians refrained from dyeing the hair, regarding such beautification and adornment as contrary to piety and devotion, and not befitting rabbis, priests, and ascetics. The Prophet (pbuh) forbade Muslims to imitate these people or follow their ways, in order that Muslims might develop their own distinctive and independent characteristics in appearance and behavior.

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1. Narrated by a number of the Prophet's Companions.

2. *Fath al-Bari*, in the chapter entitled "Adding to the Hair".

3. Mentioned in *Fath al-Bari* on the authority of Abu Dawud with a sound chain of transmitters.

4. *Fath al-Bari*.

Al-Bukhari, on the authority of Abu Hurayrah, reported the Messenger of Allah (pbuh) as saying,

*"The Jews and Christians do not dye (their hair), so be different from them."*<sup>(1)</sup>

This is, however, not a command but only a recommendation, as is evident from the actions of the Prophet's Companions, such as Abu Bakr and `Umar, who used to dye their hair, while others, such as `Ali, Ubayy ibn Ka`b, and Anas did not.<sup>(2)</sup>

The question now remains as to what type of dye is to be used. Should its color be black or can there be other colors? Or should black be avoided? If a man is of a very advanced age, with white hair and beard, it would hardly be appropriate for him to use black dye. On the day of the conquest of Makkah, Abu Bakr brought his aged father, Abu Quhafah, carrying him until he had seated him in front of the Prophet (pbuh). On seeing Abu Quhafa's snow-white hair, the Prophet (pbuh) said,

*"Change this, but avoid black."*<sup>(3)</sup>

However, if a man is not of such advanced age or feebleness as Abu Quhafah then was, there is no harm in his using black dye. In this regard Az-Zuhri said, "We dyed our hair black when the face looked young, but discarded it when the face became wrinkled and the teeth decayed."<sup>(4)</sup>

Some of the early Muslims, including some Companions such as Sa`d ibn Abi Waqqas, `Uqbah ibn `Amr, Al-Hasan, Jarir, and others permitted the use of black dye. Some scholars, on the other hand, do not consider the use of black dye as permissible except during time of war, when the enemy might be impressed by the fact that all the soldiers of the Muslim army look young.

Abu Dharr narrated the *hadith*:

*"The best thing with which you may dye gray hair is henna and katm."*<sup>(5)</sup>

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1. Mentioned in *Sahih al-Bukhari*, in the chapter on "Dyeing the Hair" in the book of "Clothing".

2. *Fath al-Bari*, in the chapter on "Dyeing the Hair".

3. Narrated by Muslim.

4. Narrated by Ibn Abi `Asim in the book on "Dyeing the Hair".

5. Mentioned in *Fath al-Bari*. *Henna* makes the hair red, while *katm*, a Yemeni plant, colors it black tinged with red.

Anas said, "Abu Bakr dyed his hair with henna and katm, and `Umar dyed it with henna only."

## Letting the Beard Grow

The growing of beards is also related to our topic. Al-Bukhari, on the authority of Ibn `Umar, reported the Prophet (pbuh) as saying,

*"Be different from the polytheists; let the beard grow and trim the moustache."*

The purpose here, as the *hadith* states, is to be different from the polytheists, who, in the particular instance cited, were Zoroastrians, the worshipers of fire, whose practice was either to clip or shave their beards. The Prophet's command to be different from them was intended to train Muslims in developing an independent personality, distinct in its inner reality as well as in outward appearance, in substance as well as in form. At the same time, shaving the beard is an affront to the masculine nature, as it is an attempt to resemble women, while the beard is an integral part of masculinity and a distinctive feature of the male sex.

However, letting the beard grow does not mean letting it grow wild or so long that it becomes a nuisance. One should certainly trim it in both length and breadth. This was recommended in a *hadith* reported by At-Tirmidhi; moreover, the Muslims of the first generations did so. `Ayyad<sup>(1)</sup> said, "It is *makruh* to shave the beard or to drastically cut or shorten it, but it is *mustahabb* (commendable) to remove something from its length and breadth if it grows big."

Abu Shamah voiced the complaint that "Some people have started shaving their beards, and that is a step further than the Zoroastrians, who used only to trim them."<sup>(2)</sup> In my view it is regrettable that at the present time the majority of Muslims shave their beards in imitation of the foreign elements who have occupied their lands. It is an unfortunate fact that the conquered always imitate their conquerors. Present-day Muslims have ignored the

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1. A twelfth century author of a well known book about the characteristics of the Prophet (pbuh). (Translator)

2. *Fath al-Bari*, in the chapter entitled "Letting Beards Grow".

Prophet's command that they be different from non-believers and avoid imitating them. Indeed, anyone who "imitates a people is one of them."<sup>(1)</sup>

A large number of jurists consider shaving the beard to be *haram* on the basis of the Prophet's command. This command to let the beard grow renders it an obligation, especially because it is for the purpose of being different from non-Muslims, since maintenance of this distinction from those who do not believe is obligatory for Muslims.

It has never been reported that any of the Muslims of the earliest generations neglected this obligation. However, some modern scholars permit the shaving of the beard under the impact of events in response to public opinion, arguing that letting the beard grow was a personal preference of the Prophet (pbuh) which was not related to religious practice, and hence it does not need to be followed. But the truth of this matter is that letting the beard grow is required not merely because the Prophet (pbuh) did so but because he explicitly commanded it in order to maintain the distinction from non-believers. Ibn Taymiyah has convincingly argued that to make Muslims different from non-believers was the aim of the Law-Giver, for resemblance in appearance produces love, friendship, and affinity in feeling, just as love in the heart produces resemblance in outward appearance. This psychological fact is borne out by experience and observation. Ibn Taymiyah said,

"The Qur'an, the *Sunnah*, and the consensus of Muslim scholars all teach Muslims to be distinct from non-believers and in general to avoid resembling them. Anything which is likely to cause corruption in a hidden and diffuse manner is related to this matter and is likewise prohibited. The imitation of the appearance of the non-believers will lead to imitation of their immoral behavior and evil qualities - indeed, even of their beliefs. Such influences can neither be brought under control nor easily detected, and consequently it becomes difficult or even impossible to eradicate them. Accordingly, whatever is a cause of corruption has been prohibited by the Law-Giver."<sup>(2)</sup>

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1. A *hadith* narrated by Abu Dawud on the authority of Ibn 'Umar.

2. See *Iqtida' as-Sirat al-Mustaqim* (In Pursuit of the Straight Path).

Thus, we note that there are three opinions with regard to the shaving of the beard: one, that it is *haram*, which is the opinion of Ibn Taymiyah and others; two, that it is *makruh*, the opinion of `Ayyad as mentioned in *Fath al-Bari* but of no one else; and three, that it is permitted, which is the opinion of some modern scholars. Perhaps the second opinion, that it is *makruh*, is nearer to the truth and more moderate. As the stated reason for letting the beard grow is to be different from the non-believers, it is similar to the matter of dyeing gray hair in order to be distinct from the Jews and Christians; it is known that some of the Companions did not dye their gray hair, signifying that it was commendable rather than obligatory. Similarly, growing the beard may be regarded as commendable but not obligatory, and, accordingly, shaving it would be classified as *makruh* rather than *haram*. It is true that none of the Companions was known to have shaved his beard. Perhaps there was no need to shave, and perhaps letting the beard grow was a custom among them.



### 3. In the Home

The home is the place in which an individual protects himself from the elements and in which he finds freedom from the restrictions and pressures of society. It is a place of rest for the body and relaxation for the mind. That is why Allah (Glorified be He), in mentioning His favors to His servants, says,

*﴿And Allah has made for you in your houses, places of rest...﴾*

(An-Nahl: 80)

The Prophet (pbuh) loved spaciousness in the home and considered it an element conducive to happiness in this life, saying,

*"Among the elements of happiness are these four: a good wife, a spacious house, a good neighbor, and a comfortable means of riding."<sup>(1)</sup>*

He often used to pray fervently, *"O Allah, forgive my sin, make my house spacious, and bless my sustenance!"* He was asked, "O Messenger of Allah, why do you supplicate so often in these words?" He replied, *"Is anything left out in them?"<sup>(2)</sup>*

The Prophet (pbuh) urged people to keep their houses clean as a vital expression of Islam, which is a religion of cleanliness. Cleanliness is a distinctive characteristic of a Muslim. The Messenger of Allah (pbuh) said,

*"Assuredly, Allah (Glorified be He) is good and loves goodness, is clean and loves cleanliness, is generous and loves generosity, is hospitable and loves hospitality. So keep your rooms and courtyards clean, and do not be like the Jews."<sup>(3)</sup>*

#### **Items Related to Luxurious Living and Paganism**

The Muslim may adorn his house with various kinds of flowers, decorated fabrics, and other permitted ornamental objects:

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1. Narrated by Ibn Hibban in his *Sahih*.

2. Narrated by An-Nasa'i and Ibn as-Sunni with a sound chain of transmitters.

3. Narrated by At-Tirmidhi.

*﴿ Say: Who has forbidden the adornment of Allah which He has brought forth for His servants? ﴾*

(Al-A`raf: 32)

The Muslim is certainly free to desire beauty in his home and elegance in his clothing, shoes, and other items related to personal appearance. Once the Prophet (pbuh) said, *"Anyone who has an atom of pride in his heart will not enter the Garden."* A man then asked, "What about the one who likes to wear a handsome robe and good shoes?" The Prophet (pbuh) replied, *"Surely Allah is beautiful and loves beauty."*<sup>(1)</sup>

In another version of this *hadith*, a handsome man came to the Prophet (pbuh), saying, "I love beauty and have been given some of it, as you see, to the extent that I dislike anyone's having a better pair of sandals than me. Is this pride, O Messenger of Allah?" The Prophet (pbuh) replied,

*"No. Pride is to reject the truth and to view other people with contempt."*<sup>(2)</sup>

However, Islam disapproves of excess, and the Prophet (pbuh) disliked the Muslim's filling his house with items of luxury and extravagance, traits condemned by the Qur'an, or with items related to paganism, the very thing against which the religion of the Oneness of Allah has fought with every weapon.

## **Gold and Silver Utensils**

In accordance with what has been stated above, Islam has prohibited the use of gold and silver utensils, and of pure silk spreads in the Muslim house. The Prophet (pbuh) warned that anyone who deviates from this path may incur severe punishment in the Hereafter. On the authority of Umm Salamah, Muslim reported in his *Sahih* the Prophet's saying,

*"Whoever eats or drinks from gold or silver utensils is indeed filling his stomach with the fire of hell."*<sup>(3)</sup>

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1. Narrated by Muslim.

2. Narrated by Abu Dawud.

3. Narrated by Muslim.

Al-Bukhari reported on the authority of Hudhayfah, who said, "The Messenger of Allah (pbuh) forbade us to drink or eat from gold or silver dishes or to wear silken garments or to sit on silken cloth. He said,

*"They are for them (the unbelievers) in this world and for us in the Hereafter."<sup>(1)</sup>*

Moreover, what is prohibited for practical use is also forbidden to be given as a gift or used as an ornament.

These prohibitions concerning utensils, spreads, and similar articles apply to men and women alike, for the purpose of this legislation is to rid the Muslim house of excessively luxurious items. Ibn Qudamah expresses this idea in clear terms as follows:

"Men and women are equal in this regard because of the generality of the *hadith*, and because the reason for this prohibition is the show of extravagance and pride on the one hand and the injury to the feelings of the poor on the other. The wearing of gold and silk has been permitted to women so that they may beautify themselves for their husbands; this is an exemption which does not extend to other uses. If it is said, 'If the reason you have stated is correct, then utensils made of ruby and other precious materials would also have been prohibited because they are more expensive (than gold and silver)' to this we reply, saying that the poor are not familiar with such things, and their feelings will not be injured even if they see the rich using them. Moreover, the rarity of such things in itself makes their use permissible, and hence the need for prohibiting them on the basis of extravagance becomes superfluous."<sup>(2)</sup>

Earlier we mentioned the economic reasons for prohibiting the use of gold ornaments for men. In the present it is even weightier and more obvious. Gold and silver are universal monetary standards which facilitate the establishing of prices and the carrying out of transactions between nations, thus promoting trade and commerce. It is Allah's favor that He guided people to use them as a means of exchange. The proper economic usage of gold and silver, then, is their free circulation; they are not to be hoarded in houses as coins or, worse yet, to be tied up in household articles and ornamental objects.

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1. Narrated by Al-Bukhari.

2. *Al-Mughni*, vol. 8, p. 323.

Imam al-Ghazali beautifully enunciated this point in the chapter entitled "Ash-Shukr" (gratitude) in his book, *Ihya' `Ulum ad-Din*, in the following manner:

"Anyone who melts down gold and silver coins to make vases and containers is ungrateful for Allah's bounty and is worse than the one who hoards them. It is like using the mayor of a city for sweeping its streets or for sewing garments, or to do jobs which are normally carried out by the lowliest of people. To imprison him would be less insulting. Now, materials such as porcelain, iron, lead, and copper can replace gold and silver for making vases and containers, but they cannot replace them as money or as standards of exchange. If a person cannot grasp this point (through his own reasoning and knowledge), we would tell him that the spokesman of Allah - Prophet Muhammad - explained it:

*'Whoever eats or drinks from gold or silver utensils is indeed filling his stomach with the fire of hell.'*"<sup>(1)</sup>

Let no one suppose that this prohibition constitutes a severe restriction on the Muslim in his own home, for among wholesome and permissible things there is a great variety from which to choose. What beautiful vases, containers, and pots have been made of glass, porcelain, copper, and many other materials! Likewise, bedspreads, cushions, and tablecloths of great beauty are fabricated from cotton, linen, and various other materials.

### **Islam Prohibits Statues**

Islam has prohibited the keeping of statues in the Muslim home. By statues is meant complete, solid figures which have not been disfigured or defaced. Their presence in a house is considered sufficient to drive away the angels, who represent Allah's mercy and His pleasure. The Messenger of Allah (pbuh) said,

*"Assuredly the angels do not enter a house in which there are statues or figures."*<sup>(2)</sup>

According to the commentary of scholars, a person who keeps statues in his house is similar to unbelievers, whose practice is to keep and venerate idols

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1. *Ihya' `Ulum ad-Din*. See vol. 4, Thanksgiving and Praise.

2. Narrated by Al-Bukhari and Muslim; the wording is from Muslim.

in their homes. The angels are repelled by this; they do not enter such a house and abandon it.

It is also forbidden to the Muslim to engage in manufacturing statues, even if he makes them for non-Muslims. The Prophet (pbuh) said,

*"Among the people receiving the harshest punishment on the Day of Resurrection will be makers of figures,"*

and, in another version,

*"the imitators of Allah's creation."<sup>(1)</sup>*

He (pbuh) also said,

*"On the Day of Resurrection, the maker of a figure will be asked to breathe a spirit into it, and he will never be able to do so."<sup>(2)</sup>*

## **The Wisdom of Prohibiting Statues**

a. One of the reasons for this prohibition, although not the only one, as some people may suppose, is to safeguard the belief in the Oneness of Allah and to be far-removed from the practices of idolaters, who fashion statues and idols with their own hands and then sanctify them, standing before them in adoration.

Islam's sensitivity in safeguarding the belief in the Oneness of Allah is very acute, and assuredly this caution and concern is quite justified. In the final analysis, the worship of idols originated when people began making statues of their dead or pious ancestors in order to remember them. Gradually they began to venerate them, adding to this veneration little by little until they had made the statues into gods, worshiping them besides Allah, asking them for help, fearing their anger, and imploring them for blessings. This is what happened, among earlier communities such as the people of Wadd, Suwa` , Yaghuth, Ya`uq, and Nasra.<sup>(3)</sup>

It is not surprising that a religion which seeks to halt all corruption should block every passage through which *shirk* (polytheism), either

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and others.

3. Names of pagan deities of antiquity that are mentioned in the Qur'an (71: 23). For an explanation, see for example, the commentary in Yusuf `Ali's translation of the meaning of The Holy Qur'an, Appendix xiii, following *surat Nuh* (71). (Translator)

open or hidden, may slip into the minds and hearts of people. Among such passageways is the imitation of idolaters or of the followers of other religions who have exaggerated respect for their saints. Moreover, Islam's legislation is not merely intended for one or two generations but is for all mankind as long as it shall exist on this planet. What may seem unlikely in one environment may become acceptable in another, and what appears impossible at one time may materialize into reality at another.

b. Another reason for this prohibition concerns the maker of statues, the sculptor, himself. Sculptors tend to feel pride in their work, as if they had created something out of nothing or had given life to clay or stone. A sculptor once completed a figure after a great deal of labor; it was so perfect and so beautiful that he stood before it, lost in admiration of its fine lines and features until, overwhelmed with pride and exhilaration, he said to it, "Speak!" This is why the Noble Messenger (pbuh) said,

*"Those who make figures will be chastised on the Day of Resurrection. It will be said to them, 'Put life into what you have created!'"<sup>(1)</sup>*

And in a *Hadith Qudsi*, Allah (Glorified be He) says,

*"Who does greater wrong than he who desires to create the like of what I create? Let them create an atom! Let them create a grain of barley!"<sup>(2)</sup>*

c. Those who engage in this art stop at nothing, producing statues of nude or erotic figures and the deities and saints of other religions. A Muslim is not permitted to acquiesce in regards to such practices.

d. Finally, statues have been, and still are, symbols of aristocratic and luxurious living. People in high places fill their palaces, halls, and chambers with statues fabricated of many materials. It is not surprising that a religion which declares war on luxury in all its manifestations should prohibit the Muslim from having statues in his home.

## **The Islamic Manner of Commemorating the Great Persons**

Someone may say, "Is it not an expression of a people's loyalty to the memory of its heroes, whose great deeds are recorded in the annals of

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and Muslim.

history, to erect statues in their honor as a reminder to future generations of their achievements and greatness? People have short memories, and the passage of time will make them forget the past."

The answer is that Islam abhors excessive glorification of people, no matter how "great" they may be, whether they are living or dead. The Prophet (pbuh) said,

*"Do not glorify me in the same manner as the Christians glorify `Isa, son of Maryam, but say, 'He is Allah's servant and Messenger.'"<sup>(1)</sup>*

When his Companions wanted to stand up to greet him out of respect, he forbade them, saying,

*"Do not stand up as the Persians do, some people honoring the others."<sup>(2)</sup>*

And he (pbuh) warned his followers against praising him excessively after his death, saying,

*"Do not make of my grave a site for festivals,"<sup>(3)</sup>*

and he prayed to his Lord,

*"O my Lord, do not let my grave be made into an idol to be worshiped."<sup>(4)</sup>*

Once some people came to the Prophet (pbuh) and addressed him in the following words: "O Messenger of Allah, the best of us and the son of the best of us, our leader and the son of our leader." He said,

*"O people, say what you said previously or a part of it, and do not let Satan mislead you. I am Muhammad, a servant of Allah and His Messenger. I do not like your raising my status above the status which Allah, the Mighty and Glorious, has given me."<sup>(5)</sup>*

A religion whose teachings concerning even the Messenger of Allah (pbuh) is one of such moderation can never tolerate the erecting of idol-like statues for some individuals, involving expenditures running into thousands

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1. Narrated by Al-Bukhari and others.

2. Narrated by Abu Dawud and Ibn Majah.

3. Narrated by Abu Dawud.

4. Narrated by Malik in *Al-Muwatta*'.

5. Narrated by An-Nasa'i on good authority.

of dollars so that people may point to them with admiration and esteem. Many pretenders to greatness and self-proclaimed makers of history have slipped into the hall of fame through this open door, since anyone who is able to do so erects statues or monuments to himself, or lets his admirers do it for him, so that people are misled from appreciating those who are truly great.

The believers aspire only to that true immortality which can be bestowed by Allah alone, Who knows the secret and the hidden, Who neither errs nor forgets. In His register of immortality there are the names of many persons whose greatness remained unrecognized by the people. Indeed, the Most High loves those God-fearing and religious souls who remember Him in the secrecy of their hearts, who do great service without fanfare, whose presence is not felt in a gathering of people and whose absence is not missed.

When the greatness of some of these noble souls is recognized by the people, its perpetuation for coming generations is not to be achieved by erecting statues of them. The correct Islamic method of commemoration is to keep their memory alive in the hearts and minds by speaking about their good deeds, ideas, and achievements.

The Messenger of Allah (pbuh), the caliphs, the leaders, and the Imams of Islam were never immortalized in figures or statues. In this faith the fathers tell their children, and they in turn pass on to their own children, the stories of such people's achievements and ideas. At meetings and gatherings these stories are like breaths of fresh air, filling the hearts and minds of Muslims without any need for pictures or statues.<sup>(1)</sup>

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1. I quote here part of a lecture entitled "Toward a New Understanding of Islam," by Professor Muhammad al-Mubarak, Dean of the College of the *Shari'ah*, University of Damascus, delivered at Al-Azhar University. The section quoted here contains an incisive analysis of the whole question of how to perpetuate the memory of the great:

"We are faced with the situation that many new modes, systems, and habits which are inconsistent with our correct beliefs and established moral principles have found their way into our social life. Among these is the manner in which Europeans and Americans commemorate their heroes by erecting statues of them. If we examine this matter with an open mind, free subservience to whatever comes from the West, and reflect on ways of commemorating the lofty achievements of the great, we find the Arabs, in particular, memorialized nothing = of their great personages except their noble deeds and good qualities such as fidelity, generosity, and courage. Their manner of perpetuating their memories was to recount tales of their heroes, passing them down from one generation to another, and to compose and recite eulogies in the form of poetry. In this manner the generosity of Hatim and the bravery of 'Antarah became proverbial in the days before Islam.

## The Exemption of Children's Toys

If there are some kinds of three-dimension figures which are not intended to be accorded respect or to be displayed as an expression of high living, then the above cautionary statements do not apply. Islam does not close its mind to them, nor does it see any harm in their use.

Children's playthings such as dolls, in the form of humans, animals, and the like fall under this category. The Prophet's wife 'A'ishah (may Allah be pleased with her) said,

"I used to play with dolls in the house of the Messenger of Allah (pbuh) and my (female) friends would come over to play with me. They would hide when they saw the Messenger of Allah (pbuh) approaching, but he was in fact happy because they came and played with me."<sup>(1)</sup>

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= When Islam came, it emphasized the meaning underlying this method. It declared that the best of Allah's creation and the last of His messengers (pbuh) was but a mortal man: ﴿Say: 'I am but a man like yourselves, (but) the inspiration has come to me'...﴾ (Al-Kahf: 110) It emphasized that the worth of human beings lies in their deeds and not in their physical form; it made the Messenger (pbuh) an example for all mankind to follow; and it forbade such sanctification and exaggerated respect for men which resembles adoration and which, by implication, signifies the denigration of the rest of mankind.

When the Messenger of Allah (pbuh) passed away to meet his Lord, the first Caliph drew peoples' attention to this fact, saying, 'Whoever worshiped Muhammad, should now know that Muhammad is dead, and if he worshiped Allah, then Allah is ever living and never dies.' He then recited the words of Allah (Glorified be He): ﴿Muhammad is but a messenger, messengers (the like of whom) have passed away before him. If, then, he dies or is killed, will you turn back on your heels?...﴾ (Al 'Imran: 144)

Islam immortalizes the memories of people because of their good and beneficent deeds; the remembrance of them remains in the hearts of Muslims. Thus, the literate and illiterate, the young and the old, know about the justice of 'Umar, the firmness and wisdom of Abu Bakr, and the piety and courage of 'Ali. No statue made of stone was needed to commemorate any of them because their deeds and qualities are inscribed in people's hearts.

Commemoration by means of erecting statues is in reality a nostalgia to the remote past, a descent from a higher plane; it was the method of the Greeks and Romans which was adopted by Europeans... In respect to the concept of the nature of man and his true worth, they are far inferior to the Muslims, even to the pre-Islamic Arabs, since because of their inability to grasp the true stature of man and his potentialities, they are able only to conceive of great men as gods, and of their gods as men incarnate.

What we are pointing out is that it does not befit us to imitate this alien practice which is inferior to our own, and we must not deviate from the ruling of the *Shari'ah* that making statues is *haram* and is harmful to human psychology and morals."

1. Narrated by Al-Bukhari and Muslim.

‘A’ishah also reported,

“One day the Messenger of Allah (pbuh) asked me, ‘*What are these?*’ ‘My dolls,’ I replied. ‘*What is this in the middle?*’ he asked. ‘A horse,’ I replied. ‘*And what are these things on it?*’ he asked. ‘Wings,’ I said. ‘*A horse with wings?*’ he asked. ‘Have you not heard that Sulayman (Solomon), the son of Dawud (David), had horses with wings?’ I said. Thereupon the Messenger of Allah (pbuh) laughed (so heartily) that I could see his molars.”<sup>(1)</sup>

The dolls mentioned in the above *hadith* are the dolls with which children play, as ‘A’ishah was quite young when she married the Prophet (pbuh). Ash-Shawkani said that these *hadiths* are sufficient proof of the permissibility of children’s playing with statue-like three-dimension figures (i.e., dolls of human or animal shape). It is narrated that once Imam Malik saw a man buying dolls for his daughter and he disliked it, but judge ‘Ayyad held that it is permissible for young girls to play with dolls.<sup>(2)</sup>

This permission also applies to figures made of sweets for festive occasions since they are used only as food.

### **Incomplete or Defaced Statues**

It is narrated in a *hadith* that the Archangel Jibril (Gabriel) once refused to enter the house of Allah’s Messenger (pbuh) because there was a statue by its door. He did not enter it again the following day but said to the Prophet (pbuh), “Order that the head of the statue be broken off so that it resembles the trunk of a tree.”<sup>(3)</sup>

On the basis of this *hadith* some scholars argue that what is *haram* are complete figures, but if some part of them is missing without which a human being cannot survive, they are allowed. However, the true and correct interpretation of Jibril’s asking that the head be broken off in order to make it look like a tree trunk is not that without the head life is impossible, but that the statue was then defaced and consequently viewing it would not generate feelings of respect toward it.

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1. Narrated by Abu Dawud.
2. Because girls are likely to play with dolls than boys, only girls have been mentioned here. However, this does not imply any prohibition for boys to do so.
3. Narrated by Abu Dawud, An-Nasa’i, At-Tirmidhi, and Ibn Hibban.

If we ponder over the matter objectively, we will undoubtedly conclude that it is more *haram* to set up busts in public places in order to perpetuate the memory of kings and great men than to have full figured statues in the home for the purpose of decoration.

## **Paintings and One-dimension Ornaments**

We have explained the Islamic position concerning the solid figures we term "statues," but what about figures and art work executed on plane surfaces such as paper, cloth, curtains, walls, coins, paper currency, and the like?

Concerning this issue, we say that no general ruling is possible here and that each case is to be judged individually. What does the picture depict? Where is it placed? What is its use? What was the artist purpose in making the picture? It is these questions which must be looked into.

If the pictures become objects of worship, as for example the cow does for Hindus, whoever makes them with this purpose is in reality nothing but an unbeliever propagating *shirk* and error. Again, the Prophet (pbuh) threatened such people with dire punishment in the Hereafter saying,

*"On the Day of Resurrection the most severe chastisement will be for the makers of figures."*<sup>(1)</sup>

At-Tabari, explaining the meaning of this *hadith*, said, "What is meant here by makers of figures are those who make figures in order that they may be worshiped besides Allah, and this is unbelief (*kufr*). As for those who do not make them for this purpose, they will be guilty only of making a representation (*taswir*)."<sup>1</sup> Similarly, if someone hangs such pictures on the wall in order to venerate them, his act is not that of a Muslim, for Islam has departed from his heart.

We next examine the case of the person who makes pictures not so that they should be worshiped but so that they may be likened to Allah's creation; he feels a sense of pride that he has created as Allah, the Exalted and Mighty, has created. Such an individual has rebelled against belief in the Oneness of Allah, and concerning him the Prophet (pbuh) said,

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1. Narrated by Muslim.

*"The most severely punished among people (on the Day of Resurrection) will be those who (try to) create something similar to what Allah has created."*

This pertains directly to the intention of the artist. Perhaps the *Hadith Qudsi* cited earlier adds support to this:

*"Who does greater wrong than he who desires to create the like of what I create? Let them create an atom! Let them create a grain of barley!"*

Again, what is referred to here is that the intention of those artists is to imitate Allah's attributes of Creator and Originator. Allah's challenge to them to create an atom or a grain of barley points to the fact that their artistic work implies an intention to create something similar to what He has created. To shame them for this on the Day of Resurrection, it will be said to them publicly, "Bring to life what you created," which of course they can never do.

It is prohibited to make or to acquire portraits of individuals who are either revered in a religion or respected for their worldly status. Examples of the first category are representations of Prophets such as Ibrahim, Ishaq, Dawud, and `Isa; of angels such as Jibril and Mika'il (Michael); and of saints and righteous individuals such as Maryam (Mary) and the like. This is a Jewish or Christian custom. Unfortunately, some Muslims, making innovations in religion and imitating the People of the Book, have begun to make and to acquire portraits of `Ali, Fatimah, and others.

The second category includes portraits of kings, leaders, and artists in our time. Although there is less evil in this case, nevertheless we must emphasize its evil, especially if those portrayed are non-believers, tyrants, or wrong-doers, such as rulers who do not judge according to what Allah has revealed, leaders who call people to a message other than the message of Allah (Glory be to Him), and artists who glorify falsehood and propagate lewdness and immorality among people.

It appears that many of the portraits made during the time of the Prophet (pbuh) and thereafter were of the kind which glorify personages; most probably they were painted by Greeks or Persians, and consequently were never free of the imprint of their beliefs and the sanctification of their saints and rulers. Muslim reported that Abu Duha said,

"I was with Masruq in a house which had statues. Masruq asked me, 'Are these statues of Khosrau<sup>(1)</sup>?' I said, 'No these are statues of Mary.' Masruq assumed them to be the handiwork of a Magian, because the Magians used to portray the figures of their kings even on jars, but when it became clear that they were the work of a Christian, he said, 'Abdullah ibn Mas`ud said that he heard the Messenger of Allah (pbuh) say, *'Among the people receiving the harshest punishment on the Day of Resurrection will be the makers of figures.'*'''

Drawing painting, and acquiring pictures of plants, trees, and inanimate objects such as lakes, oceans, ships, mountains, the sun, moon, stars, and the like from scenes of nature is permitted. There is no difference of opinion in this regard. Moreover, if someone wants to make a picture of an animate being with no intention of competing with Allah as creator or for its glorification or respect, there is no prohibition in doing so; there are numerous sound *hadiths* in this regard.

Muslim narrated in his *Sahih*, on the authority of Basr ibn Sa`id who heard it from Zayd ibn Khalid, who heard it from Ibn Talhah, a Companion of the Prophet (pbuh), that the Messenger of Allah (pbuh) said,

*"The angels do not enter a house in which there are figures."*<sup>(2)</sup>

Basr said, "Thereafter Zayd became ill and we went to visit him. There was a picture on the curtain of his door. I said to my companion, 'Ubaydullah al-Khulani, who was the servant of the Prophet's wife Maymunah, 'Was it not Zayd who told us about pictures the other day?'" "Ubaydullah replied, 'Did you not hear him when he said, 'Except if it is made on cloth?'"

At-Tirmidhi reported on the authority of `Utbah that once the latter went to visit Abu Talhah al-Ansari, who was ill, and he found someone to come and tear up the sheet which was under him. "Why did you tear it up?" Sahl asked. "There are pictures on it, and you know what the Prophet (pbuh) said concerning that," Abu Talhah replied. "Did he not also say, *'Except if it is made on cloth?'*" Sahl asked. "Yes, but it makes me feel better," Abu Talhah replied. At-Tirmidhi classified this *hadith* as *sahih*.

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1. The ruler of Persia. (Translator)

2. Narrated by Muslim.

Do these two *hadiths* not prove that the figures which are prohibited are those which are solid, that is to say "statues"?

As for figures drawn or printed on wood, paper, cloth, rugs, carpets, walls, and the like, there is no sound, explicit, or straightforward text to say that they are forbidden. True, there are sound *hadiths* which merely indicate the Prophet's dislike for such types of pictures because they are reminiscent of those who live in luxury and love things of inferior value.

Muslim reported from Zayd ibn Khalid al-Juhani, who quoted Abu Talhah al-Ansari as saying,

"I heard Allah's Messenger's statement, *'The angels do not enter a house in which there is a dog or statues.'* I then went to `A'ishah and asked her, 'Are you aware that the Messenger of Allah (pbuh) said, *'The angels do not enter a house in which there is a dog or statues?'* Did you hear the Messenger of Allah (pbuh) mention this?' She replied, 'No, but I will tell you what he did. Once when he had gone on an expedition I draped the door with a curtain having pictures on it. When he returned and saw it, I could discern from his face that he disliked it. He pulled it down and tore it apart, saying, *'Allah has not commanded us to clothe stone and clay.'* She said, 'We cut it and made two pillows out of the cloth, stuffing them with palm fibres. He did not criticize me for that.'"

Nothing can be inferred from this *hadith* except that to decorate walls and such things with curtains on which there are pictures is mildly detestable. An-Nawawi said, "There is nothing in the *hadith* implying prohibition. In fact, the crucial words are, 'Allah has not commanded us to do that'. This implies that such a thing is not obligatory or meritorious; in no way does it imply prohibition."

Muslim has also reported from `A'ishah that she said, "We had a curtain with the figure of a bird on it. When the Messenger of Allah (pbuh) entered the house, he saw it right in front of him and he said, *'Remove it from here. When I enter and see it, I am reminded of this world.'*"

The Prophet (pbuh) did not tell `A'ishah to tear up the curtain but only to remove it from the place where it was hung facing the entrance; he disliked seeing it there because it brought to his mind worldly life and its attractions. This is not strange, since the Prophet (pbuh) used to perform the voluntary

*raka`at* of prayers at home. Perhaps curtains and bedspreads or statues would have distracted him from concentration in his prayers and complete attention in his supplications. Al-Bukhari also reported Anas as saying, "A'ishah had covered a part of her apartment with a drape. The Messenger of Allah (pbuh) said to her, *'Take it away from my sight because its figures keep distracting me from my prayer.'*"

It is quite clear from the preceding *hadiths* that the Prophet (pbuh) did not disapprove of having a curtain with a picture of a bird and a drape with figures in his house. On the basis of this and other similar *hadiths* scholars of earlier times commented, "What is prohibited are figures which cast shadows (meaning those which are solid) and not those which do not cast shadows (meaning those on plane surfaces)."<sup>(1)</sup>

In further support of this position we again quote the *Hadith Qudsi* in which Allah (Glorified be He) said,

*"Who does greater wrong than he who desires to create the like of what I create? Let them create an atom! Let them create a grain of barley!"*

As is evident, Allah's creation does not consist of two-dimension drawings on a plane surface, for He fashions three-dimension corporeal beings. Allah the Almighty says,

﴿It is He Who fashions you in the wombs as He pleases...﴾

(Al `Imran: 6)

There is only one *hadith*, narrated by both Al-Bukhari and Muslim on the authority of `A'ishah, which poses some difficulty. `A'ishah said that she bought a cushion with pictures on it. When the Messenger of Allah (pbuh) saw it, he stopped at the door and did not enter her apartment. She saw signs of displeasure on his face and said, "O Messenger of Allah, I turn to Allah and His Messenger in repentance. What have I done wrong?" He said, "What is this cushion?" She said, "I bought it for you to sit or to rest your head on it." The Messenger of Allah (pbuh) then said, "*The makers of such figures will be punished and it will be said to them, 'Bring to life what you have created.'*" He continued, "*The angels do not enter a house in which there are figures.*"

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1. An-Nawawi mentioned this opinion in his *Sharh Muslim* but rejected it, saying that it represents a wrong position. In *Fath al-Bari*, Al-Hafiz traced this opinion on sound authority back to Al-Qasim ibn Muhammad ibn Abu Bakr, who was a jurist of Madinah and one of the best of his time.

In the version of Muslim there is the addition, "‘A’ishah said that she then cut it and made two pillows to recline upon."

However, this *hadith* is objectionable on several counts:

1. The content of this *hadith* has been transmitted in many versions which appear to be mutually contradictory. Some of them say that the Prophet (pbuh) used the curtain with pictures after it was cut and made into cushions. In other versions there was no curtain to begin with.
2. According to some versions, only his disapproval of covering walls with printed curtains is established, the reason for his disapproval being that they were a sign of luxury. In the version by Muslim he is reported to have said, "*Allah has not commanded us to clothe stone and clay*".
3. Then there is the *hadith* from ‘A’ishah herself, transmitted by Muslim, about the curtain with the picture of a bird on it and the Prophet’s saying, "*Remove it from here. When I enter and see it, I am reminded of this world*". This statement does not say anything concerning its prohibition.
4. There is also the *hadith* concerning the drape in ‘A’ishah’s house which distracted the Prophet’s attention from his prayers, whereupon he instructed her to remove it. Al-Hafiz said, "There is a problem in reconciling this *hadith* and the *hadith* of the cushion, both of which are ascribed to ‘A’ishah. This *hadith* indicates that he had allowed the drape to remain in the house as long as it had not distracted his attention from prayer; he did not have any particular objection to the pictures on it." Al-Hafiz then tried to reconcile the two *hadiths* by saying that the cushion had a picture of a living creature while the drape had pictures of inanimate objects. However, his attempt at reconciliation failed with respect to the *hadith* concerning the curtain with the picture of the bird on it.
5. The *hadith* concerning the cushion contradicts the *hadith* reported by Abu Talhah in which figures on cloth were exempted. Al-Qurtubi said, "Reconciliation is possible between the two (*hadiths*), as ‘A’ishah’s *hadith* indicates the disapproval of the Prophet (pbuh), while Abu Talhah’s *hadith* indicates absolute permissibility, and these two are not contradictory." Ibn Hajar agreed with this statement.

6. The transmitter of the *hadith* of the cushion from `A'ishah was her brother's son Al-Qasim ibn Muhammad ibn Abu Bakr. Al-Qasim himself permitted pictures on a plane surface. Ibn `Awan said, "I entered Al-Qasim's house, which was in the outskirts of Makkah, and I saw a cloth canopy with figures of a beaver and a phoenix."<sup>(1)</sup> Al-Hafiz explained that he probably adhered to the generality of the Prophet's saying, "*Except if it is made on cloth,*" and understood the Prophet's stand toward `A'ishah's curtain as a special case. That is, the Prophet (pbuh) disapproved of the combination of draping the wall and of the cloth having pictures on it. This is supported by the remark, "*Allah has not commanded us to clothe stone and clay*". Al-Qasim ibn Muhammad ibn Abu Bakr was one of the seven jurists of Madinah and from among the best of his time; it was he who transmitted the *hadith* of the cushion. Consequently, if he had not been convinced of the permissibility of this cloth canopy he would not have had it.<sup>(2)</sup>

There is another probability emerging in these *hadiths*. Probably in the early period of Islam the Prophet (pbuh) was very strict in prohibiting all pictures, as the Muslims had only recently come out of the state of polytheism and idol-worship, as well as sanctifying figures and statues. As the belief in the Oneness of Allah became deeply rooted in their hearts and minds, he allowed them two-dimension figures, that is, drawings and prints. As for himself, he disliked having curtains or drapes with figures and pictures in his house, not exempting even drawings or prints on cloth, paper, or the wall.

One of the great Hanafi jurists, At-Tahawi, said,

"In the beginning the Prophet (pbuh) prohibited all types of figures, even if they were of two dimensions, since the Muslims had only recently converted from the worship of images. Accordingly, everything of this type was prohibited. Later he lifted the prohibition from cloth with prints because of the necessity of wearing clothes. He also permitted figures which were not treated in a respectful manner,<sup>(3)</sup> since there was no danger that the

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1. *Fath al-Bari*, narrated on the authority of Ibn Abi Shaybah, who quoted it from Al-Qasim ibn Muhammad ibn Abu Bakr with a sound chain of transmitters.

2. See the section on "Figures and Artists" in *Fath al-Bari*.

3. As is evident from these *hadiths*, this would include figures which are made into pillows or curtains to sit or recline on, figures in rugs or carpets which are trod upon, and the like. (Translator)

ignorant would venerate what was debased. The prohibition of figures which are not debased was never lifted."<sup>(1)</sup>

## **The Permissibility of a Debased Figure**

Any change in a figure which keeps it from being treated with respect and renders it debased transfers it from the sphere of the detestable into that of permissibility. It is reported in the *hadith* that Jibril sought permission of the Prophet (pbuh) to enter; when he bade him come in, Jibril said, "How can I enter while there is a curtain with figures in your house? If you have need of it, cut off the heads (of the figures), or cut it into pieces and make it into cushions, or use it as a floor-mat."<sup>(2)</sup> These words explain why, on observing the Prophet's dislike of the cushion with the pictures, `A'ishah changed it into smaller cushions for reclining upon, in order that by such use there would not be the slightest imputation of respect for what was depicted.

We have evidence that the early generations of Muslims used objects with pictures on them but only in a way which did not denote respect. `Urwah used arm cushions with pictures of birds and men on them. `Ikrimah said, "We detested seeing figures in the upright position but did not mind if they were in rugs or mats, since to tread on them was to debase them."

## **Photographs**

Thus far, the word picture (*surah*)<sup>(3)</sup> has been in reference to what is sculptured or drawn, painted, or imprinted on a flat surface. Photography is a recent invention which was obviously non-existent in the time of the Prophet (pbuh) and the early generations of Muslims. Thus, the question naturally arises whether the Islamic rulings concerning pictures and artists apply to photographs and photographers.

Those jurists who consider the prohibition to be restricted to statues alone do not see anything objectionable in photographic pictures, especially if they are not of the full figure. Others raise many questions: Are photographs similar to drawing? Is it not true that the reason stated in some

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1. This has been reported by Sheikh Bakhit in *Al-Jawab ash-Shafi* (Comprehensive Answers).

2. An-Nasa'i, as well as Ibn Hibban in his *Sahih*.

3. This "*surah*" is different from "*surah*" that refers to any of the chapters of the Qur'an. (Reviser)

*hadiths* concerning the punishment of modelers, namely, imitation of Allah's attribute of Creatorship, does not apply in the case of photographic pictures? Does the absence of the cause of prohibition not nullify the prohibition?

Sheikh Muhammad Bakhit, a late Egyptian Mufti, gave a *fatwa* that since the photograph merely captures the image of a real object through a camera, there is no reason for prohibition in this case. Prohibited pictures are whose object is not present and which is originated by the artist, whose intention is to imitate Allah's creation of an animal, and this does not apply to taking photographs with a camera.<sup>(1)</sup>

Even those who are very strict in classifying all kinds of figures, including photographs, as detestable, exempt, according to necessity, pictures retained for identity cards, passports, keeping a record of suspects and criminals, pictures for instructional purposes, and so on, with the provision that there is no intention of respect or sanctification of these pictures which would affect Islamic belief. The need for such pictures is definitely greater than the "prints" on cloth which were exempted by the Prophet (pbuh).

## **The Subject Matter of Photographs**

Accordingly, if any kind of photograph is to be prohibited, the subject matter will be the determining factor. No Muslim would disagree concerning the prohibition of photographing subjects whose portrayal is against the beliefs, morals, and laws of Islam. Thus there cannot be any doubt concerning the prohibition of photographs, drawings, and paintings of nude or semi-nudes, or of pictures of men and women in sexy poses such as obviously seen in various magazines, newspapers, and on the billboards of movie theaters. It is *haram* to make such pictures, to publish them, to buy them, to take them into homes, offices or shops, or to hang them on walls. It is *haram* to seek looking at them.

The above also applies to pictures of tyrants. The Muslim is required to detest such people and to feel enmity toward them for the sake of Allah. A Muslim is not permitted to make or acquire a picture of a "great" man or

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1. See the pamphlet *Al-Jawab ash-Shafi fi Ibahat at-Taswir al-Futughrifi*.

leader who is an atheist and denies the existence of Allah; of an idolater who worships cows, fire, or anything else; of a Jew or Christian who denies the Messengership of Muhammad (pbuh); or of one who pretends to be a Muslim yet does not decide matters according to what Allah has revealed. Likewise, a Muslim should not make or acquire pictures of immoral individuals who propagate obscenity and lewdness in society, from among people such as singers, actors, and other entertainers.

Similar is the case of pictures which portray polytheistic rituals or symbols of other religions abhorrent to the Islamic teachings, such as idols, crosses, and the like. Probably during the time of the Prophet (pbuh) a great majority of rugs, curtains, and cushions bore these types of pictures. Al-Bukhari reported that the Prophet (pbuh) broke everything in his house which was made in the shape of cross.<sup>(1)</sup>

Ibn `Abbas narrated that during the conquest of Makkah, the Messenger of Allah (pbuh) did not enter the Sacred House (the *Ka`bah*) until all the figures in it were destroyed. There is no doubt that these figures and images represented the idolatrous practices of the Makkans and were the legacy of a generation of disbelief and error.

‘Ali ibn Abi Talib narrated,

"The Messenger of Allah (pbuh) was attending a funeral and he said, '*Who among you is capable of going to Madinah and leaving no idol unbroken, no grave unlevelled, and no picture undefaced?*' A man said, 'O Messenger of Allah, I am able to do it.' He went, and after a time returned and reported, 'O Messenger of Allah, I left no idol unbroken, no grave unlevelled, and no picture undefaced.' Then the Messenger of Allah declared, '*Anyone who returns to this sort of practice will have rejected what was revealed to Muhammad.*'"<sup>(2)</sup>

What could these pictures have been of which the Prophet (pbuh) commanded that they be defaced and mutilated except a representation of the idolatry of the period of *Jahiliyyah*? The Prophet (pbuh) was determined

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1. Narrated by Al-Bukhari.

2. Narrated by Ahmad. Al-Mundhiri commented, "It has, Allah willing, a good chain of transmitters." Muslim narrated on the authority of Hayyan ibn Husayn that the latter said, "'Ali said to me, 'I shall tell you what the Messenger of Allah (pbuh) told me; he said, *'Do not leave any figure without mutilating it or any grave without levelling it.'*'"

to purify Madinah of the remnants of idolatry, and that is why he described a return to any such practice as rejection of the Message revealed to him.

## **A Summary of the Rulings Pertaining to Figures and Their Makers**

We here summarize the rules pertaining to figures and figure-makers.

1. The most strictly prohibited figures are those which are made to be worshiped instead of or besides Allah (Glory be to Him). If the one who makes them does it intentionally for this purpose, he is going in the direction of disbelief (*kufir*). The most detestable among such figures are statues. Anyone who has a share in propagating or glorifying them will bear the sin proportional to his part.
2. Next to this in sinfulness are figures which are not made to be worshiped but which are intended to imitate Allah's creation. If the artist claims that he originates and creates as Allah does, he is an unbeliever. This matter pertains solely to the intention of the artist.
3. After this are statues which are erected in public places in order to commemorate great personalities such as kings, leaders and celebrities; this applies equally to full-length statues and to busts.
4. Next are statues of living beings which are not sanctified or revered. There is general agreement that they are *haram*, except those which are not treated in a manner indicative of respect. Dolls or figures made of chocolate or sugar are clear exceptions.
5. Next are portraits of great people such as rulers and political leaders, especially when they are displayed or hung on walls. Strongly prohibited among these are portraits of tyrants, atheists, and immoral individuals, for to respect them is to degrade Islam.
6. Next are pictures of living beings which are not accorded respect but constitute a display of luxury and high living, as, for example, when they cover a wall or the like. These are classified as detestable only.
7. Making and acquiring drawings or paintings of non-living beings such as trees, lakes, ships, mountains, and landscapes is permitted. However, if they distract from worship or lead toward extravagant living, they are detestable or forbidden.

8. Photographic pictures are basically permissible. They become *haram* only when the subject matter is *haram*, as, for example, in the case of idols, individuals who are revered either because of their religious or worldly status, especially the leaders of idolaters, communists or other unbelievers, or immoral individuals such as some actors and entertainers.
9. Finally, if statues and prohibited pictures are defaced or degraded, their use becomes permissible; an example of this are figures on a rug or carpet, because they are walked upon.

## **Keeping Dogs Without Necessity**

Keeping dogs inside the house without any necessity merely as pets was forbidden by the Prophet (pbuh). When we observe how lavishly the well-to-do treat their dogs while despising their relatives, and how much attention they give their dogs while neglecting their neighbors, we realize the wisdom of this prohibition. Moreover, the presence of a dog makes the household utensils unhygienic due to their licking of them. The Prophet (pbuh) said,

*"If a dog licks a plate (or pot), clean it seven times of which one time should be with sand (or earth)."<sup>(1)</sup>*

Some scholars are of the opinion that the reason for prohibiting the keeping of dogs may be because they bark at visitors, scare away the needy who come to ask for charity, and chase and try to bite passers-by. The Prophet (pbuh) said,

*"Jibril came to me and said, 'I came to you yesterday but what stopped me from entering was that there was a statue at the door, a curtain with figures on it in the house, and a dog inside the house. So order that the head of the statue be broken off so that it resembles the trunk of tree, that the curtain be cut and made into two pillows to recline on, and that the dog be taken out'. "<sup>(2)</sup>*

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1. Narrated by Al-Bukhari.

2. Narrated by Abu Dawud, An-Nasa'i, At-Tirmidhi, and by Ibn Hibban in his *Sahih*.

This prohibition is limited to the keeping of dogs without need or benefit.

## **The Permissibility of Keeping Hunting Dogs and Watchdogs**

Dogs which are kept for a purpose, such as hunting, guarding cattle or crops and the like are exempted from the above ruling. In a *hadith* reported by both Al-Bukhari and Muslim, the Prophet (pbuh) said,

*"Whoever keeps a dog except for hunting or for guarding crops or cattle will lose one large measure (qirat) of his reward each day."*

On the basis of this *hadith* some jurists argue that the keeping of dogs as pets can be classified as *makruh* rather than *haram*, as the *haram* is absolutely prohibited without regard to whether there is a decrease in reward or not.

However, the prohibition of keeping dogs in the house does not mean that dogs may be treated cruelly or that they should be eradicated. Referring to the following verse of the Qur'an,

*﴿There is not an animal on the earth, nor a bird flying upon two wings, but comprise nations like yourselves...﴾*

(Al-An`am: 38)

the Prophet (pbuh) said,

*"If dogs were not a community (ummah) among communities, I would have ordered that they be killed."*<sup>(1)</sup>

The Prophet (pbuh) told his Companions a story concerning a man who found a dog in the desert panting and licking the dust due to thirst. The man went to a well, filled his shoes with water, and relieved the dog's thirst. The Messenger of Allah (pbuh) said,

*"Allah appreciated this and forgave him."*<sup>(2)</sup>

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1. Narrated by Abu Dawud and At-Tirmidhi.

This was said by the Prophet (pbuh) following Jibril's remark that angels do not enter a house where there is a dog. (Translator)

2. Narrated by Al-Bukhari.

## **The Findings of Scientific Research Relative to Keeping Dogs**

Some lovers of the West in Muslim countries claim to be full of love and compassion for all living creatures and they wonder why Islam warns against this "best friend" of man. For their benefit, we quote here a lengthy excerpt from an article<sup>(1)</sup> in which the writer shed light on the dangers to human health resulting from keeping dogs or coming in contact with them. He said,

"The increasing interest shown by many people in recent times in keeping dogs as pets has compelled us to draw public attention to the dangers which result from this, especially because pet dogs are hugged and kissed and permitted to lick the hands of the young and the old, and what is worse, to lick the plates and utensils which are used by human beings for eating and drinking.

Besides being unhygienic and uncouth, this practice is bad manners and abhorrent to good taste. However, we are not concerned with such matters, leaving them to be addressed by teachers of etiquette and good taste. Rather this article is intended to present some scientific observations.

From the medical point of view, which is our main concern here, the hazards to human health and life from keeping and playing with dogs are not to be ignored. Many people have paid a high price for their ignorance, as the tapeworm carried by dogs is a cause of chronic disease, sometimes resulting in death.

This worm is found in man, in cattle, and in pigs, but it is found in fully-developed form only in dogs, wolves and rarely in cats. This worm differs from other worms in that it is minute and invisible, and consequently, it was not discovered until very recently."

He continued,

"Biologically the developmental process of this worm has some unique characteristics. In the lesions caused by them, one worm gives rise to many heads which spread and form other and varied kinds of lesions and abscesses. These heads develop into full-grown worms only in dogs' tonsils. In humans and in other animals they appear as lesions and abscesses

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1. By the German scientists, Dr. Gerard Finstimer, and it was translated from the German magazine Kosinos.

completely different from the tapeworm itself. In animals the size of an abscess may reach that of an apple, while the liver of the infected animal may grow from five to ten times its normal size. In human beings the size of the abscess may reach that of a clenched fist or even the head of an infant; it is filled with yellow fluid weighing from ten to twenty pounds. In the infected human it may cause diverse kinds of inflammations in the lungs, muscles, spleen, kidneys, and brain, and appears in such different forms that specialists, until very recently, had difficulty in recognizing it.

In any case, wherever this inflammation is found, it poses great danger to the health and life of the patient. What is worse is that, in spite of our knowledge of its life history, origin, and development, we have not been able to devise a cure for it, except that in some instances these parasites die out, possibly because of antibodies produced in the human body. Unfortunately, cases in which such parasites die without causing damage are rare indeed. Moreover, chemotherapy has failed to produce any benefit, and the usual treatment is surgical removal of the abscessed parts of the body. For all these reasons we should use all possible resources to fight against this dreadful disease and save man from its dangers.

Professor Noeller, through post-mortem dissection of human bodies in Germany, found that the incidence of infection with dogs' worms is at least one percent. In some places such as Dalmatia, Iceland, southeastern Australia, and Holland, where dogs are used for pulling sleds, the incidence rate of tapeworm among dogs is twelve percent. In Iceland the number of people who suffer from the inflammation caused by this worm has reached the rate of forty-three percent. If we add to this the human suffering, the loss of meat because of infection of cattle, and the permanent danger to human health because of the presence of tapeworms, we cannot be very complacent toward this problem.

Perhaps the best way to combat the problem is to limit the worms to dogs and not let them spread, since in actuality we need to keep some dogs. We should not neglect to treat dogs when necessary by getting rid of the tapeworms in their tonsils and perhaps repeating this process periodically on shepherd dogs and watchdogs.

Man can protect his life and health by keeping a safe distance from dogs. He should not hug them, play with them, or let them come close to children.

Children should be taught not to play with dogs or to fondle them. Dogs should not be permitted to lick children's hands or come to places where they play. Unfortunately, dogs are allowed to roam about everywhere, especially in places where children play, and their bowls are scattered throughout the house. Dogs must have their own separate bowls, and they must not be allowed to lick bowls and plates used by humans. They should not be allowed inside grocery stores, restaurant, or marketplaces. In general, great care must be taken to see that they do not come into contact with anything which is used by people for eating and drinking."

We already know that the Prophet (pbuh) forbade mixing with dogs, and that he warned against their licking plates and against keeping them without necessity. Can you see how the teachings of an unlettered Arab, Muhammad, agree with the latest findings of scientific research? Truly, we cannot say anything except to repeat the words of the Qur'an:

*﴿Nor does he speak from (his own) desire. It is nothing other than a revelation sent down.﴾*

(An-Najm: 3-4)

## 4. Work and Earning Livelihood

*(It is He Who has made the earth submissive to you; so traverse its paths and eat of what He provides you...)*

(Al-Mulk: 15)

The fundamental attitude of Islam toward man's position in the world is that Allah (Glory be to Him) has made the earth for the benefit of man, to whom He has given control over it. It is the duty of man to profit from this favor and to exert himself to seek Allah's bounties throughout the earth.

### **The Obligation to Work If One Is Able**

It is not permitted for man to avoid working for a living on the pretext of devoting his life to worship or dependence on Allah, as gold and silver certainly do not fall from the sky. It is also not permissible for him to depend on charity while he is able to earn what is sufficient for his own and his family's needs through his own efforts. In this regard, the Prophet (pbuh) said,

*"Charity is halal neither for the rich nor for the able-bodied."<sup>(1)</sup>*

The Prophet (pbuh) made it *haram* for the Muslim to beg from others without dire necessity thus losing his honor and his dignity. He said,

*"He who begs without need is like a person holding a burning coal in his hand."<sup>(2)</sup>*

He also said,

*"Anyone who begs from people in order to increase his wealth will have his face scratched on the Day of Resurrection, and will eat burning stones from Hell; so let him reduce it (his punishment) or let him increase it as he pleases."<sup>(3)</sup>*

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1. Narrated by At-Tirmidhi.

2. Narrated by Al-Bayhaqi.

3. Narrated by At-Tirmidhi. The meaning here is that it is up to him to decrease his punishment by not begging, and *vice versa*. (Translator)

Again, he said,

*"A person may keep on begging until he meets Allah (on the Day of Resurrection) with no flesh on his face."<sup>(1)</sup>*

By such strong admonitions, the Prophet (pbuh) intended to train the Muslim to safeguard his dignity, to develop self-reliance, and to be far-removed from dependence on others.

## **When Begging Is Allowable**

The Prophet (pbuh) was, however, aware of situations of necessity. If, under the pressure of need, one is forced to ask for financial help from the government or from individuals, one is blameless. Allah's Messenger (pbuh) said,

*"Begging is similar to scratching the flesh off your face; so if someone wants to save his face he should avoid it, except for asking from the ruler or asking in case of dire need."<sup>(2)</sup>*

In his *Sahih*, Muslim narrated that Abu Bishr Qubaysah ibn al-Makharaq said, "I agreed to pay *himalah* (an amount of money paid to two quarreling parties in order to make peace between them) and came to the Messenger of Allah (pbuh) asking for help. Thereupon, the Prophet (pbuh) said, 'Wait until alms (*sadaqah*) are brought to us and we will give you from them.' Then the Prophet said,

*"Qubaysah, asking (for money) is not permissible except in three cases: for a man who takes it upon himself to pay *himalah*, he may ask people for help until the designated amount is received and then he should stop asking; for a man who suffers calamity and loses his property, it is permissible for him to ask until he is able to stand on his own feet; and for a man who is starving, until three reliable persons from his community say, 'That man is reduced to hunger;' it is permissible for him to ask until he is able to stand on his own feet. Except for these, Qubaysah, begging is forbidden and whoever earns from it, earns something forbidden."<sup>(3)</sup>*

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Abu Dawud and An-Nasa'i.

3. Narrated by Muslim, Abu Dawud, and An-Nasa'i.

## **Dignity of Work**

Some people regard certain kinds of work or professions as contemptible. However, the Prophet (pbuh) denied the validity of this notion. He taught his Companions that the whole of a human being's dignity is tied up with his work - any sort of work - and that real disgrace and humiliation are in depending on other people's help. He said,

*"It is better that a person should take a rope and bring a bundle of wood on his back to sell it so that Allah may preserve his honor, than that he should beg from people, (regardless of) whether they give to him or refuse him."<sup>(1)</sup>*

The Muslim can earn his livelihood by agriculture, trade, or industry or by any profession or employment as long as it does not involve doing, supporting, or propagating anything *haram*.

## **Earning Through Agriculture**

In the Qur'an, while referring to His bounties and favors to man, Allah (Glorified be He) mentions the principles required for the pursuit of agriculture. He has spread out the earth and made it suitable and fertile for cultivation and production; this is a bounty to human beings which they ought to recall and to be thankful for:

﴿And Allah has spread out the earth for you, so that you may make your way through its spacious paths...﴾

(Nuh: 19-20)

﴿And He has spread out the earth for (His) creatures. In it is fruit, and date palms with spathes, and husked corn, and scented herbs. Then which of the favors of your Lord will you deny?﴾

(Ar-Rahman: 10-13)

Allah has also provided water in abundance. He sends it down as rain and makes it flow in streams to revive the earth after it is dead:

﴿And it is He Who sends down water from the sky. With it We then bring forth vegetation of all kinds; from some We produce green (crops) out of

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1. Narrated by Al-Bukhari and Muslim.

*which We produce grain heaped up at the harvest... ﴿*

(Al-An`am: 99)

*﴿ Then let man look at his food, how We pour forth water in abundance, then We split the earth into fragments and produce therein corn and grapes and nutritious plants. ﴾*

(`Abasa: 24-28)

Further, He sends the winds, with "good tidings" to drive the clouds and scatter the seeds:

*﴿ And We have spread out the earth and placed firm hills therein, and produced in it all kinds of things in due balance. And We have made means of sustenance in it for you and for those whom you are not the providers. And there is not a thing but its sources are with Us, and We sent it down only in appointed measures. And We send the fertilizing winds, and send down the rain from the sky and give it to you to drink, although you are not the guardians of its stores. ﴾*

(Al-Hijr: 19-22)

In all these Qur'anic verses there is encouragement for man to engage in agricultural activity, for it has been made easy for him as a divine favor.

The Prophet (pbuh) said,

*"When a Muslim plants or cultivates a crop, no bird or human being eats from it without its being accounted as a charity for him."*<sup>(1)</sup>

He also said,

*"When a Muslim plants a plant, anything eaten of it or stolen from it, until the Day of Resurrection, is accounted as a charity for him."*<sup>(2)</sup>

The implication of these *hadiths* is that the reward of the person who plants a tree or a crop continues as long as the produce of this tree or crop is eaten or used, even though he may have sold it to someone else. Scholars have said,

"It is Allah's generosity that He continues to add to the reward of a person even after his death, just as when he was alive, for six things: for the

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Muslim.

charity whose benefits continue, for knowledge which is used, for righteous children who pray for him, for the trees he planted, for the crops he sowed, and for territorial borders he guarded."

Once, a man passed by Abu ad-Darda' while he was planting a walnut tree. The man said, "Are you planting this even though you are a very old man? This tree will not bear fruit before many years." "What of it?" Abu ad-Darda' replied, "Others will eat of its fruit, and the reward will be mine."

One of the Companions of the Prophet (pbuh) said that he had heard the Messenger of Allah say,

*"If anyone plants a tree, patiently protects it, and looks after it until it bears fruit, Allah the Mighty and Glorious, will count as charity for him anything for which its fruits are used."<sup>(1)</sup>*

On the basis of these sayings of the Prophet (pbuh) some scholars have argued that agriculture is the best of occupations. Others say that manufacturing and working with the hands are best, while still others consider trade to be the best.<sup>(2)</sup> Trying to reconcile these positions, some researchers say that it all depends upon circumstances: if food is scarce, agriculture is the best; if people need goods, trade is the best; while if manufactured goods are needed, industry is the best. This conditional preference seems to be in close agreement with modern scientific thought.

## **Prohibited Crops**

It is *haram* to cultivate a plant, such as hashish and the like, which is *haram* for eating or which has no other known use except what is harmful. The case of tobacco is of this nature; whatever be the classification of smoking, whether *haram* or *makruh*, applies to the growing of tobacco. We ourselves prefer to classify smoking as *haram*.

It is not a valid excuse for the Muslim to say that he is growing the *haram* crop in order to sell it to non-Muslims, for the Muslim is never permitted to be a party to the propagation of what is *haram*. This is similar to a Muslim's raising pigs in order to sell them to Christians, which is

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1. Narrated by Ahmad.

2. See Al-Qastalani's commentary on Al-Bukhari.

clearly unlawful. As we have seen, even a *halal* item, such as grapes, cannot be sold to others if it is known that they will use them to make wine.

## **Industries and Professions**

Agriculture is essential, and Islam persuades people to engage in it by pointing to its benefits in this world, and its rewards in the Hereafter. However, from the Islamic point of view it would be extremely undesirable if people limited their economic efforts solely to agriculture, a situation analogous to supposing that the inexhaustible oceans had no use other than the extraction of pearls from their depths. Warning Muslims that confining their activity only to agriculture and pastoral pursuits would expose them to various dangers such as defeat, humiliation, and the loss of religious freedom, the Prophet (pbuh) said,

*"If you deal in usury, calling it by other names and hang onto the tails of cows, being satisfied with cultivation and ceasing to perform jihad, Allah will inflict a disgrace upon you which will not be removed until you return to your religion."<sup>(1)</sup>*

Thus, in addition to agriculture, the Muslim must develop such industries, crafts, and professions as are essential for the life of a community, for the strength of a free and powerful nation, and for the posterity and wealth of a country. As the great scholars and jurists have explained, the essential industries and professions are not merely permitted by the Islamic *Shari`ah*, they are in fact an obligation on the Muslim community as a whole. Such obligations are termed "the obligations of sufficiency" (*fard kifayah*); that is to say, the Muslim community must include among its members people engaged in every essential science, industry, and profession in numbers sufficient to meet its needs. If there is a shortage of qualified persons in some fields of science or industry, the entire Muslim community is blameworthy, especially those in positions of authority. Imam Al-Ghazali said,

"Science whose knowledge is deemed *fard kifayah* comprises every area which is indispensable for the welfare of this world, such as the following:

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1. Narrated by Abu Dawud.

medicine, which is necessary for the life of the body; arithmetic, for daily transactions and the division of legacies and inheritances, as well as others besides. These are the sciences without which a community would be reduced to narrow straits. But should one who can practice them arise in the community, it would suffice, and the obligation to acquire their knowledge would cease to be binding upon the rest of the community.

No one should be surprised when we say that medicine as well as arithmetic are of the sciences which are *fard kifayah*, as are the basic industries, such as agriculture, weaving, politics, and even cupping and tailoring. For, if a town should lack a copper, extinction would overtake its people and they would be driven to expose themselves to destruction. Did He, Who sent down a malady, not also send down its remedy, give guidance for its use, and prepare the means for administering it? It is not, therefore, permissible to expose oneself to destruction by neglecting the remedy."<sup>(1)</sup>

The Qur'an mentions many industries, terming them Allah's favor and bounty. Allah (Glorified be He) says concerning Prophet Dawud (David),

﴿... And We made iron soft for him (commanding): make thou coats of mail and balance the links...﴾

(Saba': 10-11)

﴿And We taught him the art of making garments (of mail) to protect you from your violence. Will you then be thankful?﴾

(Al-Anbiya': 80)

He says about Prophet Sulayman (Solomon),

﴿... And We made a fountain of molten copper flow for him; and of the jinn there were those who worked in front of him by his Lord's permission. And, if any of them turned aside from Our command, We made him taste the penalty of the blazing fire. They worked for him as he desired, (making) synagogues and statues, basing as large as reservoirs and boilers built into the ground. Give thanks, O House of Dawud...﴾

(Saba': 12-13)

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1. 'Ihya' 'Ulum ad-Din, vol. 1, the book of "Knowledge", translated by Nabih Amin Faris, Sheikh Muhammad Ashraf, Lahore, Pakistan, 1966, p. 37.

And, He says about Dhul-Qarnayn and his building the high dam,

*﴿He said, 'That in which my Lord has established me is better (than tribute). Therefore, (if you) help me with your strength, I will erect a barrier between you and them. Give me blocks of iron.' Then when he had filled up the space between the two cliffs, he said, 'Blow (with your billows).' Then when he had set it afire, he said, 'Give me molten copper to pour on it.' Thus, they were unable to scale it, nor were they able to dig through it.﴾*

(Al-Kahf: 95-97)

Allah mentions the story of Prophet Nuh (Noah) and the construction of the ark, and He also mentions great ships in the size of mountains which sail the seas:

*﴿And among His signs are the ships on the sea, like mountains.﴾*

(Ash-Shura: 32)

The Qur'an also mentions hunting in all its varied forms, from the catching of fish, and the pursuit of land animals to diving in the deep for pearls, coral, and the like.

In addition to this, the Qur'an informs us about the value of iron in such emphatic terms as are never found in any other previous book, religious or secular. After mentioning the sending of prophets to the people and revealing the scriptures, Allah (Glorified be He) says,

*﴿... And We send down iron, in which there is great strength and benefits for mankind...﴾*

(Al-Hadid: 25)

It is not surprising that the *surah* containing this verse was given the title of Al-Hadid (Iron).

Any sort of work which fills a need in the society or brings real benefit is regarded as good, provided the person performs it in a proper manner, as is required by Islam. Islam gave dignity to many professions which people considered lowly and degrading - for example, the occupation of pasturing. Although people do not usually look upon shepherds with esteem or honor, the Prophet (pbuh) once said, "Allah did not send a prophet without his having tended sheep". The listeners asked, "You too, O Messenger of Allah?" He replied, "Yes. I tended sheep for wages for the people of Makkah."<sup>(1)</sup>

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1. Narrated by Al-Bukhari.

Muhammad (pbuh), the Messenger of Allah and the seal of the Prophets, tended sheep! Moreover they were not even his own sheep but belonged to the people of Makkah, and he tended them for fixed wages. He said this to his Companions in order to teach them that honor belongs to those who work and not to those who sit idle and are parasites.

The Qur'an tells the story of Prophet Musa (Moses) (pbuh) who worked for eight years as a hired man to gain the hand of an old man's daughter in marriage. Musa was an excellent worker and employee; the old man's daughter had displayed real insight into his character. She said,

*﴿O my father, employ him; truly, the best for thee to employ is the strong and trustworthy one.﴾*

(Al-Qasas: 26)

Ibn 'Abbas said, "Dawud was a maker of coats of mail and shields, Adam was a farmer, Nuh a carpenter, Idris a tailor, and Musa a shepherd."<sup>(1)</sup> Since every Prophet of Allah had some occupation, the Muslim should derive satisfaction in his occupation or profession. A *hadith* stated,

*"No one earns his food better than the one who works with his hands, and the Prophet of Allah, Dawud, earned his food by working with his hands."<sup>(2)</sup>*

## **Industries and Professions Condemned by Islam**

Islam has prohibited certain professions and industries to its followers because they are harmful to the beliefs, morals, honor, or good manners of the society.

### **Prostitution:**

Prostitution, for example, is legal in many countries of the West; permits and licenses are issued to those who play this trade, and prostitutes enjoy rights similar to other professionals. Islam absolutely rejects and condemns this practice, and forbids any female, free or slave, to earn money by trading herself in sexual relations.

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1. Narrated by Al-Hakim.

2. Narrated by Al-Bukhari and others.

During the period of *Jahiliyyah* some people used to exact a daily tribute from their female slaves without caring in what manner they earned this money to pay their masters. A majority of them had to resort to prostitution; some masters even forced their slave-girls to prostitution in order to earn a paltry fee. When Islam came, it lifted this disgraceful burden from its sons and daughters. Allah (Glorified be He) revealed,

﴿... And do not force your slave-girls to prostitution if they desire chastity, in order that you may seek the pleasure of this world's life...﴾

(An-Nur: 33)

Ibn `Abbas narrated that Ibn Ubayy, the chief of the hypocrites of Madinah, came to the Prophet (pbuh) bringing with him a very beautiful slave-girl named Mu`adhah, and saying, "O Messenger of Allah! She belongs to such and such orphans. Will you not allow her to work as prostitute so that they may receive the price of it?" "No!" replied the Prophet (pbuh).<sup>(1)</sup>

Thus the Messenger of Allah (pbuh) forbade this abominable profession, regardless of who might derive benefit from it, rejecting any claim concerning need, distress, or any other worthy purpose in order that Muslim society might remain pure of such degrading practices.

### **Dancing and other erotic arts:**

Similarly, Islam does not permit sexually exciting dancing or any other erotic activity, such as suggestive or obscene songs, provocative dramas, and every type of rubbish which some people today term "art" and "progress".

Islam prohibits every sort of sexual contact and sexual relationship outside marriage. This is the secret behind the significant words of the Qur'an prohibiting *zina* (fornication and adultery).

﴿And do not come near zina; indeed, it is an abomination and an evil way.﴾

(Al-Isra': 32)

This indicates that not only is *zina* forbidden, but likewise anything which brings one near to it. Everything to which we have referred above, as

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1. Fakhr ad-Din ar-Razi, *Tafsir*, vol. 23, p. 320.

people are well aware, for example, provocative dances and songs, constitutes "coming near *zina*;" these things are certainly intended to tempt, excite, and lead one toward such a sin. And, what havoc they wreak in the lives of people!

### **Making statues and similar articles:**

As we have already seen, Islam prohibits the acquisition of statues and even more strongly the making of them. Al-Bukhari reported on the authority of Sa`id ibn Abu al-Hasan that the latter said, "I was with Ibn `Abbas when a man came and said to him, 'O Ibn `Abbas, I earn my living with my own hands. I make these figures.' 'I shall tell you,' said Ibn `Abbas, 'only what I heard from the Messenger of Allah (pbuh). I heard him say,

*'Allah will punish anyone who makes figures until he breathes spirit into them, which he can never do.'*

Seeing the man extremely upset, Ibn `Abbas added, 'What ails you? If you must make figures, then make them of trees or something which has no soul.'<sup>(1)</sup> And the same obviously applies to the making of idols and the like.

As for drawing, painting, or photography, we stated previously that they are either permitted or at worst detestable, depending on what comes closest to the spirit of the Islamic legislation. Of course, as was explained earlier, their subject matter should not be sexually provocative, as, for example, the erotic parts of the female body or a man and woman in a state of intimacy, and should not be of someone sacred or respected, such as the angels or the Prophets.

### **Manufacturing intoxicants and drugs:**

Earlier we said that Islam prohibits any participation in the promotion of alcoholic beverages, whether it be in their manufacture, distribution, or consumption, and that anyone who participated in any of these is cursed by the Messenger of Allah (pbuh). The case of other intoxicants and drugs, such as hashish, cocaine, and the like, is the same; manufacturing, distributing, or consuming any of them is *haram*. In short, Islam forbids the Muslim to work in any industry, business, or profession which deals in, or promotes, anything which is *haram*.

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1. Narrated by Al-Bukhari.

## Trade

The Qur'an and the *Sunnah* of the Prophet (pbuh) urge Muslims to engage in trade and commerce, and to undertake journeys for what the Qur'an refers to as "seeking the bounty of Allah". In fact, Allah mentions those who travel for the purpose of trade side by side with those who fight in His cause:

﴿... Others travel through the land, seeking the bounty of Allah, and still others fight in the cause of Allah... ﴾

(Al-Muzzammil: 20)

Allah mentions merchant ships, which are principal means of transporting goods throughout the world, as one of His favors to mankind, encouraging people to engage in exports and imports. He says,

﴿... And thou seest the ships in it (the ocean), cleaving the waves, that you may seek of His bounty and that you may be thankful. ﴾

(Fatir: 12)

In other places He describes the winds, associating them with the movement of ships:

﴿And among His signs is that He sends the winds as heralds of good tidings and in order that you may taste His mercy, and that the ships may sail by His command and that you may seek of His bounty, and in order that you may be thankful. ﴾

(Ar-Rum: 46)

The Qur'an mentions this at other places as a reminder of Allah's power and wisdom:

﴿Verily, in the creation of the heavens and the earth, and the alternation of night and day, and in the ships which sail upon the ocean with what is of benefit to mankind ... are signs... ﴾

(Al-Baqarah: 164)

﴿And among His signs are the ships on the sea, like mountains. ﴾

(Ash-Shura: 32)

Allah reminds the people of Makkah that He caused their city to become a commercial center of the Arabian Peninsula:

﴿... And have We not established for them a secure sanctuary, to which is brought produce of all kinds, provision from Ourselves?... ﴾

(Al-Qasas: 57)

Thus was answered Ibrahim's prayer:

﴿Our Lord! Verily, I have settled some of my progeny in a valley without cultivation by Thy Sacred House, Our Lord, in order that they may establish Prayer. Then incline the hearts of some of the people with love toward them, and provide them with fruits in order that they may be grateful.﴾

(Ibrahim: 37)

Allah counted it as His favor upon the Quraysh that He facilitated for them their two commercial journeys each year, the journey to Yemen in winter and to Syria in summer; they traveled in security because of their guardianship of the House (*Ka`bah*). Accordingly, they should have shown gratitude to the Lord of the House by acknowledging and worshiping Him alone:

﴿For the security of the Quraysh, their security in journeying by winter and summer, let them worship the Lord of the House, Who provides them with food against hunger and makes them safe against fear.﴾

(Quraysh: 1-4)

Islam has provided a great opportunity for international trade each year. The annual *Hajj* season brings together at one place millions of Muslims from all over the world:

﴿... They will come to thee (Makkah) on foot and on every (kind of) lean camel; they will come from every deep ravine, in order that they may witness the benefits (provided) for them and celebrate the name of Allah...﴾

(Al-Hajj: 27-28)

Commercial activity is unquestionably one of these benefits. Al-Bukhari narrated that the Muslims were reluctant to do business during the *Hajj*, fearing that this might compromise the sincerity of their intentions or the purity of their worship. Some Qur'anic verses were then revealed, stating clearly and distinctly that,

﴿It is no sin for you to seek the bounty of your Lord (during the Hajj)...﴾

(Al-Baqarah: 198)

The Qur'an lauds those who go to the mosque often, glorifying their Lord morning and evening:

﴿Men whom neither business nor sale can divert from the remembrance of Allah, nor from regularity in Prayer or from giving Zakah...﴾

(An-Nur: 37)

In the view of Islam, the true believers are not those who remain in the mosques, nor the mystics or recluses in their places of retreat. The true believers are men of action, whose distinguishing characteristic is that the affairs of the busy world do not make them forget their obligations to their Creator. These are some of the teachings of the Qur'an concerning trade and commerce.

The Prophet (pbuh), by his words and deeds, delineated the rules of trade, urging Muslims to engage in it. Among his sayings in this regard are the following:

"(Every) honest and trustworthy merchant will be with the martyrs on the Day of Resurrection."<sup>(1)</sup>

"(Every) honest and trustworthy merchant will be with the prophets, the truthful, and the martyrs."<sup>(2)</sup>

It is not surprising that the Prophet (pbuh) held the status of an honest merchant to be equal to that of a soldier or a martyr in the cause of Allah. His evaluation is confirmed by the experiences of life, since striving in the cause of Allah is not limited to the battlefield but extends to the economic front as well.

The Prophet (pbuh) promised merchants a high status with Allah and a great reward in the Hereafter. We observe that trading activity mostly motivates greed and profit-making by any means; "Money makes money" and "Business begets business" are motives of much trading activity. Any merchant who remains within the bounds of honesty and fair-dealing in

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1. Narrated by Ibn Majah and Al-Hakim.

2. Narrated by Al-Hakim and At-Tirmidhi.

such an atmosphere is a fighter against his desires, meriting the status of a warrior in the cause of Allah.

The lure of business is great, and it can turn a businessman's profits of his business. Even during the Prophet's lifetime the following incident occurred: while the Prophet (pbuh) was addressing a gathering, news came that a caravan of merchandise had arrived. The people rushed out, leaving the Prophet (pbuh) behind, upon which Allah (Glorified be He) admonished them:

*﴿But when they see some business or amusement, they proceed to it and leave thee standing. Say: 'What is with Allah is better than amusement and than business; and Allah is the best of providers.'﴾*

(Al-Jumu`ah: 11)

Accordingly, a person who, in a vortex of commercial activity, can remain steadfast, with the fear of Allah in heart and the mention of Him on his lips, most certainly deserves to be in the company of those who are favored to Allah: the Prophets, the witnesses to the truth, and the martyrs in His cause.

The example of the Prophet (pbuh) in relation to business and trade is sufficient in itself. On the one hand he was eager to nurture the spiritual aspect; thus, he built the mosque in Madinah on the foundation of piety and seeking the pleasure of Allah, as a gathering place for worship, as a university for teaching and learning, as the headquarters for the call toward Islam, and as the seat of the government. On the other hand, he was equally eager to develop the economic aspect; thus, he established an Islamic marketplace in which the Jews had not the authority they had previously possessed in the marketplace of Banu Qaynuqa'. The Prophet (pbuh) himself organized the rules of business dealing, explaining and teaching its various aspects. There was to be no cheating nor misrepresentation, nor hoarding, nor undercutting, and the like. These topics will form the subject of our discussion under the heading of "Human Affairs" in the chapter entitled "The Lawful and the Prohibited in the Daily Life of Muslims".

Among the Companions of the Prophet (pbuh) there were skilled traders as well as craftsmen, farmers, and every other kind of professional person and worker. In their midst was the Messenger of Allah (pbuh) to whom the

Speech of Allah came down, who was visited by Jibril, the Trustworthy Spirit, bringing the revelations from Allah, and who guided the people by the Light of these heavenly messages. Each of the Companions loved this noble Messenger (pbuh) from the depths of his being; he wished nothing more than to be in his company and disliked nothing more than being parted from him. Yet, we find that each of them was busy with his work; this one journeying over the earth on a business trip, that one working in his palm-grove and farm, and yet another busy with his craft. Anyone who missed any part of the teaching of the Messenger (pbuh) asked his friends about it, and the Prophet told those who listened to him to pass on his instructions to those who were absent. Among his Companions, the *Ansar* were, by and large, farmers and growers of date-palms, while the majority of the *Muhajirun* were engaged in trade and business.

‘Abd ar-Rahman ibn ‘Awf, a *Muhajir*, and Sa`d ibn ar-Rabi`, *al-Ansari*, were made brothers-in-Allah by the Prophet (pbuh) when the Muslims of Makkah emigrated to Madinah. Sa`d offered ‘Abd ar-Rahman half of his property, one of his two houses, and asked him to choose one of his two wives so that he might divorce her. This noble sacrifice was gratefully declined by a noble excuse. ‘Abd ar-Rahman said to Sa`d, "May Allah bless your wealth and your family for you! I have no need for them. Just tell me which market has the most trading activity." "The Banu Qaynuqa` Market," said Sa`d. ‘Abd ar-Rahman went to the market with some cheese and butter, and spent the day buying and selling. He continued his trading activity until he became one of the wealthiest men among the Muslims, leaving behind a huge estate when he died.

Abu Bakr also was a trader. Even on the day when the Muslims elected him as a Caliph, he had been planning to go the market. Furthermore, ‘Umar said about himself, "Going to the market kept me from listening to the *hadiths* of Allah's Messenger (pbuh)". And there were also ‘Uthman and many great others who were engaged in trade and commerce.

### **Prohibited Kinds of Trade**

Islam does not prohibit any trade except that which involves injustice, cheating, making exorbitant profits, and the promotion of something *haram*.

It is *haram* to trade in alcoholic beverages, intoxicants, drugs, swine, idols, statues, or anything of this sort whose consumption and use Islam has prohibited. Any earnings from such business are sinful earnings, and the Fire is likely to be the abode for the flesh which has been nourished on such earnings. Honesty and trustworthiness in such businesses will not be counted as meritorious, for Islam came to fight and destroy such practices.

However, there is no objection to trading in gold and silk because they are permitted to women, except if something is made of these materials exclusively for the use of men.

Even if the trading is in entirely *halal* things, a merchant must still adhere to many moral considerations so that he may not join the ranks of the wicked, for *Indeed, the wicked will be in hell.* (Al-Mutaffifin: 14). One day when the Prophet (pbuh) was going to the mosque, he saw some people engaged in selling. "O merchants," he called out to them. When they turned their faces toward him, some of them craning their necks to listen to what he was going to say, he said,

*"Merchants will be raised up on the Day of Resurrection as wicked people, with the exception of those who fear Allah, do righteous deeds, and are truthful."*<sup>(1)</sup>

Wathilah ibn al-Asqa` said, "We were business people. The Prophet (pbuh) frequently came to us, and he would say,

*'O Merchants, beware of lying'.*<sup>(2)</sup>

Thus, he warned them against lying about their merchandise, since this is the weakness of merchants. Lying leads to wrong-doing, and that in turn leads to the Fire. The Prophet (pbuh) warned in general against swearing and, in particular, against swearing to a lie, saying, *"On the Day of Resurrection Allah will not look at three (kinds of) persons nor purify them, and for them there will be painful torment..."* One of them is the person who swears (to the truth) while lying about his merchandise.<sup>(3)</sup>

Abu Sa`id reported, "Once An Arab with a sheep passed by me and I said, 'Will you sell it for three dirhams?' He replied, 'No, by Allah!' but then

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1. Narrated by At-Tirmidhi, Ibn Majah, Ibn Hibban, and Al-Hakim.

2. Narrated by At-Tabarani.

3. Narrated by Muslim and others.

he sold it to me. I mentioned this to the Messenger of Allah (pbuh), who remarked, *'He sold his Hereafter for his worldly (life).'*<sup>(1)</sup>

The merchant should refrain from cheating, for cheating is outside the community of Islam; he should beware of tampering with the scales when weighing; beware of hoarding lest he forfeit the protection of Allah and His Messenger (pbuh); and beware of dealing in usury or interest (*riba*), for Allah has prohibited it, and the Prophet (pbuh) said,

*"A dirham of *riba* which a person consumes knowingly is worse than committing *zina* thirty-six times."*<sup>(2)</sup>

We will elaborate on all these matters when we come to the topic of "Human Affairs".

## **Salaried Employment**

The Muslim is free to seek employment in the service of the government, an organization, or an individual as long as he is able to do his work satisfactorily and carry out his duties. However, he is not permitted to seek a job for which he is unfit, especially if the job carries judicial or executive authority. Abu Hurayrah reported the Prophet (pbuh) as saying,

*"Woe to the rulers, the leaders, and the trustees! On the Day of Resurrection some people will wish that they could be suspended between heaven and earth rather than having had the burden of their responsibilities."*<sup>(3)</sup>

Abu Dharr reported, "I said, 'O Messenger of Allah! Will you not appoint me?' The Prophet (pbuh) patted me on the shoulder and then said,

*'O Abu Dharr, you are a weak person, and this is a trust; and on the Day of Resurrection it will be a cause of regret and shame except for the one who is qualified for it and fulfills his responsibilities toward it.'*<sup>(4)</sup>

The Prophet (pbuh) said,

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1. Narrated by Ibn Hibban in his *Sahih*.

2. Narrated by Ahmad.

3. Narrated by Ibn Hibban in his *Sahih*.

4. Narrated by Muslim.

*"There are three classes of judges, one of whom will be in Paradise and the other two in the Fire. The one who will be in Paradise is a man who knows the truth and judges accordingly. The one who knows the truth but misjudges and the one who judges for the people in ignorance will be in the fire."<sup>(1)</sup>*

It is better for the Muslim not to aspire to a high position, even though he may be suited to it, and to seek for something else; for whoever considers the position a means of lording it over others is a slave of that position, and whoever turns his face toward worldly glories will not receive guidance from heaven. `Abd ar-Rahman ibn Samurah reported, "The Messenger of Allah (pbuh) said to me,

*'O `Abd ar-Rahman, do not ask for governorship, for if you are appointed to it without asking, you will be helped, while if you are appointed to it at your request, you alone will be held responsible.'<sup>(2)</sup>*

Anas reported that the Prophet (pbuh) said,

*"He who seeks the office of a judge, collecting recommendations, is left to himself, but for him who is compelled to accept it, Allah sends an angel to guide him."<sup>(3)</sup>*

If a person knows, however, that there is no one else qualified to do a particular job except himself, and that if he does not come forward to take it, public interests will be endangered, he should come forward. The Qur'an tells us the story of Prophet Yusuf (Joseph) in which he said to the ruler,

*﴿Set me over the storehouses of the land; I am surely a knowledgeable custodian.﴾*

(Yusuf: 55)

These are the Islamic guidelines in relation to seeking positions in government and the like.

## **Prohibited Types of Employment**

What we have said above concerning the permissibility of working as an employee of a government, organization, or individual, excludes those jobs

1. Narrated by Abu Dawud, At-Tirmidhi, and Ibn Majah.

2. Narrated by Al-Bukhari and Muslim.

3. Narrated by Abu Dawud and At-Tirmidhi.

which are injurious to the cause of Islam or which harm Muslims. Accordingly, it is not permissible for a Muslim to be an officer or soldier in an army which is fighting against Muslims, nor to work in a corporation or factory which manufactures armaments to be used against Muslims, nor in an organization which is hostile to Islam and fights its adherents.

Similarly, any service rendered in support of injustice or in promoting what is *haram* is itself *haram*. For example, it is prohibited to the Muslim to be an employee in an organization which deals in *riba*, in a bar or liquor shop, nightclub, dance hall, and the like.

It is not a valid excuse to say that one is neither using what is *haram* nor directly involved in it. As we have stated previously, it is a basic principle of Islam that whatever aids and assists the *haram* is itself *haram*. For this reason, the Prophet (pbuh) cursed the person who writes the document of *riba* and the person who witnesses it, as well as the person who consumes it. Similarly cursed is he who brings the wine, the one who serves it, as well as the one who drinks it.

However, under the compulsion of unavoidable necessity, the Muslim may seek temporary employment in such activities to the extent of what is required, but he should in the meantime remain detesting the work and keep searching for another lawful employment until Allah opens a way for him to it.

The Muslim is always to be on guard as to temptation which may lead him toward doubtful activities, thereby weakening his faith and compromising his religion, no matter how large a profit or gain may be involved. The Prophet (pbuh) said,

*"Leave alone what puts you in doubt and turn toward what does not put you in doubt."*<sup>(1)</sup>

He also said,

*"A person does not reach the rank of the muttaqun<sup>(2)</sup> until he abandons what is harmless out of fear that it may be harmful."*<sup>(3)</sup>

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1. Narrated by Ahmad, At-Tirmidhi, an-Nasa'i, Al-Hakim, and by Ibn Hibban in his *Sahih*. At-Tirmidhi said it is *sahih*.

2. Those who fear Allah and are conscious of Him. (Reviser)

3. Narrated by At-Tirmidhi.

## A General Rule in Earning a Living

The general rule in regard to earning a living is that Islam does not permit its followers to earn money in any way they like, rather it differentiates between lawful and unlawful methods based on the criterion of the overall well-being of the society. This differentiation is based on the general principle that any transaction in which one person's gain results in another's loss is unlawful, while any transaction which is fair and beneficial to all the parties concerned and which is transacted by mutual consent is lawful.

*﴿O you who believe, do not consume your property among yourselves wrongfully, but let there be trade by mutual consent, and do not kill yourselves; indeed, Allah is ever merciful to you. And whoever does so in enmity and injustice, We shall cast him into the Fire; and that is easy for Allah.﴾*

(An-Nisa': 29-30)

This verse lays down two conditions for a transaction: first, that the transaction should be with the mutual consent of the two parties; second, that the benefit to one party should not be a loss to the other. In explaining the meaning of "Do not kill yourselves," scholars give two interpretations, both of which are generally applicable here. The first is, "Do not kill each other," and the second is, "Do not kill yourselves by your own hands". In either case, a person who makes someone else suffer for his own benefit is, in effect, shedding his blood and opening the door for others to do the same to him, thus leading to his own eventual ruin. Theft, bribery, gambling, cheating, fraud, misrepresentation, and *riba*, although some of these may be carried out by mutual consent, do not satisfy the second condition implied in the saying of Allah (Glorified be He), "And do not kill yourselves"<sup>(1)</sup>.

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1. See Abu al-A`la al-Mawdudi's book *Asas al-Iqtisad* (Principles of Economics), p. 152.



## **CHAPTER THREE**

**THE LAWFUL AND THE PROHIBITED  
IN MARRIAGE AND FAMILY LIFE**

- 1. The Physical Appetites**
- 2. Marriage**
- 3. The Relationship between Husband and Wife**
- 4. Birth Control**
- 5. Divorce**
- 6. The Relationship between Parents and Children**

## 1. The Physical Appetites

Allah (Glory be to Him) created man as His vicegerent on earth in order that he might populate and rule it. Obviously, this purpose cannot be realized unless the human species perpetuates itself, living, thriving, cultivating, manufacturing, building, and worshiping its Creator. Accordingly, the Creator has placed certain appetites and impulses in man so that he is impelled toward the various activities which guarantee the survival of the species.

Among the appetites which an individual must satisfy for his personal survival is that of food and drink. The sexual appetite, however, is for the purpose of the survival of species. Sex is a satisfaction and fulfillment. Human beings have responded to the demands of the sexual appetite in three different approaches:

1. The first approach is to satisfy one's sexual need freely with whomever is available and whenever one pleases, without any restraints of religion, morality or custom. This is the position of the advocates of free sex, for they do not believe in any religion. This philosophy reduces the human being to the status of an animal, and, if practiced universally, would result in the destruction of the family structure and of all society.
2. The second approach is to suppress, and try to annihilate, the sexual drive; this approach is advocated by ascetic schools and other-worldly philosophies. This approach leads toward monasticism and escape from the world. Such advocacy of suppression of a natural appetite, or rather annihilation of its functioning, is contrary to Allah's plan and purpose, and is in conflict with the course of the natural order which requires the use of this appetite for the continuity of life.
3. The third approach is to regulate the satisfaction of this urge, allowing it to operate within certain limits, neither suppressing nor giving it free rein. This is the stand of the revealed religions, which have instituted marriage and prohibited fornication and adultery. In particular, Islam

duly recognizes the role of the sexual drive, facilitates its satisfaction through lawful marriage, and just as it strictly prohibits sex outside marriage and even what is conducive to it, it also prohibits celibacy and the shunning of women.

This is the just and intermediate position. If marriage were not permitted, the sexual instinct would not play its role in the continuation of the human species; and if fornication and adultery were not prohibited, the foundation of the family would be eroded. Unquestionably, it is only in the shade of a stable family that mercy, love, affection, and the capacity to sacrifice for others develop in a human being. Without these emotions a cohesive society cannot come into being. Thus, if there had been no family system, there would have been no society through which mankind would be able to progress toward perfection.

### **The Prohibition of Approaching Zina**

It is not surprising that all the revealed religions have prohibited fornication and adultery (*zina*) and have fought against these crimes which go against the interest of society. Islam, the last of the divinely revealed religions, is very strict in prohibiting *zina*, for *zina* leads to confusion of lineage, child abuse, the breaking-up of families, bitterness in relationships, the spread of venerable diseases, and a general laxity in morals; moreover, it opens the door to a flood of lusts and self-gratifications. Assuredly, the command of Allah (Glorified be He) that reads:

*And do not come near zina; indeed, it is an abomination and an evil way*

(Al-Isra': 32)

is just and true.

As we know, when Islam prohibits something, it closes all the avenues to it. This is achieved by prohibiting every step and every means leading to the *haram*. Accordingly, whatever excites passions, opens ways for illicit sexual relations between a man and a woman, and promotes indecency and obscenity, is *haram*.

## ***Khalwah***

Islam prohibits *khalwah* between a man and a woman who are outside the degree of a *mahram* relationship.<sup>(1)</sup> The reason for this is not a lack of trust in one or both of them; it is rather to protect them from wrong thoughts and sexual feelings which naturally arise within a man and a woman when they are alone together without the fear of intrusion by a third person. The Prophet (pbuh) said,

*"Whoever believes in Allah and the Last Day must never be in privacy with woman without there being a mahram (of hers) with her, for otherwise Satan will be the third person (with them)." (2)*

Allah (Glorified be He) tells the Companions of the Prophet (pbuh),

*﴿... And when you ask them (the Prophet's wives) for anything, ask them from behind a curtain; that is purer for your hearts and for their hearts... ﴾*

(Al-Ahzab: 53)

Explaining this verse, Imam Al-Qurtubi said, "This means such thoughts as occur to men regarding women and to women regarding men. This will remove any possibility of suspicion and accusation, and will protect (their) honor. This command implies that no one should trust himself to be in privacy with a non-*mahram* woman; the avoidance of such situations is better for one's purity of heart, strength of soul, and perfection of chastity."<sup>(3)</sup>

The Prophet (pbuh) particularly warned women concerning *khalwah* with male-in-laws such as the husband's brother or cousin, since people are quite negligent in this regard, sometimes with disastrous consequences. It is obvious that a relative of a woman has easier access than a stranger to her quarters, something concerning which no one would question him. The same is true of the wife's non-*mahram* relatives, and it is prohibited for any of them to be in *khalawh* with her. The Prophet (pbuh) said, "Beware of

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1. *Mahram* relationship denotes a relationship either by marriage or by close blood ties of such degree that marriage is permanently prohibited. With reference to a woman, a *mahram* is any of her male relatives with whom marriage is permanently prohibited, such as her father, grandfather, son, brother, uncle, or nephew. In this discussion, all other relationships will be referred to as non-*mahram*. (Translator)

2. Narrated by Ahmad on the authority of `Amir ibn Rabi`ah.

3. *Tafsir* of Al-Qurtubi, vol. 14, p. 228.

*entering where women are.*" A man from the *Ansar* asked, "O Messenger of Allah, what about the in-law?" He replied, "*The in-law*<sup>(1)</sup> is death."<sup>(2)</sup>

He meant that there are inherent dangers and even destruction in such privacy: their religiosity is destroyed if they commit sin; the wife is ruined if her husband divorces her out of jealousy; and social relationships are torn apart if relatives become suspicious of each other.

The danger lies not merely in the possibility of sexual temptation. It is even greater in relation to the possibility of gossip about what is private and personal between the husband and the wife by those who cannot keep secrets to themselves and relish talking about others, aiming to destroy their homes. In explaining the meaning of "*Al-Hamu al-Mawt*" (translated above as "The in-law is death"), Ibn al-Athir said, "It is an Arabic figure of speech like, "The lion is death" or "The king is fire," which mean that meeting a lion is similar to facing death and a confrontation with a king is like being in the fire. Thus privacy between a male-in-law and the wife of the husband concerned is far more dangerous than in the case of a stranger because he might persuade her to do things against her husband's wishes, such as asking him for things he cannot afford, nagging him, and the like."

### **Looking with Desire at the Opposite Sex**

What Islam prohibits in the sphere of sex includes looking at a member of the opposite sex with desire; for the eye is the key to the feelings, and the look is a messenger of desire, carrying the message of fornication or adultery.

This is why Allah (Glory be to Him) has commanded the believing men and the believing women alike to lower their gaze, together with His command to guard their sexual parts:

﴿Tell the believing men that they should lower their gazes and guard their sexual organs; that is purer for them. Indeed, Allah is

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1. An-Nawawi explained, "*Hamu* (translated as "in-law") here refers to a relative of the husband other than his father and sons (who are mahrams to his wife), such as his brother, nephew, and cousin, etc., with whom marriage would be permissible for her, if she were to be divorced or widowed." Al-Mazari held that it includes the husband's father as well. See *Fath al-Bari*, vol. 11, p. 344.

2. Narrated by Al-Bukhari and Muslim.

*well-acquainted with what they do. And tell the believing women that they should lower their gazes and guard their sexual organs, and not display their adornment, except that which is apparent of it; and that they should draw their head-covering over their bosoms, and not display their adornment except to their husbands or their father or their husband's fathers, or their sons or their husband's sons, or their brothers or their brothers' sons or their sisters' sons, or their women, or those whom their right hands possess, or male servants who lack sexual desire, or small children who have no carnal knowledge of women; and that they should not strike their feet in order to make known what they hide of their adornment... ﴿30-31﴾*

(An-Nur: 30-31)

Several divine injunctions are contained in these two verses. Two of them pertain to both men and women, namely, the lowering of the gaze and the guarding of the sexual organs, while the rest are addressed exclusively to women.

A difference is to be noted here between the two expressions: "*lower their gazes*" and "*guard their sexual organs*," that while the sexual organs must be totally guarded without any leeway, the lowering of the gaze is only partial, because necessity and the general interest of the people require that sometimes looking at members of the opposite sex be allowed.

"Lowering the gazes" does not mean that in the presence of the opposite sex the eyes should be shut or that the head should be bowed toward the ground, since this would be impossible; in another place the Qur'an says, ﴿Lower thy voice﴾ (Luqman: 19), which does not mean sealing the lips. Here "lowering the gazes" means to avert one's gaze from the faces of the passers-by and not to caress the attractive features of the members of the opposite sex with one's eyes. The Prophet (pbuh) said to `Ali ibn Abi Talib,

*"O `Ali, do not let a second look follow the first. The first look is allowed to you but not the second."<sup>(1)</sup>*

The Prophet (pbuh) regarded hungry and lustful looks at a person of the opposite sex as "the *zina* of the eye," according to his saying,

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1. Narrated by Ahmad, Abu Dawud, and At-Tirmidhi.

*"The eyes also commit zina, and their zina is the lustful look."*<sup>(1)</sup>

He termed the lustful look "zina" because it gives sexual pleasure and gratification in an unlawful way. This is also what Jesus (pbuh) is reported to have said in the Gospel of Matthew:

*﴿You have heard that it was said, 'You shall not commit zina. But I say to you that everyone who so much as looks at woman with evil desire for her has already committed zina with her in his heart.﴾*

(Matt. 5: 27-28)

Indeed, such hungry and lustful looks are not merely a danger to chastity but they also result in agitation of the mind and disturbed thoughts.

### **The Prohibition of Looking at the 'Awrah of Others**

Looking at the 'awrah of another person must be avoided. The Prophet (pbuh) forbade that any person should look at the 'awrah of another, whether of the same or the opposite sex, and whether with or without desire, saying,

*"A man should not look at the 'awrah of another man, nor a woman of a woman, nor should a man go under one cloth with another man, nor a woman with another woman."*<sup>(2)</sup>

The 'awrah of a man referred to in this *hadith* is what is between his navel and his knee, although some scholars, such as Ibn Hazm and some Maliki jurists, do not include the thigh. With respect to a man who is not her *mahram*, a woman's 'awrah is her entire body excepting only her face and hands, while with respect to a *mahram* such as her father or brother it is different. This will be discussed later.

What is *haram* to look at is also *haram* to touch with the hands or with any other part of the body.

What we have said concerning the prohibition of looking at or touching the parts of the body which must be covered becomes void in case of need or necessity such as first aid or medical treatment. At the same time, what we have said about the permissibility of looking becomes void in case of lust, since the ways leading to sin must be blocked.

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1. Narrated by Al-Bukhari and others.

2. Narrated by Muslim, Abu Dawud, and At-Tirmidhi. Scholars have inferred from this that two men, or two women, should not lie under the same covering so that the parts of their bodies touch.

## **What May be Seen of the Man or Woman**

It is clear from the above discussion that a woman may look at a man's body, apart from his *'awrah*, which between the navel and the knee, provided that her looking is free of lust and that no temptation is feared. The Prophet (pbuh) let 'A'ishah watch a number of Abyssinians while they were engaging in spear play in the courtyard of the Prophet's mosque; she watched their performance until she had enough and retired.<sup>(1)</sup>

Similarly, a man is permitted to look at a woman's face and hands, since they are not part of her *'awrah*, provided that the looking is without lust and that no temptation is feared. 'A'ishah narrated that her sister Asma' once came to the Prophet (pbuh) clad in transparent clothes which revealed her body. The Prophet (pbuh) averted his gaze and said to her,

*"O Asma', when a woman begins to menstruate, nothing should be seen of her except this and this,"*

and he pointed to his face and hands.<sup>(2)</sup>

This *hadith* is classified as weak, but there are other sound *hadiths* which support the thesis that only the face and hands may be seen if they can be viewed without temptation.

In summary, the innocent look at what is other than the *'awrah* of a man or a woman is permissible as long as it does not become an intent look or is repeated with perhaps a taint of pleasure and lust. It is the reasonableness of the Islamic *Shari'ah* that a glance which accidentally falls on something, which is not permissible to be seen, is forgiven. Jarir ibn 'Abdullah reported, "I asked the Messenger of Allah (pbuh) about the unexpected glance, and he replied, *'Avert your eyes.'*"<sup>(3)</sup> This means that one should not look back deliberately.

## **The Display of Women's Adornment: What Is Permissible and What Is Not**

Thus far we have discussed the subject of the lowering of the gaze, which is commanded for both men and women in the two verses cited.

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Abu Dawud.

3. Narrated by Ahmad, Abu Dawud, Muslim, and At-Tirmidhi.

These verses also contain other divine instructions. Allah (Glory be to Him) says,

*﴿That they should .... not display their adornment, except that which is apparent of it... ﴾*

(An-Nur: 31)

The adornment of women includes both natural features such as the face, hair, and other attractive parts of the body, and artificial enhancement of beauty, such as the dress, ornaments, make-up, and the like. In this noble verse Allah (Glorified be He) commands women not to show their adornment "*except that which is apparent of it*".

Scholars have different opinions concerning the extent of this exception. Does it mean what is exposed by necessity and without intention, for example, if the wind exposes some part? Or does it mean what is customarily, or instinctively, or by its very nature exposed?

The majority of the early Muslim jurists accepted the latter meaning. Ibn `Abbas interpreted "*except that which is apparent of it*" to mean kohl and a ring, and Anas has said something similar; the permissibility of showing the face and hands is implicit in the permissibility of showing kohl and a ring. Sa`id ibn Jubayr, `Ata', and Al-Awza`i stated explicitly that showing the face and hands is permissible. `A'ishah, Qatadah, and others added bracelets to what may be shown of the adornments; this interpretation implies that a part of the arm may also be shown. Various scholars allowed the exposure of the lower part of the arm up to a length varying between four inches to one-half of the arm.

On the other hand, others such as `Abdullah ibn Mas`ud, restricted the application of "*that which is apparent*" to that which necessarily appears, such as the outer garment and the like.

My own preference lies with that group of the Companions and their immediate followers<sup>(1)</sup> who include the face, the hands, and their ordinary adornments, such as kohl and a ring in the application of the Qur'anic phrase, "*except that which is apparent of it*".

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1. This opinion is preferred by At-Tabari, Al-Qurtubi, Az-Zamakhshari, Ar-Razi, and other interpreters of the Qur'an. You may refer to their explanations of this verse of *Surat an-Nur*.

This permissibility, however, excludes such cosmetics which women today use for their cheeks, lips and nails. We consider these cosmetics to be excessive, and they must not be used except within a woman's own home. Women using these cosmetics to attract men's attention when going out of house, is obviously *haram*. At the same time, however, the interpretation of "*that which is apparent*" as being the outer garment or covering is not acceptable, for this is not something which can possibly be concealed so that an exemption must be made; similarly, what the wind blows cannot be controlled, whether an exemption is made or not. What strikes the mind is that the purpose of the exemption was to provide some concession for the believing woman by permitting her to show something which is possible to conceal. Reason would indicate that it is the face and hands which are exempted from covering.

Assuredly, a woman is permitted to show her face and hands because covering them would be a hardship on her, especially if she must go out on some lawful business. For example, a widow may have to work to support her children, or a woman who is not well-off may have to help her husband in his work; had covering the face and hands been made obligatory, it would have occasioned such women hardship and distress. Al-Qurtubi said,

"It seems probable that, since the face and hands are customarily uncovered, and it is, moreover, required that they be uncovered during acts of worship such as Prayer and *Hajj*, the exemption (referred to in the verses of *Surat an-Nur*) pertains to them. This conclusion is supported by what Abu Dawud transmitted on the authority of `A'ishah. She said that Asma', the daughter of Abu Bakr, once came to the Prophet (pbuh) wearing transparent clothes. The Prophet (pbuh) turned his face away from her and said to her, '*O Asma'*, when a woman begins to menstruate, nothing should be seen of her except this and this,' and he pointed to his face and hands."

In addition to this, we may infer from Allah's words, "*Tell the believing men that they should lower their gazes*," that the faces of the women on the Prophet's time were not veiled. Had the entire body including the face been covered, it would have made no sense to command them to lower their gaze, since there would have been nothing to be seen.

In spite of all this, however, because of the widespread immorality and laxity in our time, it is better for the Muslim woman to conceal all her

adornments, including her face as possible as she can. Obviously, more caution in this regard is necessary for a woman who is so beautiful that men may be attracted to her. Allah (Glorified be He) also says,

﴿... that they should draw their head-covering over their bosoms...﴾

(An-Nur: 31)

It is obligatory for the Muslim woman to cover her head, breasts, and neck completely so that nothing of them can be seen by onlookers. In addition, Allah (Glorified be He) says,

﴿... and not display their adornment except to their husbands or their fathers...﴾

(An-Nur: 31)

This injunction prohibits women to show their concealed adornments, such as the ears, hair, neck, breasts, or ankles, to men who are outside the *mahram* relationship, before whom they are permitted to expose only the face and hands "*that which is apparent of it*".

Twelve categories of persons are exempted from this prohibition:

1. "*Their husbands:*" The husband and wife can see whatever they please of each other. A *hadith* stated, "*Guard your nakedness (`awrah) except in front of your wife.*"
2. "*Their fathers,*" including the grandfathers from both mother's and father's sides as well.
3. "*Their husbands' fathers,*" for these are regarded as fathers to women.
4. "*Their sons,*" as the grandsons from both sons and daughters.
5. "*Their husbands' sons (stepsons),*" a necessity for normal interaction, since the woman is regarded as their mother.
6. "*Their brothers,*" including half and step brothers.
7. "*Their brothers' sons,*" since marriage is permanently prohibited between a man and his paternal aunt.
8. "*Their sisters' sons,*" since marriage is permanently prohibited between a man and his maternal aunt.

9. *"Their women,"* meaning female relatives and sisters-in-faith, that is, other Muslim women. As for non-Muslim women, they are not allowed to see the Muslim woman's adornments other than what is allowed for non-*mahram* men, and the correctness of this opinion is verified.
10. *"Those whom their right hands possess,"* refers to bond-servants, because in Islam they are considered members of the family. Some scholars restrict this permission to female bond-servants only.
11. *"Male servants who lack sexual desire,"* refers to hired hands or household servants who, because of some physical or mental condition, are devoid of sexual desire. This is applicable only under the following two conditions: that they are the servants of those into whose houses they are given entry and that they lack sexual desire.
12. *"Small children who have no carnal knowledge of women:"* These are small children whose consciousness of sex is not yet developed. But if evidence of the sexual urge is noted among them, a woman should treat them like non-*mahram* men even though they may not have reached puberty.

The verse in question does not mention maternal and paternal uncles because they customarily occupy the same status as the father. A *hadith* stated,

*"A man's uncle is like his father."*<sup>(1)</sup>

### **Woman's `Awrah**

Whatever part of the woman's body that is not allowed to be shown constitutes her *`awrah*. It must be covered, for exposing it is *haram*.

Consequently, with respect to non-*mahram* men and other Muslim women, a woman's *`awrah* is her entire body with the exception of her face and hands, according to the interpretation we have preferred. We agree with Ar-Razi's argument that Islam has permitted her to expose those parts of the body, the face and hands, which are needed to be exposed in order to carry out daily business and for giving and taking; it has commanded her to cover what it is not necessary to expose, and has forgiven her accidental, inadvertent exposures or such exposures as are required by necessity. All

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1. Narrated by Muslim.

this is in accordance with the flexibility of Islam. Ar-Razi said, "Since showing the face and hands is necessary, the jurists had no choice but to agree that they are not included in the *'awrah*, and since showing the feet is not necessary, they differed concerning whether or not they are included in the *'awrah*."<sup>(1)</sup>

With respect to the above-mentioned twelve categories of *mahram* relatives, a woman is permitted to expose of her hair, ears, neck, upper part of chest, arms, and legs. Other parts of her body, such as the back, abdomen, thighs, and the two private parts are not be exposed before anyone, man or woman, except her husband.

The above interpretation of the verse is closer to its intent than that of some other scholars who say that, with respect to her *mahram* relatives and other Muslim women, the woman's *'awrah* is the area between her navel and knee. Rather, the intent of the verse seems to support the opinion of some scholars who say that with respect to her *mahram* relatives the woman's *'awrah* is that part which is not exposed while she is doing her housework; that is, whatever is exposed during the course of her daily chores may be seen by men who are her *mahram* relatives.

That is why Allah (Glory be to Him) commands the believing women to cover themselves with a loose over-garment whenever they go out, for in this way they may be distinguished from non-believing and loose women. Allah (Glorified be He) commanded His Prophet (pbuh) to convey to the whole *Ummah* of Islam this divine message:

﴿O Prophet! Tell thy wives and daughters and the believing women that they should put on their outer garments (jalabibihinn);<sup>(2)</sup> that is most convenient in order that they may be recognized (as Muslims) and not be molested... ﴾

(Al-Ahzab: 59)

During the period of *Jahiliyyah* some women used to go out with the attractive parts of their bodies, such as the neck, upper part of the chest, and hair, exposed, and the loafers and lechers would follow them about. This

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1. *Tafsir* of Fakhr ad-Din ar-Razi, vol. 20, pp. 205-206.

2. This is, whenever they are outside the home or inside it when non-*mahram* men are present. (Translator)

noble verse came down, commanding the believing woman to cover herself with her garment so that no provocative part of her body would be visible. Because her appearance reflecting that she was a chaste, believing woman, no lecher or hypocrite would dare to molest her.

It is clear from this verse that the reason of this injunction is not the fear of women's misbehavior or mistrust of them, as some people claim, but the danger to them from lecherous and evil men; for the woman who decks herself out, walks seductively, or talks invitingly always attracts men who lust after her. This verifies the Qur'anic verse:

﴿... Then do not be too pleasant of speech, lest one in whose heart there is a disease should feel desire (for you)...﴾

(Al-Ahzab: 32)

Accordingly, Islam insists that the Muslim woman cover, and so protect herself; no concession is made in this except to reduce it somewhat for old women. Allah (Glorified be He) says,

﴿And the elderly among women who are past (the prospect) of marriage - there is no blame on them if they lay aside their (outer) garments without displaying their adornment; but it is better for them to be modest. And Allah is Ever-Hearing, Ever-Knowing.﴾

(An-Nur: 60)

By "the elderly among women" is meant such post-menopausal women who have no desire for marriage or sex, and to whom men are not attracted. Allah has made this concession for them so that they can put aside their covering garments, such as the chador, *abaya*, *jilbab*, and the like. However, the Qur'an makes it a condition that this should not be for the purpose of displaying their adornment but only for ease and comfort when necessary. Despite this concession, it is preferable and better for them to be more perfect in their dignity and far removed from any suspicion: *but it is better for them to be modest*. (An-Nur: 60)

## **Concerning Women Going to Public Baths**

In consideration of Islam's concern for woman's *'awrah* and its proper covering the Prophet (pbuh) warned the Muslim woman against entering

public baths and disrobing in front of other women, who might subsequently make her physical characteristics a topic of their gossip and vulgar comments.

Similarly, the Prophet (pbuh) warned the Muslim man against entering public baths without a waist wrapper. Jabir reported that the Messenger of Allah (pbuh) said,

*"Whoever believes in Allah and the Last Day must not enter a public bath without a lower garment (to cover his private parts), and whoever believes in Allah and the Last Day must not let his wife go to a public bath."<sup>(1)</sup>*

And `A'ishah said,

"At first the Messenger of Allah (pbuh) forbade the people to go to public baths, but later allowed men to enter them wearing lower garments."<sup>(2)</sup>

Exception to this prohibition is made for the woman who suffers from some illness for which warm baths are beneficial, and for women following childbirth. `Abdullah ibn `Amr reported that the Prophet (pbuh) said concerning public baths,

*"Men must not enter them without a lower garment. Prevent women from entering them except when sick or after childbirth."<sup>(3)</sup>*

There is some weakness in transmission of this *hadith*, but it is supported by the rules of the *Shari'ah* which makes concessions in worship and other obligations for a sick person, and by the well-known principle that what is prohibited for the sake of precaution becomes permissible in the case of need or benefit. It is also supported by a *hadith* narrated by Al-Hakim on the authority of `Abdullah ibn `Abbas, who reported that the Prophet (pbuh) said, *"Beware of a building called "the public bath"."* Some people said, "O Messenger of Allah, it certainly removes dirt and benefits the sick." He then said, *"Then whoever enters should cover his nakedness."*<sup>(4)</sup>

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1. In *At-Targhib*, Al-Mundhiri said that this was narrated by An-Nasa'i and by At-Tirmidhi who classified it as *hasan*. Al-Hakim narrated it and called it *sahih*.
2. The wording is from a report of Abu Dawud; also narrated by At-Tirmidhi and Ibn Majah.
3. Narrated by Ibn Majah and Abu Dawud. One of the transmitters is `Abd ar-Rahman Ziyadah ibn An'am al-Ifriqi.
4. Narrated by Al-Hakim, who classified it as *sahih*.

If a woman enters a public bath without a valid reason or need, she has committed a *haram* act and deserves the censure of the Prophet (pbuh). Abu al-Malih al-Hudhali reported that some women from Homs or Damascus came to visit `A'ishah and she said, "Are you from a place where women go to the public baths? I heard the Messenger of Allah (pbuh) saying,

*"A woman who removes her clothes (i.e., goes naked) outside her husband's house tears down the veil (sitr) between herself and her Lord?"<sup>(1)</sup>*

And Umm Salamah reported that the Prophet (pbuh) said,

*"If any woman takes off her clothes outside her own house, Allah will tear His covering from her."*

When Islam takes such a strict view of women's entering public bath which is, after all, a building with four walls and to enter only women are allowed, imagine its judgement concerning the nearly-nude women lying about on beaches and the swimming pools, exposing their nakedness to the hungry and lustful eyes of every passer-by without any sense of shame. Assuredly they have torn down every veil between themselves and their most Merciful Lord. And their men are partners in their sin, since they are responsible protectors of their women. If only they knew!

## **The Prohibition of the Display of Women's Attractions**

The morals and manners of the Muslim women are quite different from those of non-Muslim women and the women of the time of *Jahiliyyah*. The Muslim woman is chaste, dignified, self-respecting, and modest, while the woman who is ignorant of the divine guidance may be vain, showy and anxious to display her attractions. Such display includes exposing the attractive parts of the body, walking or talking in a seductive manner, displaying her ornaments, wearing revealing and sexy clothes, and the like.

The variety of ways in which women display their attraction is no secret to people, ancient or modern. In commenting on the verse concerning the women of the Prophet's household,

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1. Narrated with this wording by At-Tirmidhi; also narrated by Abu Dawud, Ibn Majah, and Al-Hakim who classified it as *sahih* (*At-Targhib*).

﴿And be in your house, and do not make a display of yourselves in the manner of display of Jahiliyyah...﴾

(Al-Ahzab: 33)

Mujahid remarked, "Women used to walk about among men." Qatadah said, 'They used to walk in a seductive and sensuous manner;' while Muqatil said, 'The displaying of attractions means putting a cloth on the head without tying it, and toying with the necklace, earrings, and other ornaments in a provocative fashion.' "

The ways in which women displayed themselves during the period of *Jahiliyyah* included mingling freely with men, walking seductively, and wearing a head-covering in a manner which exposed the ornaments and beauties of the head and neck. However, all these aspects, in contrast to those of the present *Jahiliyyah*, seem to be a model of chastity dignity.

### **How a Muslim Woman Should Conduct Herself**

The correct Islamic behavior required of Muslim women which keeps them from wantonly displaying their attractions is characterized by the following:

A. Lowering the gaze: Indeed, the most precious ornaments of a woman is modesty, and the best expression of modesty is in lowering gaze, as Allah (Glory be to Him) says,

﴿... And tell the believing women that they should lower their gazes...﴾

(An-Nur: 31)

B. Not intermingling with men in such a way that their bodies come in contact or that men touch women, as it happens so often today in movie theaters, university classrooms, auditoriums, buses, streetcars, and the like. Ma`qal ibn Yasar narrated that the Messenger of Allah (pbuh) said,

*"It is better for one of you to be pricked in the head with an iron pick than to touch a woman whom it is unlawful to touch."*<sup>(1)</sup>

C. Her clothing must conform to the standards laid down by the Islamic *Shari`ah*, which are as follows:

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1. Al-Mundhiri said, "It (this *hadith*) is narrated by At-Tabarani and Al-Bayhaqi, and At-Tabarani's transmitters are authentic and trustworthy."

1. Her dress must cover her entire body with the exception of "*that which is apparent,*" which, according to the most preferable interpretation, refers to the face and hands.
2. It must not be transparent, revealing what is underneath it. The Prophet (pbuh) has informed us that among the dwellers of Hell are "*such women as are clothed yet naked, seduced and being seduced. These shall not enter Paradise, nor shall (even) its fragrance reach them*".

Here the meaning of "*clothed yet naked*" is that their light, thin, transparent garments do not conceal what is underneath. Once some women of Banu Tamim, who were clad in transparent clothes, came to see `A'ishah, she remarked, "If you are believers, these are not the clothes which befit believing women". On another occasion, when a bride wearing a sheer and transparent head-covering was brought into her presence, she commented, "A woman who dresses like this does not believe in *Surat an-Nur*".<sup>(1)</sup>

3. Her dress must not be too tight so as to define the parts of her body, especially its curves, even though it may not be transparent. This describes many of the styles of clothing current in the sensuous, materialistic civilization of the Western world, whose fashion designers compete with one another in devising clothing for women which tantalizingly emphasizes the bustline, waist, and hips, etc., in order to elicit the lustful admiration of men. Women who wear such clothes likewise fall under the definition of "*clothed yet naked,*" since such a dress is often more provocative than one which is transparent.
4. She must not wear clothes which are specifically for men, such as trousers in our time. The Prophet (pbuh) cursed women who imitate men and men who imitate women, and prohibited women from wearing men's clothing and *vice-versa*.
5. In her choice of clothing she should not imitate non-Muslims, whether they are Jew, Christian, or pagan, for Islam disapproves of conformity to non-Islamic modes and desires its followers to develop their own distinctive characteristics in appearance, as well as in beliefs and

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1. *Surah* no. 24, which together with *Surat al-Ahzab* (33) contains many injunctions concerning purity and propriety, man-woman relations, and dress. (Translator)

attitudes. This is why Muslims have been asked to be different from non-Muslims in many aspects, and why the Prophet (pbuh) has said,

*"Whoever imitates a people is one of them."<sup>(1)</sup>*

D. The Muslim woman walks and talks in a dignified and business-like manner, avoiding flirtatiousness in her facial expressions and movements. Flirting and seductive behaviors are characteristics of wrong-minded women, not of Muslim ones. Allah (Glorified be He) says,

*﴿... Then do not be too pleasant of speech, lest one in whose heart there is a disease feel desire (for you)...﴾*

(Al-Ahzab: 32)

E. She does not draw men's attention to her concealed adornment by the use of perfume or by jingling or toying with her ornaments or other such things. Allah the Almighty says,

*﴿They should not strike their feet in order to make known what they hide of their adornment...﴾*

(An-Nur: 31)

The women of the time of *Jahiliyyah* used to stamp their feet when they passed by men so that the jingling of their ankle-bracelets might be heard. The Qur'an forbade this, both because it may tempt a lecherous man to pursue her and also because it demonstrates evil intention of the woman in case of attempting to draw the attention of men to herself. Similar is the Islamic ruling concerning the use of fragrant perfumes, since here again the intention is to attract men by exciting their desire. A *hadith* stated,

*"The woman who perfumes herself and passes through a gathering is a zaniyah (adulteress or fornicatress)."<sup>(2)</sup>*

From all this we know that Islam does not require, as some people claim, that a woman should remain confined to her house until death takes her out to her grave. On the contrary, she may go out for Prayer, for her studies, and

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1. Narrated by Abu Dawud.

2. Al-Mundhiri said, "This is narrated by Abu Dawud and At-Tirmidhi..." It was also narrated by An-Nasa'i, Ibn Khuzaymah, and Ibn Hibban in the following words: *"Any woman who perfumes herself and passes by a group of people so that her scent reaches them is a zaniyah (adulteress or fornicatress)."* Al-Hakim also narrated this and said, "It has a sound chain of transmitters".

for her other lawful needs, both religious and secular, as it was customary among the women of the families of the Companions and the women of later generations. Moreover, this early period of Islam is considered by all Muslims to be the best and most exemplary period in the history of Islam. Among the women of this time were those who took part in battles in the company of the Prophet himself (pbuh), and after that under the caliphs and their commanders. The Messenger of Allah (pbuh) once said to his wife Sawdah,

*"Allah has permitted you to go out for your needs."*<sup>(1)</sup>

He also said,

*"If someone's wife asks his permission to go to the mosque, he should not deny it to her."*<sup>(2)</sup>

On another occasion he said,

*"Do not prevent Allah's female servants (to go to) Allah's mosques."*<sup>(3)</sup>

Some very strict scholars are of the opinion that a woman is not allowed to see any part of a man who is not her *mahram*. They base their ruling on a *hadith* narrated by At-Tirmidhi on the authority of Nabhan, the *mawla* of Umm Salamah, that the Prophet (pbuh) told Umm Salamah and Maymunah, his wives, to veil themselves when Ibn Umm Maktum entered. "But he is blind," they said. The Prophet (pbuh) replied, *"But are you blind, too? Do you not see him?"*

However, researchers say that the manner in which this *hadith* has been transmitted renders it unsound. While, in Umm Salamah's *hadith*, it was her *mawla* Nabhan who reported it from her, and his report is not held as a proof by scholars. Even if the *hadith* is sound, it simply shows that the Prophet (pbuh) was very strict in respect to his wives because their exceptional status required greater modesty on their part; Abu Dawud and other great scholars have commented on this exceptional position of the wives of the Prophet (pbuh). In any case, the significance of the following well-established and sound *hadith* remains uncontested: The Prophet (pbuh) instructed Fatimah bint Qays to spend the required period of waiting

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1. Narrated by Al-Bukhari on the authority of `A'ishah in the book of "Marriage" in the chapter entitled "Women may Go out for their Needs".

2. Narrated by Al-Bukhari on the authority of `Umar.

3. Narrated by Muslim.

(`iddah) following the death of her husband at the house of Umm Sharik. But he later changed his mind, saying,

*"My Companions gather in her house. Go and stay at (the house of) Ibn Umm Maktum, since he is a blind man. If you uncover yourself he will not see you."<sup>(1)</sup>*

## **A Woman's Serving Male Guests**

A woman may serve her husband's guests in his presence as long as she adheres to the Islamic standards in her dress, movements, and speech. They will naturally see her and she will see them, and there is nothing *haram* in this as long as there is no danger of involvement on either side.

Al-Bukhari, Muslim, and others narrated that Sahl ibn Sa`d al-Ansari said,

"Abu Usayd as-Sa`idi invited the Prophet (pbuh) and his Companions to his wedding. The food was prepared and served by none other than his wife, Umm Usayd. She had soaked some dates in milk in a stone pot overnight. When the Prophet (pbuh) had finished his meal, she mashed the dates and brought the drink to him."

Sheikh al-Islam Ibn Hajar commented,

"From this *hadith* we conclude that a woman is permitted to serve her husband and his male visitors, just as the husband is permitted to serve his wife. It is evident that her serving the visitors is allowed only if there is no fear of temptation and if she is properly dressed; if the wife is not properly dressed (as is the case with a majority of women in our time) her appearing in front of men is *haram*."

## **Sexual Perversion: A Major Sin**

We must be aware that in regulating the sexual drive Islam has prohibited not only illicit sexual relations and all ways which lead to them, but also the sexual deviation known as sodomy. This perverted act is a reversal of the natural order, a corruption of man's sexuality, and a crime against the rights of females.<sup>(2)</sup>

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1. *Tafsir* of Al-Qurtubi, vol. 11, p. 228.

2. The same applies equally in the case of lesbianism.

The spread of this depraved practice in a society disrupts its natural life pattern and makes those who practice it slaves to their lusts, depriving them of decent taste, decent morals, and a decent manner of living. The story of the people of Prophet Lut (Lot) as narrated in the Qur'an should be sufficient for us. Lut's people were addicted to this shameless depravity, abandoning natural, pure, and lawful relations with women in the pursuit of this unnatural, foul and illicit practice. That is why their Prophet, Lut (peace be upon him), said to them,

*﴿What! Of all creatures, do you approach males and leave the spouses whom your Lord has created for you? Indeed, you are people transgressing (all limits)!﴾*

(Ash-Shu`ara': 165-166)

The strangest expression of these peoples' perversity of nature, lack of guidance, depravity of morals, and aberration of taste was their attitude toward the guests of Prophet Lut (peace be upon him) who were angels of punishment in human form sent by Allah to try these people and to expose their perversity. The Qur'an narrates the story:

*﴿And when Our messengers came to Lut, he was grieved on their account and did not know how to protect them. He said, 'This is a day of distress.' And his people, who had long since been practicing abomination, came rushing toward him. He said, 'O my people, here are my daughters. They are purer for you, so fear Allah and do not disgrace me in front of my guests. Is there not a single upright man among you?' They said, 'Thou knowest well that we have no right to thy daughters, and certainly thou knowest what we want.' He said, 'If only I had strength to resist you or had some powerful support! Said (the angels) 'O Lut, we are messengers of thy Lord; they shall not reach thee...﴾*

(Hud: 77-81)

The jurists of Islam have held different opinions concerning the punishment for this abominable practice. Should it be the same as the punishment for *zina*, or should both the active and passive participations be put to death? While such punishments may seem cruel, they have been suggested to maintain the purity of the Islamic society and to keep it clean of perverted elements.

## A Ruling Concerning Masturbation

The pressing need to relieve himself of sexual tension may drive a young man to masturbation.

The majority of scholars consider it *haram*. Imam Malik bases his judgements on the verse,

*Those who guard their sexual organs except with their spouses or those whom their right hands possess, for (with regard to them) they are without blame. But those who crave something beyond that are transgressors*

(Al-Mu'minun: 5-7)

arguing that the masturbator is one of those who "crave something beyond that".

On the other hand, it is reported that Imam Ahmad ibn Hanbal regarded semen as an excretion of the body like other excreta and permitted its expulsion as blood letting is permitted. Ibn Hazm held the same view. However, the Hanbali jurists permitted masturbation only under two conditions: first, the fear of committing fornication or adultery, and second, not having the means to marry.

We are inclined to accept the opinion of Imam Ahmad in a situation in which there is sexual excitation and danger of committing the *haram*. For example, a young man has gone abroad to study or to work, thereby encountering many temptations which he fears he will be unable to resist, may resort to this method of relieving sexual tension provided that he does not do it excessively or make it into a habit.

Yet better than this is the Prophet's advice to the Muslim youth who is unable to marry, namely, that he seek help through frequent fasting, for fasting nurtures will-power control of desires, and strengthens the fear of Allah. The Prophet (pbuh) said,

*O Young men, those of you who can support a wife should marry, for it keeps you from looking at women (lit., lowers your gaze) and preserves your chastity; but those who cannot should fast, for it is a means of cooling (sexual passion).<sup>(1)</sup>*

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1. Narrated by Al-Bukhari.

## 2. Marriage

### No Monasticism in Islam

The stand of Islam is, on the one hand, against sexual license; consequently, it prohibits fornication and adultery, and blocks all ways leading to them. On the other hand, Islam is also against suppressing the sexual urge; accordingly, it calls people toward marriage, prohibiting renunciation and castration.<sup>(1)</sup>

As long as he possesses the means to marry, the Muslim is not permitted to refrain from marriage on the grounds that he has dedicated himself to the service or the worship of Allah and to a life of monasticism and renunciation of the world.

The Prophet (pbuh) noted a tendency toward monasticism among some of his Companions. Declaring this to be a deviation from the straight path of Islam and a rejection of his *sunnah* (recommended practice), he thereby rid Islam's conceptual framework of such a Christian notion. Abu Qulabah reported, "Some of the Companions of the Prophet (pbuh) decided to relinquish the world, forsake their wives, and become like monks. The Prophet (pbuh) said to them with asperity,

*'People before you perished because of their excessiveness; they made excessive demands on themselves until Allah brought hardships on them: you can still see a few of them remaining in monasteries and temples. Then worship Allah and do not associate anything with Him, perform the Hajj and the 'Umrah, be righteous, and all affairs will be set right for you.'"<sup>(2)</sup>*

Abu Qulabah said the following verse was revealed concerning them:

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1. Renunciation here stands for *tabattul*, which means remaining celibate and renouncing worldly activity for the sake of devoting oneself to the worship of Allah. Castration denotes suppressing sexual desire by removing the testicles.
2. Narrated by `Abd ar-Razzaq, Ibn Jarir, and Ibn al-Mundhir.

*﴿O you who believe. Do not make haram the good of things which Allah has made halal for you, and do not transgress; indeed, Allah does not like transgressors. ﴾*

(Al-Ma'idah: 87)

Mujahid reported, "Some people, including 'Uthman ibn Maz'un and 'Abdullah ibn 'Umar, intended to renounce their wives, castrate themselves, and wear coarse clothing. Then the above verse and the verse following it were revealed."<sup>(1)</sup>

Al-Bukhari and others narrated that three people came to the Prophet's wives and asked how the Prophet (pbuh) conducted his worship. When they were told about it, they seemed to consider it but little, saying, "What a difference there is between us and the Messenger of Allah (pbuh), whose past and future sins have been forgiven by Allah!" The first said, "I'll fast all the year without breaking the fast." The other said, "As for me, I will always offer prayers during the night." The third said, "I will have nothing to do with women and will never marry." When the Prophet (pbuh) heard about this, he explained to them their error and deviation from the straight path, saying,

*"I am the one who knows Allah best and fears Him the most among you, yet I fast and I break my fast, I offer prayers (during the night) and sleep, and I marry women. He who turns away from my Sunnah has nothing to do with me."*

Sa'd ibn Abi Waqqas said,

"Allah's Messenger (pbuh) objected to 'Uthman ibn Maz'un living in celibacy. If he had given him permission (to do so), we would have had ourselves castrated."<sup>(2)</sup>

Addressing the young men of all times, the Prophet (pbuh) said,

*"O Young men, those of you who can support a wife should marry, for it keeps you from looking at women and preserves your chastity."<sup>(3)</sup>*

From this statement some scholars have inferred that marriage is obligatory for the Muslim who is able to support a wife and that the

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1. Narrated by Ibn Jarir in his *Tafsir*.

2. Narrated by Al-Bukhari.

3. Narrated by Al-Bukhari.

avoidance of it is not permissible, while other scholars have added the further condition for its obligatoriness that he should be afraid of falling into sin.

In fact, it is not befitting that a Muslim should refrain from marriage out of fear of poverty or of not being able to meet his obligations. He should make every possible attempt to find employment, seeking help from Allah, for He has promised to help those who marry in order to protect their chastity and purity. Allah (Glorified be He) say,

*﴿And marry those among you who are single and the virtuous ones among your slaves, male or female. If they are in poverty, Allah will enrich them out of His bounty... ﴾*

(An-Nur: 32)

And the Messenger of Allah (pbuh) said,

*"There are three who have a right to the help of Allah: the one who (seeks to) marry out of the desire to live a chaste life, the slave whose master has agreed to his buying his freedom when he wishes to pay the sum, and the one who fights in the cause of Allah."<sup>(1)</sup>*

### **Seeing the Woman to Whom One Proposes Marriage**

It is permissible for a Muslim man to see the woman to whom he intends to propose marriage before taking further steps so that he can enter into the marriage knowing what is ahead for him. Otherwise, if he has not seen her before marriage, he may not find her look to his liking and may have regrets after he is married to her.

The eye is the messenger of the heart; when the eyes meet, the hearts and the souls of man and woman meet as well. Muslim narrated that Abu Hurayrah said that a man came to the Prophet (pbuh) and told him that he had contracted to marry a woman of the *Ansar*. *"Did you look at her?"* the Prophet (pbuh) asked. "No," he said. *"Then go and look at her,"* said the Prophet (pbuh), *"for there is something in the eyes of the Ansar,"* meaning that some of them had a defect in their eyes.

Al-Mughirah ibn Shu`bah said,

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1. Narrated by Ahmad, An-Nasa'i, At-Tirmidhi, Ibn Majah, and Al-Hakim.

"I asked for a woman in marriage and Allah's Messenger (pbuh) asked me whether I had looked at her. When I replied that I had not, he said, '*Then look at her, for it may produce love between you.*' I went to her parents and informed them of the Prophet's advice. They seemed to disapprove of the idea. Their daughter heard the conversation from her room and said, 'If the Prophet (pbuh) has told you to look at me, then look.' I looked at her, and subsequently I married her."<sup>(1)</sup>

The Prophet (pbuh) did not specify either to Al-Mughirah or to the other man how much of the woman they were permitted to see. Some scholars are of the opinion that looking is limited to seeing the face and hands. However, it is permissible for anyone to see the face and hands as long as no desire is involved; therefore, if asking for a woman in marriage is an exemption, obviously the man making the proposal should be able to see much more of the woman than that. The Prophet (pbuh) said,

*"When one of you asks for a woman in marriage, if he is able to look at what will induce him to marry her, he should do so."*<sup>(2)</sup>

Some scholars have gone to one extreme or another in relation to this permission, but the best course seems to be the middle one. One researcher considers it quite appropriate in our time that the man who is proposing be allowed to see the woman as she normally appears before her father, brother, and other *mahram* relatives. He said,

"In the context of the above *hadith*, he may even accompany her, together with her father or some other *mahram* as chaperone, on her usual visits to relatives or to public places, while clad in full *hijab*.<sup>(3)</sup> In this way he will have the opportunity to get an insight into her reasoning, behavior, and personality. This is a part of the meaning of the *hadith*, '*... to look at what will induce him to marry her*'.<sup>(4)</sup>

If the man's intention of marriage is sincere, he is permitted to see the woman with or without her and her family's knowledge, Jarir ibn `Abdullah said concerning his wife, "(Before marriage) I used to hide under a tree to see her."

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1. Narrated by Ahmad, At-Tirmidhi, Ibn Majah, Ibn Hibban, and Ad-Darimi.

2. Narrated by Abu Dawud.

3. *Hijab* denotes the proper Islamic dress of woman. (Translator)

4. Al-Bahi al-Khuli, *Al-Mar'ah bayn al-Bayt wal-Mujtama'*.

From the *hadith* concerning Al-Mughirah we understand that the father of a girl cannot, out of deference to custom and tradition, prevent a suitor who is in earnest from seeing her, for customs and traditions must be governed by the *Shari`ah*. How is it possible that the Divine Law should be subjected to the whims of human beings? On the other hand, however, neither the father, the suitor, or the fiancee can stretch this permission to such an extent that the young man and woman, under the pretext of betrothal or engagement, go to movie theaters, clubs, and shopping places together without being accompanied by a *mahram* of hers, a practice which has become common today among Muslims who are fond of imitating Western civilization and its customs.

## **Prohibited Proposals**

It is *haram* for a Muslim man to propose to a divorced or widowed woman during her *iddah* (that is, the waiting period during which she is not allowed to marry again), for this waiting period is part of the previous marriage and may not be violated. Although one may, during this period, convey his desire for marriage through indirect hints or suggestions, it may not be done through an explicit proposal. Allah (Glorified be He) says,

﴿And there is no blame on you in what you proclaim or hide in your minds concerning betrothal to women...﴾

(Al-Baqarah: 235)

It is likewise forbidden to the Muslim to propose to a woman who is already betrothed to a brother Muslim; the one whose proposal has already been accepted has acquired a right which must be safeguarded in consideration of goodwill and affection among people, especially among his brother Muslims. However, if the first suitor terminates his betrothal or gives the second suitor his permission, there is nothing *haram* in proceeding with it.

Muslim narrated that the Messenger of Allah (pbuh) said,

"A believer is a brother to another believer. It is therefore not lawful for him to outbid his brother in buying something or to propose to a woman when his brother has done so, unless he gives him permission."

And Al-Bukhari narrated that the Prophet (pbuh) said,

*"A man must not propose to another man's betrothed unless he withdraws or gives him permission."*

## **The Consent of the Girl**

It is the girl's right to make a decision concerning her marriage, and her father or guardian is not permitted to override her objections or ignore her wishes. The Prophet (pbuh) said,

*"A woman who has been previously married has more right concerning her person than her guardian, and a virgin must be asked about herself, her consent being her silence."<sup>(1)</sup>*

Ibn Majah and some other transmitters narrated that a girl came to the Prophet (pbuh) and informed him that her father had married her to her cousin against her wishes, whereupon the Prophet (pbuh) allowed her to exercise her choice. She then said, "I am reconciled to what my father did but I wanted to make it known to women that fathers have no say in this matter."

The father of a girl must not delay marriage of his daughter if a proposal is received from a man of equal status who is of sound religion and character. The Prophet (pbuh) said,

*"Three matters should not be delayed: Prayer when its time comes, burial when the funeral has arrived, and the marriage of a single woman when a man of equal status has proposed."<sup>(2)</sup>*

He further said,

*"When someone with whose religion and character you are satisfied asks for your daughter in marriage, accede to his request. If you do not do so there will be corruption and great evil on the earth."<sup>(3)</sup>*

## **Women to Whom Marriage Is Prohibited**

It is permanently *haram* for a Muslim to marry a woman who belongs to one of the following categories:

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1. Narrated by Al-Bukhari and Muslim.
2. Narrated by At-Tirmidhi.
3. Narrated by At-Tirmidhi.

1. The father's wife, whether divorced or widowed. During the period of *Jahiliyyah* such marriages were allowed. Then Islam prohibited them, for once a woman is married to a man's father she acquires the status of his mother, and this prohibition is out of honor and respect for the father. Moreover, as this inviolable prohibition leaves no room for sexual attraction between the son and his step-mother, they are able to develop a relationship of respect and honor.
2. The mother, including the grandmothers on both sides.
3. The daughter, including the granddaughters from the son or daughter.
4. The sister, including the half and step sisters.
5. The paternal aunt, whether she is the real, half, or step sister of the father.
6. The maternal aunt, whether she is the real, half, or step sister of the mother.
7. The brother's daughter, i.e., niece.
8. The sister's daughter, i.e., niece.

All these female blood-relatives are a man's *mahram* relatives and he is *mahram* to his corresponding female relatives. Marriage to any *mahram* whomsoever is permanently prohibited. The reasons for this prohibition are as follows.

- A. Entertaining any sexual thoughts concerning such close relatives as one's mother, sister, and daughter is instinctively abhorrent to human nature; there are even certain animals which avoid mating with such closely-related animals. The respect a man feels for his aunt is like the respect he has for his mother, and likewise uncles are regarded as fathers.
- B. Since the family must live together in intimacy and privacy but without incestuous relations, the *Shari`ah* intends to cut at the roots of any sexual attraction among such close relatives.
- C. Since there is natural love and affection among such close blood relatives, the intent of the *Shari`ah* is to expand the circle of love and kinship by prohibiting incest and thereby directing the man's search for women outside the family. Thus each marriage extends the sphere of

love, bringing new people within this ever-expanding network of affection: *...And He has put love and mercy between you...*

(Ar-Rum: 21)

- D. The natural sentiments of love and affection between a man and the above-mentioned female relatives must be kept strong forever. If marriage were permitted between such relatives, it would cause jealousies, dissensions, and the disruption of families, destroying the very sentiments of love and affection which give cohesiveness and permanence to the family structure.
- E. The offspring of marriages to such close blood relatives would most probably be defective and weak. Moreover, if physical or mental defects are present in the members of a family, they would become more pronounced among the children of such marriages.
- F. The woman needs someone to champion her rights and support her case against her husband, especially when relations between the two of them become strained. If those men who could defend her became rivals, how would this be possible?

### **Marriages Prohibited by Reason of Fosterage**

- 9. The foster mother: It is *haram* for a Muslim to marry a woman who has suckled him during his infancy, for suckling makes her like his real mother, since milk has gone into the making of his flesh and bones. Nursing consciously or unconsciously produces feelings of motherhood in a woman and of kinship in a child, and although these feelings might seem to disappear as the child grows and becomes a man, they remain hidden in the unconscious.

However, the prohibition of marriage based on fosterage is effective only if the suckling occurred before the time of weaning; that is, when milk was the primary source of food. Another condition is that the child has suckled his fill on five separate occasions, a fill being defined as when the child leaves off suckling of his own accord. After a survey of all the *hadiths* on this subject, the fixing of five suckling as the minimum seems to be the preferred view.

10. The foster sister: Just as a woman becomes a mother to a child by virtue of suckling, likewise her daughters become his sisters, and her sisters become his aunts, and so on. The Prophet (pbuh) said,

*"What is haram by reason of genealogy is haram by reason of fosterage."<sup>(1)</sup>*

Thus marriage to the foster sisters, foster aunts, and foster nieces is permanently prohibited.

### **In-law Relationships**

11. The mother-in-law: Marriage to the wife's mother is permanently prohibited from the time a man enters into a marriage contract with a woman, whether he and his wife have engaged in sexual intercourse or not. The act of marriage itself gives the mother-in-law the same status as the mother.

12. The step-daughter: A man cannot marry his step-daughter (his wife's daughter by a previous marriage) if sexual intercourse has taken place with her mother, i.e. his wife. However, if a man divorces his wife without having had intercourse with her, it is permissible for him to marry her daughter by a previous marriage.

13. The daughter-in-law: That is, the wife of the real son, not that of the adopted son. In fact, Islam abolished the permissibility of the system of formalized adoption, because this is contrary to fact and to reality, resulting in the prohibiting of what is essentially *halal* and the permitting of what is essentially *haram*. Allah (Glorified be He) says,

*(... Nor has He made your sons by adoption your (real) sons. Those are simply words from your mouths...)*

(Al-Ahzab: 4)

meaning that it is merely an expression of the tongue which does not alter reality nor transform an outsider to the family into a blood relative.

These three types of female relatives are forbidden in marriage in order that peaceful relationships may be maintained among the in-laws.

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1. Narrated by Al-Bukhari and Muslim

## **Sisters as Co-wives**

14. As opposed to the practice of the period of *Jahiliyyah*, Islam forbade taking two sisters as co-wives, at the same time because the feeling of love and sisterliness which Islam wants to maintain among sisters would be destroyed if one sister became the co-wife of the same husband. The Qur'an mentioned the two sisters, and the Prophet (pbuh) said,

*"A man must not marry a woman and her paternal aunt (at the same time), nor a woman and her maternal aunt."<sup>(1)</sup>*

He also said,

*"If you do this, you will sever your ties of kinship."<sup>(2)</sup>*

How then could Islam permit the breaking of such kinship ties when it places so much importance of them?

## **Married Women**

15. As long as a woman is married, her marriage to any other man is prohibited. She may marry another man only when two conditions are fulfilled:

- a. Her marriage tie is broken either because of the death of her husband or because of divorce.
- b. She has completed the period of waiting ('iddah) ordained by Allah. For a pregnant woman this period ends when she delivers the baby. If she is widowed but not pregnant, the period of 'iddah is four months and ten nights, while if she is divorced and it is not known whether or not she is pregnant, the 'iddah is three menstrual cycles. This 'iddah relates to the woman who has menstrual periods; for a woman who does not menstruate, the 'iddah is three months. Allah (Glorified be He) says,

*﴿And divorced women shall wait concerning themselves for three monthly periods. And it is not permissible for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day...﴾*

(Al-Baqarah: 228)

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Ibn Hibban.

and,

﴿As for those who have no further expectation of menstruation among your women, if you are in doubt, the waiting period is three months, as well as for those who have no menses. And for those who are pregnant, their period is until they deliver their burdens...﴾

(At-Talaq: 4)

and,

﴿For those of you who die and leave behind widows, they shall wait concerning themselves for four months and ten (days)...﴾

(Al-Baqarah: 234)

Of these fifteen categories of female relatives to whom marriage is prohibited, fourteen are mentioned in *Surat an-Nisa'*:

﴿And do not marry those women whom your fathers married, except what is past; indeed, it was an indecency and an abomination, and an evil path. Forbidden to you are your mothers and your daughters, and your sisters and your father's sisters and your mothers' sisters, and your brothers' daughters and your sisters' daughters, and your foster mothers and your foster sisters, your wives' mothers, your step-daughters under your guardianship born of your wives to whom you have gone in - and if you have not gone into them there is no blame on you - and the wives of your sons proceeding from your loins, and that you should marry two sisters at one time, except what is past; indeed Allah is Forgiving, Merciful.﴾

(An-Nisa': 22-24)

The prohibition of getting married to a woman and any of her aunts at the same time derived from the *hadith* cited above.

## ***Mushrik Women***

16. A woman who is *mushrik*, that is, who worships idols or associates other deities with Allah, is also among those who are prohibited. Allah (Glorified be He) says,

﴿And do not marry *mushrik* women until they believe, for a believing bondmaid is better than a *mushrik* woman, even though you may admire her. And do not marry (your girls) to *mushrik* men until they believe, for

*a believing bondman is better than a mushrik man, even though you may admire him. They (the mushrikun) invite you to the fire, but Allah invites you to the Garden and to forgiveness by His grace... ﴿*

(Al-Baqarah: 221)

This verse proclaims that a Muslim man must not marry a *mushrik* woman nor may a Muslim woman marry a *mushrik* man, because there is a great, unbridgeable gulf between the two systems of belief. Islam invites people to Paradise, while *shirk* leads them to the Fire. While Muslims believe in Allah, His Messengers, and the Hereafter, *mushrikun* associate others with Allah, reject His Messengers, and deny the Hereafter. Marriage means living under one roof in harmony and love; how then would it be possible for such conflicting beliefs and practices to co-exist peacefully together in one abode?

### **Women of the People of the Book**

Islam has made marriage to Jewish or Christian women lawful for Muslim men, for they are *Ahl al-Kitab*, that is, People of the Book, or people whose tradition is based upon a divinely revealed Scripture. Although they have distorted and altered it, they do possess a religion of divine origin, and hence Islam has made some exceptions in dealing with them. The Qur'an says,

*... And the food of those who were given the Scripture (before you) is permitted to you and your food is permitted to them. And (lawful to you in marriage are) chaste women from the Believers and chaste women from those who were given the Scripture before you, when you give them their due dowers, desiring chastity, not lewdness or secret intrigues... ﴿*

(Al-Ma'idah: 5)

Tolerance of such a degree is a characteristic of Islam which is hardly to be found among other faiths and nations. Despite the fact that Islam takes the People of the Book to task for their unbelief and error, it permits the Muslim to marry a Christian or Jewish woman, to be his consort, the mistress of his house, the mother of his children, the source of his repose, and his companion for life, while she is still adopting her own faith. All this while the Qur'an says concerning marriage and its mystique,

﴿And among His signs is that He created for you mates from among yourselves, that you may dwell with them in tranquility, and He has put love and mercy between you...﴾

(Ar-Rum: 21)

However, a warning is in order here. In order of preference, a believing, practicing Muslim woman who loves her religion is preferable to a nominal Muslim woman who has inherited Islam from her parents. The Prophet (pbuh) said,

*"Get the one who is religious and prosper."*<sup>(1)</sup>

It is also obvious that a Muslim woman, regardless of who she is, is better suited to a Muslim man than a woman of Christian or Jewish faith, regardless of her merits.

If a Muslim man has the slightest suspicion that a non-Muslim wife might affect the beliefs and attitudes of his children, it becomes obligatory on him to exercise caution.

If the number of Muslims in a country is small - for example, if they are immigrants residing in a non-Muslim country - their men ought to be prohibited from marrying non-Muslim women because, since Muslim women are prohibited from marrying non-Muslim men, their marriage to non-Muslim women means that many Muslim girls will remain unmarried. Since this situation is injurious to the Muslim society, this injury can be avoided by temporarily suspending this permission.

## **The Prohibition of a Muslim Woman's Marrying a Non-Muslim Man**

It is *haram* for a Muslim woman to marry a non-Muslim man, regardless of whether he is of the People of the Book or not. We have already mentioned the saying of Allah (Glorified be He),

﴿... And do not marry (your girls) to idolaters until they believe...﴾

(Al-Baqarah: 221)

And He said concerning the immigrant Muslim women,

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1. Narrated by Al-Bukhari.

﴿... Then if you know them to be Believers, do not send them back to the unbelievers. They are not halal for them (as wives), nor are they halal for them (as husbands)...﴾

(Al-Mumtahanah: 10)

No text exists which makes exceptions for the People of the Book; hence, on the basis of the above verses, there is a consensus among Muslims concerning this prohibition.

Thus, while a Muslim man is permitted to marry a Christian or Jewish woman, a Muslim woman is not allowed to marry a Christian or Jewish man. There are many sound reasons for this difference. First, the man is the head of the household, the one who maintains the family, and he is responsible for his wife. And while Islam guarantees freedom of belief and practice to the Christian or Jewish wife of a Muslim, safeguarding her rights according to her own faith, other religions, such as Judaism and Christianity, do not guarantee the wife of a different faith freedom of belief and practice, nor do they safeguard her rights. Since this is the case, how can Islam take chances on the future of its daughters by giving them into the hands of people who neither honor their religion nor are concerned to protect their rights?

A marriage between a man and woman of different faiths can be based only on the husband's respect for his wife's beliefs; otherwise a good relationship can never develop. Now, the Muslim believes that both Judaism and Christianity originated in divine revelation, although later distortions were introduced into them. He also believes that Allah revealed the *Tawrah* to Prophet Musa and the *Injil* to Prophet `Isa, and that both Musa and `Isa (peace be upon both of them) were among the Messengers of Allah who were distinguished by their steadfast determination. Accordingly, the Christian or Jewish wife of a Muslim lives under the protection of a man who respects the basic tenets of her faith, her scripture, and her prophets, while in contrast to this the Jew or Christian recognizes neither the divine origin of Islam, its Book, or its Prophet (pbuh). How then could a Muslim woman live with such a man, while her religion requires of her the observance of certain worships, duties, and obligations, as well as certain prohibitions. It would be impossible for the Muslim woman to retain her respect for her beliefs as well as to practice her religion properly if she were opposed in this regard by the master of the house at every step.

It will be realized from this that Islam is consistent with itself in prohibiting the Muslim man to marry a *mushrik* woman, for since Islam is absolutely opposed to *shirk*, it would obviously be impossible for two such people to live together in harmony and love.

### **Zaniyat; Adulteresses or Fornicatresses**

17. Here *zaniyat* denotes women who earns money through prostitution. It is reported that Marthad ibn Abu Marthad asked the Prophet's permission to marry a prostitute named 'Anaq with whom he had relations during the pre-Islamic period. The Prophet (pbuh) did not give him an answer until Allah revealed,

﴿The fornicator shall not marry anyone except a fornicatress or an idolatress, and the fornicatress shall not marry anyone but a fornicator or an idolator, and that (marrying them) is haram for the Believers.﴾

(An-Nur: 3)

The Prophet (pbuh) then recited this verse to Marthad and said, "Do not marry her."<sup>(1)</sup>

Allah (Glory be to Him) permitted Muslims to marry chaste believing women or chaste women of the People of the Book. Similarly, He has made marriage lawful to men on the condition that they seek it ﴿in honest wedlock, not in lust.﴾ (An-Nisa': 24). Accordingly, if someone does not accept this command from the Book of Allah, nor considers it binding, he is a *mushrik*<sup>(2)</sup> and no one will agree to marry him except another *mushrik*. If someone accepts this command as binding, but despite this he marries a fornicatress to whom marriage has been prohibited, he becomes a fornicator himself.

This verse just here cited comes after the verse prescribing the punishment of flogging for fornicators and fornicatresses.

While this is a corporal punishment, the punishment mentioned in Surat an-Nur (24: 3) is a civil punishment, for depriving fornicators of the right to

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1. This story was narrated by Abu Dawud, An-Nasa'i, and At-Tirmidhi.

2. As we saw in Chapter One in the discussion concerning Allah's sole right to decide what is *halal* and what is haram for His servants, anyone who disobeys or disregards this explicit command of Allah the Almighty is considered a *mushrik*.

marry chaste women is like depriving someone of citizenship, nationality, or some other civil rights as a punishment for a crime.

Ibn al-Qayyim, after explaining the meaning of the previously cited verse went on to say,

"This explicit injunction of the Qur'an is what human nature and reason demand. Allah (Glorified be He) prohibits His servant (the Muslim man) to become a pimp to his wayward wife, as He made man's nature with an instinctive abhorrence and contempt for acting as a pimp. This is why, when people want to abuse someone in the most disparaging manner, they call him 'the husband of a whore;' and Allah does not permit the Muslim to be like that.

Further light is thrown on this prohibition by considering the crime of the woman against her husband and society. She defiles the bed of her husband and perverts the lineage which Allah desires to preserve for the integrity and smooth functioning of society, which He counts as one of His favors upon mankind. Adultery leads to the confounding and doubting of parentage. It is thus one of the beauties of the Islamic *Shari`ah* that it prohibits marriage to a prostitute until she repents and demonstrates that she is not pregnant (that is, until she has a menstrual period in order to ascertain that she is not pregnant)."<sup>(1)</sup>

Moreover, a prostitute is a vile and degraded woman. Allah has ordained that marriage be a source of affection and mercy between the spouses. How then could a vile woman be the object of love of a virtuous man, since the partners in a marriage must be akin in their ideas, attitudes, and characters if true love and understanding are to develop between them. As vileness and virtue are antithetical to each other both by nature and by considerations of morality, there cannot even be sympathy, much less love and affection, between the two. Indeed, Allah (Glory be to Him) has spoken truly in His saying,

❖ *Vile women are for vile men, and vile men are for vile women;  
virtuous women are for virtuous men and virtuous men are for virtuous  
women... ❖*

(An-Nur: 26)

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1. *Ighathat al-Lahfan*, vol. 1, pp. 66-67.

## Temporary Marriage (*Mut`ah*)

Marriage in Islam is a strong bond and a binding contract, based on the intention of both partners to live together permanently in order to attain, as individuals, the benefit of the repose, affection, and mercy which are mentioned in the Qur'an, as well as to attain the social goal of the reproduction and perpetuation of the human species:

﴿And Allah has made for you spouses of your own nature, and from your spouses has made for you sons and grandsons...﴾

(An-Nahl: 72)

Now, in temporary marriage (known in Arabic as *mut`ah*), which is contracted by the two parties to last for a specified period of time in exchange for a specified sum of money, the above-mentioned purposes of marriage are not realized. While the Prophet (pbuh) permitted temporary marriage during journeys and military campaigns before the Islamic legislative process was complete, he later forbade it and made it *haram* forever.

The reason for its permission in the beginning was that the Muslims were passing through what might be called a period of transition from *Jahiliyyah* to Islam. *Zina* was very common and widespread among the pre-Islamic Arabs. After the advent of Islam, when the Muslims were required to go on military expeditions, they were under great pressure as a result of being absent from their wives for long periods of time. Among the believers were some who were strong in faith and others who were weak. The weak ones feared that they would be tempted to commit adultery, a major sin and an evil course, while the strong in faith, on the other hand, were ready to castrate themselves, as stated by Ibn Mas`ud:

"We were on an expedition with the Messenger of Allah (pbuh) and did not have our wives with us, so we asked Allah's Messenger (pbuh), 'Should we not castrate ourselves?'<sup>(1)</sup> He forbade us to do so but permitted us to contract marriage with a woman up to a specified date, giving her a garment as a dower (*mahr*)."<sup>(2)</sup>

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1. The reason for this request was the desire to maintain their purity of mind and body, which was in danger of being affected by their unmet needs. (Translator)

2. Narrated by Al-Bukhari and Muslim.

Thus temporary marriage provided a solution to the dilemma in which both the weak and the strong found themselves. It was also a step toward the final legalization of the complete marital life in which the objectives of permanence, chastity, reproduction, love, and mercy, as well as the widening of the circle of relationships through marriage ties were to be realized.

We may recall that the Qur'an adopted a gradual course in prohibiting intoxicants and usury, as these evils were widespread and deeply rooted in the society of *Jahiliyyah*. In the same manner, the Prophet (pbuh) adopted a course of gradualism in the matter of sex, at first permitting temporary marriage as a step leading away from fornication and adultery, and at the same time coming closer to the permanent marriage relationship. He then prohibited it absolutely, as has been reported by `Ali and many other Companions. Muslim has reported this in his *Sahih*, mentioning that Al-Juhani was with the Prophet (pbuh) at the conquest of Makkah and that the Prophet (pbuh) gave some Muslims permission to contract temporary marriages. Al-Juhani said, "Before leaving Makkah the Messenger of Allah (pbuh) prohibited it." In another version of the *hadith* we find the Prophet's own words,

*"Allah has made it haram until the Day of Resurrection."*

The question then remains: is temporary marriage (*mut`ah*) absolutely *haram*, like marriage to one's own mother or daughter, or is it like the prohibition concerning the eating of pork or dead meat, which becomes permissible under real necessity, the necessity in this case being the fear of committing the sin of *zina*?

The majority of the Companions held the view that after the completion of the Islamic legislation, temporary marriage was made absolutely *haram*. Ibn `Abbas, however, held a different opinion, permitting it under necessity. A person asked him about marrying women on a temporary basis and he permitted him to do so. A servant of his then asked, "Is this not under hard conditions, when women are few and the like?" and he replied, "Yes".<sup>(1)</sup> Later, however, when Ibn `Abbas saw that people had become lax and were

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1. Narrated by Al-Bukhari.

engaging in temporary marriages without necessity, he withdrew his ruling, reversing his opinion.<sup>(1)</sup>

## **Marrying More Than One Woman**

Islam is a way of life consonant with nature, providing human solutions to complex situations and avoiding extremes. This characteristic of Islam can be observed most clearly in its stand concerning the taking of more than one wife. Islam permits the Muslim to marry more than one woman in order to resolve some very pressing human problems, individual as well as social.

Many peoples and religions, prior to Islam, permitted marriage to a host of women, whose number reached tens and sometimes hundreds, without any condition or restriction. Islam, on the other hand, laid down definite restrictions and conditions for polygamy.

With regard to the restriction, it limited to four the maximum number of wives a Muslim might have. When Ghaylan ath-Thaqafi accepted Islam, he had ten wives. The Prophet (pbuh) said to him, *"Choose four of them and divorce the rest."*<sup>(2)</sup> Similarly, some men who had eight<sup>(3)</sup> or five<sup>(4)</sup> wives at the time of embracing Islam were told by the Prophet (pbuh) to retain only four.

The case of the Prophet (pbuh), who himself had nine wives, was exempted from this by Allah for the sake of the propagation of the message of Islam during his lifetime and because of the need of the Muslim *Ummah* after his death.

## **Justice Among Wives - A Condition**

The condition which Islam lays down for permitting a man to have more than one wife is confidence on his part that he will be able to deal equitably with his two or more wives in the matter of food, drink, housing, clothing, and expenses, as well as in the division of his time between them. Anyone

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1. *Zad al-Ma`ad*, vol. 4, p. 7. Al-Bayhaqi also transmitted it.

2. Narrated by Ash-Shafi`i, Ahmad, At-Tirmidhi, Ibn Majah, Ibn Abi Shaybah, Ad-Darqutni, and Al-Bayhaqi.

3. Narrated by Abu Dawud in his *Musnad*.

4. Narrated by Ahmad, Ad-Darimi, Ibn Hibban, Al-Hakim, and the Compilers of *Sunan* (Abu Dawud, An-Nasa`i, and Ibn Majah).

who lacks the assurance that he will be able to fulfill all these obligations with justice and equity is prohibited by Allah (Glorified be He) from marrying more than one woman, for Allah (Glorified be He) says,

﴿... But if you fear that you will not be able to do justice (among them), then (marry) only one...﴾

(An-Nisa': 3)

And the Prophet (pbuh) said,

*"Anyone who has two wives and does not treat them equally will come on the Day of Resurrection dragging one part of his body which will be hanging down."<sup>(1)</sup>*

The equal treatment mentioned here pertains to the rights of the wives, not to love the husband feels toward them, for equality in the division of love is beyond human capacity and any imbalance in this regard is forgiven by Allah (Glorified be He) who says,

﴿And you will not be able to do justice among (your) wives, however much you may wish to. But do not turn away (from one of them) altogether...﴾

(An-Nisa': 129)

This is why the Prophet (pbuh) used to divide his time among his wives equally, saying,

*"O Allah, this is my division in regard to what I can control. Then (please) do not take me to task regarding what You control and I do not control."<sup>(2)</sup>*

referring to the attachment and affection which he felt for one particular wife. And whenever he planned to go on a journey, Allah's Messenger (pbuh) would cast lots among his wives, and the one who was chosen by lot would accompany him.<sup>(3)</sup>

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1. Narrated by the Compilers of *Sunan* and by Ibn Hibban and Al-Hakim.

2. Narrated by the Compilers of *Sunan*.

3. Narrated by Al-Bukhari and Muslim.

## **Why Marriage to More Than One Woman Is Permitted in Islam**

Islam is the last and final word of Allah (Glory be to Him), ending the series of His messages to mankind. It therefore, came with a general law suitable for all times and places, and for the whole of humanity. It did not legislate for the city dwellers only, while neglecting the nomads, nor for the cold regions while ignoring the hot ones, nor for one particular period of time, forgetting later times and the generations to come.

Islam recognizes the needs and interests of all people, of individuals as well as groups. And among human beings one finds a man who has a strong desire for children but whose wife is barren, chronically ill, or has some other problem. Would it not be more considerate on her part and better for him that he marries a second wife who can bear him children, while retaining the first wife with all her rights guaranteed?

Then there may also be the case of a man whose desire for sex is strong, while his wife has little desire for it, or is chronically ill, or has long menstrual periods, or the like, while her husband is unable to restrain his sexual urge. Should it not be permitted to him to marry a second wife instead of his hunting around for girlfriends?

There are also times when women outnumber men, as for example after wars which often decimate the number of men. In such a situation, it is in the interests of the society and of women themselves that they become co-wives to a man instead of spending their entire lives without marriage, deprived of the peace, affection, and protection of marital life and the joy of motherhood for which they naturally yearn with all their hearts.

Only three possible alternatives exist for such surplus women who are not married as first wives:

1. to pass their whole lives in bitter deprivation,
2. to become sex objects and playthings for lecherous men, or
3. to become co-wives to men who are able to support more than one wife and who will treat them kindly.

Unquestionably, the last alternative is the correct solution, and a healing remedy for this problem; this is the judgement of Islam:

*﴿... And Who is better than Allah in judgement, for a people who have certain faith?﴾*

(Al-Ma'idah: 50)

This is the Islamic "polygamy" which people in the West consider so abhorrent and to which they react with such hostility, while their own men are free to have any number of girlfriends, without restriction and without any legal or moral accountability, either in respect to the woman or to the children she may bear as a result of this irreligious and immoral plurality of extra-marital relationships. Let the two alternatives - plurality of wives or plurality of illicit affairs - be compared, and let people ask themselves which the proper course of action is, and which of the two groups is correctly guided!

### 3. The Relationship Between Husband and Wife

The Qur'an emphasizes the spiritual objectives of marriage, making them the foundations of marital life. These objectives are realized in the peace of mind which comes through wholesome sexual experience with the spouse whom one loves, in the enlargement of the circle of love and affection between the two families united through marriage, and in the nurturing of affection and tenderness among the children under the loving care of their parents. These are the objectives mentioned by Allah (Glorified be He):

*﴿And among His signs is that He created for you mates from among yourselves, that you may dwell with them in tranquility, and He has put love and mercy between you. Indeed, in this are signs for those who reflect.﴾*

(Ar-Rum: 21)

#### **The Sexual Relationship**

At the same time, the Qur'an does not neglect the sensual aspect and the physical relationship between husband and wife. It guides human beings to the best path, fulfilling the demands of the sexual urge while avoiding harmful or deviant practices.

It is reported that the Jews and Zoroastrians used to go to extremes in avoiding any physical contact with menstruating women, while the Christians continue to have sexual relations with them without regard to the flow of blood. The Arabs of the period of *Jahiliyyah* would not eat, drink, or sit with women who were menstruating and would send them to separate dwelling just as the Jews and Zoroastrians did.

Accordingly, some Muslims asked the Prophet (pbuh) about what is permitted and what is forbidden in relation to menstruating women. The following verse was then revealed:

*And they asked thee about menstruation. Say: It is a hurt, so refrain from women during their menstruation and do not approach them until they are cleansed. And when they have cleansed themselves you may go into them in the manner ordained by Allah; indeed, Allah loves those who turn to Him and He loves those who are clean.*

(Al-Baqarah: 222)

Some people understood the phrase, "refrain from women," as meaning that they should not live together in the same house during the menstrual periods. The Prophet (pbuh) then explained the correct meaning of this verse, saying,

*I ordered you only to refrain from having intercourse with menstruating women and did not tell you to send them out of the house as the non-Arabs do.*

When the Jews of Madinah heard this they said, "This man does not like to leave any part of what we do, but does the opposite.<sup>(1)</sup>

The Muslim can fondle and enjoy his menstruating wife, avoiding only the place of hurt. The Islamic position in this regard is, as always, a middle one, between the one extreme of expelling the menstruating woman from the house and the other extreme of having intercourse with her.

Recent medical researchers have discovered that the menstrual flow contains a toxic substance which, if undischarged, is harmful to the body. Likewise, they have discovered the reason why intercourse should be avoided during this time. The reproductive organs become highly congested and the nerves very sensitive due to the secretion of the internal glands; consequently, intercourse may irritate them, possibly impeding the menstrual flow and causing inflammation of the sexual organs.<sup>(2)</sup>

## **Prohibited Intercourse**

Concerning the sensual relationship, these words of Allah (Glorified be He) were revealed:

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1. *Tafsir* of Ar-Razi, vol. 6, p. 66.

2. See *Al-Islam wat-Tibb al-Hadith* (Islam and Modern Medicine) by the late 'Abd al-'Aziz Isma'il.

*﴿Your wives are a tillage to you, so go into your tillage as you will, forward for yourselves; and fear Allah and know that you will (one day) meet Him, and give glad tidings to the Believers.﴾*

(Al-Baqarah: 223)

The Indian scholar, Waliuallah Ad-Dahlawi, in explaining the occasion of the revelation of this verse and its significance said,

"The Jews had unnecessarily restricted the postures of sexual intercourse without any divine authority. The *Ansar* and others followed their practice and used to say, 'If a man has intercourse with his wife through the vagina while he is on her back, the child will have a squint.' Thus the verse, '*So go into your tillage as you will*' was revealed; that is, it is immaterial whether the husband is on top of his wife or on her back as long as intercourse is through the vagina, which constitutes the tillage. This is so because these matters have nothing to do with religious or social policy but are entirely a matter of personal taste. Such sayings were among the absurdities of the Jews and Allah (Glorified be He) abolished them."<sup>(1)</sup>

It is not a function of religion to define the postures of sexual intercourse. However, a Muslim who fears Allah in his relationship with his wife and possesses the certainty that he will meet Him avoids the anus because the Prophet (pbuh) said,

*"Do not approach women from behind (i.e., anally)."*<sup>(2)</sup>

Again, he referred to such an act as "minor sodomy".<sup>(3)</sup> A woman of the *Ansar* asked him concerning vaginal intercourse from the back; he then recited to her,

*"Your wives are a tillage to you, so go into your tillage as you will,"*  
but with only one receptacle.<sup>(4)</sup>

‘Umar came to the Prophet (pbuh) one day and said, "O Messenger of Allah, I am ruined!" "What has ruined you?" asked the Prophet (pbuh). He replied, "Last night I turned my wife over," meaning that he had had vaginal

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1. *Hujjat Allah al-Balighah*, vol. 2, p. 134.

2. Narrated by Ahmad, At-Tirmidhi, An-Nasa'i, and Ibn Majah.

3. Narrated by Ahmad and An-Nasa'i.

4. Narrated by Ahmad.

intercourse with her from behind. The Prophet (pbuh) did not say anything to him until the verse cited above was revealed. Then he said to him,

*"From the front or the back, but avoid the anus and intercourse during menstruation."<sup>(1)</sup>*

## **Guarding the Secrets Between the Husband and his Wife**

The Qur'an praises virtuous wives,

*﴿... Who are obedient, guarding in secret what Allah has guarded...﴾*

(An-Nisa': 34)

Among those secrets which must be guarded is the intimate relationship with the spouse which it would be wrong to discuss in a gathering or speak about to friends. The Prophet (pbuh) said,

*"Among those who will occupy the worst position in the sight of Allah on the Day of Resurrection is the man who has intercourse with his wife and she with him, and then he spreads her secret."<sup>(2)</sup>*

Abu Hurayrah reported,

"Allah's Messenger (pbuh) led us in prayer, and when he had finished he turned toward us and said, *'Remain seated. Is there among you any man who comes to his wife, closes the door, and draws the curtain, and then goes out and speaks about it, saying, 'I did this and I did that with my wife?'* They remained silent. Then he turned toward the women and asked. *'Is there among you any one who tells about such things?'* A girl raised herself on her knees so that the Messenger of Allah (pbuh) could see her and listen to what she would say. She said, 'Yes, by Allah, the men talk about it and the women, too.' Then the Prophet (pbuh) said, *'Do you know what those who do this are like? The ones who do this are like a male and female devils who meet each other in the road and satisfy their desire while the people look on.'*<sup>(3)</sup>

This emphatic way of expressing the matter should be sufficient to turn the Muslim away from such ill-considered and degraded behavior, which would make him or her resemble a devil!

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1. Narrated by Ahmad and At-Tirmidhi.

2. Narrated by Muslim and Abu Dawud.

3. Narrated by the Compilers of *Sunan*.

## 4. Birth Control

The preservation of the human species is unquestionably the primary objective of marriage, and such preservation of the species requires continued reproduction. Accordingly, Islam encourages having many children whether male or female. However, it allows the Muslim to plan his family due to valid reasons and recognized necessities.

The common method of contraception at the time of the Prophet (pbuh) was coitus interruptus, or withdrawal of the penis from the vagina just before ejaculation, thus preventing the entrance of semen. The Companions of the Prophet (pbuh) engaged in this practice during the period the Qur'an was being revealed to him. Jabir reported,

"We practiced coitus interruptus during the time of the Messenger of Allah (pbuh) while the Qur'an was being revealed."<sup>(1)</sup>

In a version transmitted by Muslim, he said,

"We practiced coitus interruptus during the time of the Messenger of Allah (pbuh). He came to know about it, but he did not forbid it."

A man came to the Prophet (pbuh) and said, "I have a slave girl. I desire what men desire, but I do not want her to become pregnant, so I practice coitus interruptus with her. The Jews say that this is a minor form of burying your children alive." The Prophet (pbuh) said,

*"The Jews are wrong. If Allah wishes to create a child, you cannot prevent its creation."<sup>(2)</sup>*

The Prophet (pbuh) meant that despite the employment of coitus interruptus, a drop of semen might have been deposited in the vagina without his awareness, resulting in conception.

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Abu Dawud, Ibn Majah, An-Nasa'i, and At-Tirmidhi.

In a gathering where `Umar was present, someone remarked, "Some say that coitus interruptus is a minor form of burying a child alive." `Ali then said, "This is not so before the completion of seven stages: being a product of the earth, then a drop of semen, then a clot, then a little lump of tissue, then bones, then bones clothed with flesh, which then become like another creation."<sup>(1)</sup> `Umar said, "You are right. May Allah prolong your life!"

### **Valid Reasons for Contraception**

The first valid reason for employing contraception is the fear that the pregnancy or delivery might endanger the life or health of the mother; past experience or the opinion of a reliable physician are the guides in determining this possibility. Allah (Glorified be He) says,

﴿... And do not be cast into ruin by your own hands...﴾

(Al-Baqarah: 195)

﴿... And do not kill yourselves; indeed, Allah is Ever-Merciful to you.﴾

(An-Nisa': 29)

Another reason is the fear that the burden of children may straighten the family's circumstances so much that one might accept or do something *haram* to satisfy their needs. Allah says,

﴿... Allah desires ease for you, and He does not desire hardship for you...﴾

(Al-Baqarah: 185)

﴿... It is not Allah's desire to place a burden upon you...﴾

(Al-Ma'idah: 6)

Again, the fear that the children's health or upbringing may suffer, may be a valid reason. On the authority of Usamah ibn Zayd, Muslim in his *Sahih* narrated that a man came to the Messenger of Allah (pbuh) and said, "I practice coitus interruptus with my wife". "Why do you do that?" asked the Prophet (pbuh). He said, "I fear for her child," or he may have said, "for her children." The Prophet (pbuh) said, "If it (the pregnancy of a nursing mother) were harmful, it would have harmed the Persians and Romans."

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1. `Ali was then paraphrasing the Qur'anic verses of *Surat al-Mu'minun* (23: 12-14), considering the creation of Adam from wet earth to be the first stage of development of every human foetus. (Translator)

Another valid reason is the fear that the new pregnancy or a new baby might harm a previous suckling child. The Prophet (pbuh) termed intercourse with a nursing mother (or rather the intercourse which results in pregnancy while the mother is still nursing a baby) "ghilah," thinking that pregnancy would ruin the milk and weaken the suckling infant. Since he was greatly concerned with welfare of his *Ummah*, he dissuaded them from what is harmful. Among his personal opinions<sup>(1)</sup> was the saying,

*"Do not kill your children secretly, for ghilah overtakes the rider and throws him from the horse."*<sup>(2)</sup>

The Prophet (pbuh) did not, however, go so far as to prohibit intercourse with a nursing mother, as he noted that the Persians and Romans, the two most powerful nations of his time, practiced it without any resulting injury to their children. Moreover, he feared that it would be a great hardship for husbands to abstain from their wives during the period of suckling, which may last up to two years. He said,

*"I was about to forbid ghilah, but I saw that the Persians and Romans performed it without any injury being caused to their children as a result."*<sup>(3)</sup>

Ibn al-Qayyim, in discussing the relationship of this *hadith* to the one quoted just before it, *"Do not kill your children secretly..."* said,

"The Prophet (pbuh) saw that pregnancy harms the suckling infant in the same way as being thrown off a horse harms a rider: it is injurious, but not to the extent of killing the baby. He advised them to avoid intercourse leading to pregnancy while the woman is nursing an infant but did not prohibit it. He then intended to forbid it in order to save the health of the suckling child but realized that the resulting hardship to the husband, especially for young ones, would be much more injurious to the society. On balancing these matters, therefore, he preferred not to forbid it. Moreover, he saw that in the two most powerful and populous nations of his time,

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1. The Prophet (pbuh) sometimes expressed his personal opinions in worldly matters, which he distinguished from his binding judgements in matters of the religion. (Translator)
2. Narrated by Abu Dawud. It is said that a child who nurses from a pregnant mother will suffer from it later like a horseman who is thrown from his horse. (Translator)
3. Narrated by Muslim.

women suckled their children during pregnancy without its affecting their strength or numbers, and accordingly he refrained from forbidding it."<sup>(1)</sup>

In our time new methods of contraception are available which realize the objective intended by the Prophet (pbuh), that of protecting the suckling infant from any possible harm which may occur due to the pregnancy of its mother,<sup>(2)</sup> while at the same time avoiding the hardship to the husband in abstaining from sexual relations with his nursing wife. From this we may conclude that from the Islamic point of view the ideal spacing between two children is thirty months, or, if one wants to nurse the baby for two full years,<sup>(3)</sup> thirty-three months.

Imam Ahmad ibn Hanbal is of the opinion that contraception requires the consent of the wife, because she has a right both to sexual enjoyment and to decide whether or not she wants a child. It is narrated that 'Umar forbade the practice of coitus interruptus without the consent of the wife. This was, on the part of Islam, a noteworthy step toward establishing the rights of women in an age in which they had no rights.

## **Abortion**

While Islam permits preventing pregnancy for valid reasons, it does not allow doing violence to the pregnancy once it occurs.

Muslim jurists agree unanimously that after the foetus has been completely formed and given a soul, aborting it is *haram*. It is also a crime, the commission of which is prohibited to the Muslim because it constitutes an offense against a complete, live human being. Jurists insist that the payment of blood money (*diyah*) becomes incumbent if the baby was aborted alive and then died, while a fine of lesser is to be paid if it was aborted dead.

However, there is one exceptional situation. If, jurists say, after the baby is completely formed, it is reliably established that the continuation of the pregnancy would necessarily result in the death of the mother, then, in accordance with the general principle of the *Shari`ah*, that of choosing the lesser of two evils, abortion must be performed.

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1. Ibn Al-Qayyim, *Miftah Dar as-Sa`adah*, p. 620. See also *Zad al-Ma`ad*, vol. 4, p. 16 and ff.

2. Although the primary issue discussed here is the welfare of the child, the mother's health and well-being are also objects of concern here. (Translator)

3. Two full years is the maximum period for the suckling of an infant in Islam. (Translator)

"This is because the mother is the origin of the foetus; moreover, she is established in life, with duties and responsibilities, and she is also a pillar of the family. It would not be possible to sacrifice her life for the life of a foetus which has not yet acquired a personality and which has no responsibilities or obligations to fulfill."<sup>(1)</sup>

Imam Al-Ghazali made a clear distinction between contraception and abortion, saying,

"Contraception is not like abortion. Abortion is a crime against an existing being. Now, existence has stages. The first stages of existence are the settling of the semen in the womb and its mixing with the secretions of the woman<sup>(2)</sup> It is then ready to receive life. Disturbing it is a crime. When it develops further and becomes a lump, aborting it is a greater crime. When it acquires a soul and its creation is completed, the crime becomes more grievous. The crime reaches a maximum seriousness when it is committed after it (the foetus) is separated (from the mother) alive."<sup>(3)</sup>

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1. Sheikh Shaltut, *Al-Fatawa*, p. 164.

2. It was then believed that the mingling of the semen with the secretions of the woman in the uterus caused pregnancy. (Translator)

3. *Ihya' `Ulum ad-Din*, the book of "Marriage", p. 47.

## 5. Divorce

Marriage, as stated previously, is a strong bond by means of which Allah joins a man and a woman. While they are "single" as individual human beings, after marriage they are termed "couple". Marriage makes of them a pair, and thus the sorrow and joy of the one are equally the sorrow and joy of the other. The Qur'an describes this bond in beautiful and vivid language:

﴿... They (wives) are your garments and you are their garments...﴾

(Al-Baqarah: 187)

meaning that each is the protection, the covering, the support, and the adornment of the other.

Each of the two spouses has rights in regard to the other which must be recognized and which are not to be diminished. These mutual rights are equivalent except in relation to what is particular to men by virtue of their natural position, as Allah says,

﴿... And they (women) have (rights) similar to those (of men) over them in an honorable fashion, but men have a degree over them...﴾

(Al-Baqarah: 228)

This "degree" is related to men's role as the maintainers and leaders of the family.

A man asked the Prophet (pbuh), "O Messenger of Allah, what rights may a wife demand of her husband?" He replied,

*"That you should feed her (with the same standard) as you feed yourself, clothe her as you clothe yourself, that you should never hit her face or put her down, or cut yourself off from her unless it occurs in the house."<sup>(1)</sup>*

Accordingly, it is not permissible for the Muslim husband to neglect to provide his wife with food and clothing. A *hadith* stated,

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1. Narrated by Abu Dawud and by Ibn Majah in his *Sahih*.

*"Wasting the sustenance of his dependents is sufficient sin for a man."<sup>(1)</sup>*

Striking her on the face is also prohibited, since it is an insult to her human dignity as well as being a danger to the most beautiful part of her body. And even if the Muslim is pushed to discipline his wife in the event of open rebellion, when all other methods have failed, he is not allowed to beat her in a manner which causes injury, and he is most certainly not permitted to touch her face or other easily injured parts of her body. Similarly, the Muslim is not permitted to revile, curse, or say insulting words to his wife.

Concerning the rights of the husband, the Prophet (pbuh) said,

*"It is not lawful for a woman who believes in Allah to allow anyone in her husband's house while he dislikes it. She should not go out of the house if he dislikes it and should not obey anyone who contradicts his order. She should not refuse to share his bed.<sup>(2)</sup> She should not beat him (in case she is stronger than him). If he is more in the wrong than her, she should plead with him until he is reconciled. If he accepts her pleading, well and good, and her plea will be accepted by Allah; while if he is not reconciled with her, her plea will have reached Allah (in any case)."<sup>(3)</sup>*

## **Mutual Tolerance Between Husband and Wife**

A husband must be patient with his wife if he sees something in her which he disapproves and dislikes. He should recognize that he is dealing with a human being with natural imperfections, and he should balance her good qualities with her failings. The Prophet (pbuh) said,

*"Let a believing man not dislike a believing woman. If something in her is displeasing to him, another trait may be pleasing."<sup>(4)</sup>*

And Allah (Glorified be He) says,

*﴿... And consort with them in kindness, for if you dislike them, it may be that you dislike something in which Allah has placed much good.﴾*

(An-Nisa': 19)

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1. Narrated by Abu Dawud, An-Nasa'i, and Al-Hakim.
2. Meaning that she should not deny him sexual access when he desires it. (Translator)
3. Narrated by Al-Hakim.
4. Narrated by Muslim.

While on the one hand Islam requires man to be tolerant and patient with what he dislikes in his wife, on the other it commands the wife to try to please her husband as far as her ability and charm allow, and warns her not to let a night pass during which her husband remains angry with her. A *hadith* stated,

*"There are three (persons) whose Prayer does not rise even a single span above their heads: a man leading a congregational Prayer while the people hate him, a woman passing the night while her husband is angry with her, and two quarreling brothers."*<sup>(1)</sup>

## **Rebelliousness and Strife**

Because of his natural ability and his responsibility for providing for his family, the man is the head of the house as well as of the family. He is entitled to the obedience and cooperation of his wife, and accordingly it is not permissible for her to rebel against his authority, causing disruption. Without a captain the ship of the household will flounder and sink. If the husband senses that feelings of disobedience and rebelliousness are rising against him in his wife, he should try his best to recite her attitude by kind words, gentle persuasion, and reasoning with her. If this is not helpful, he should sleep apart from her, trying to awaken her agreeable feminine nature so that serenity may be restored and she may respond to him in a harmonious fashion. If this approach fails, it is permissible for him to beat her lightly with his hands, avoiding her face and other sensitive areas. In no case should he resort to using a stick or any other instrument which might cause injury. Rather this "beating" should be of the kind which the Prophet (pbuh) once, when angry with his servant, mentioned to him, saying,

*"If it were not for the fear of retaliation on the Day of Resurrection, I would have beaten you with this siwak (tooth-cleaning stick)."*<sup>(2)</sup>

The Prophet (pbuh) admonished men concerning beating their wives, saying,

*"None of you must beat his wife as a slave is beaten, and then have intercourse with her at the end of the day."*<sup>(3)</sup>

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1. Narrated by Ibn Majah and Ibn Hibban in his *Sahih*.

2. Narrated by Ibn Sa`d in his *Tabaqat*.

3. Narrated by Ahmad; Al-Bukhari narrated something similar to it.

It was reported to the Prophet (pbuh) that some of his Companions beat their wives, whereupon he said,

*"Certainly those are not the best among you."<sup>(1)</sup>*

Imam Ibn Hajar said,

"This saying of the Prophet (pbuh), 'The best among you do not beat,' could imply that beating wives is in general permissible. To be specific, one may beat only to safeguard Islamic behavior and if he (the husband) sees deviation only in what she must do or obey in relation to him. It is preferable to warn (her), or something of the sort, and as long as it is possible to achieve things through warning, any use of force is disallowed because force generates hatred, which is inimical to the harmony expected in marriage. Force is applied only when disobedience to Allah (Glorified be He) is feared. An-Nasa'i narrated that `A'ishah said, 'The Prophet (pbuh) never beat any of his wives or servants; in fact, he did not strike anything with his hand except in the cause of Allah or when the prohibitions of Allah were violated, and he then retaliated on behalf of Allah.' "<sup>(2)</sup>

If all of these approaches fail, and the rift between the husband and wife deepens, the matter then devolves on the Islamic society for solution. Two individuals of good will and sound judgement, one from the wife's side and one from the husband's side, should meet with the couple in order to try to resolve their differences. Perhaps the sincerity of their efforts may bear fruit and Allah may bring about reconciliation between the spouses.

These various approaches are stated by Allah (Glorified be He) in the following verse:

*﴿... And as for those women on whose part you fear stubbornness, (first) admonish; then refuse to share their beds; and (finally) beat them (lightly). Then if they return to obedience, do not seek for a way against them; indeed, Allah is Most High, Great. And if you fear breach between the two of them, appoint an arbiter from his family and an arbiter from her family. If they desire to set things, Allah will bring about reconciliation between them; indeed, Allah is Knowing, Aware. ﴾*

(An-Nisa': 34-35)

1. Narrated by Ahmad, Abu Dawud, and An-Nasa'i. Ibn Hibban and Al-Hakim classified it as *sahih*, as reported by Iyas ibn `Abdullah ibn Abu Dhiyab.

2. *Fath al-Bari*, vol. 9, p. 249.

## **When Divorce Becomes Permissible**

If all these efforts and every course tried proves to be of no avail, the husband may resort to the final solution permitted by the *Shari`ah* of Islam. In response to the bitter realities of life, when difficulties cannot be resolved except through the separation of the two parties in an honorable fashion, Islam has made the provision of divorce. Islam has permitted divorce reluctantly, neither liking nor commanding it. The Prophet (pbuh) said,

*"Among lawful things, divorce is most hated by Allah."<sup>(1)</sup>*

That a thing is lawful yet detested by Allah means that it is permissible under unavoidable circumstances, when living together becomes a torture, mutual hatred is deep-seated, and it becomes difficult for the two parties to observe the limits of Allah and to fulfill their marital responsibilities. In such a situation separation is better, and Allah (Glorified be He) says,

*﴿But if they separate, Allah will provide for each of them out of His abundance...﴾*

(An-Nisa': 130)

## **Divorce in the Pre-Islamic Period**

Islam is not alone among religions in permitting divorce. Prior to its advent, apart from a very few societies, divorce was allowed everywhere in the world. It was a common occurrence that when a man became angry with his wife, he would turn her out of the house, with or without a just cause, and the wife had no legal recourse against him nor any claim on his property, nor even a right to support money or compensation.

Unconditional and unrestrained divorce was allowed among the ancient Greeks when their civilization was ascendant. Under Roman law a judge was empowered to annul a marriage even if the two parties had included a provision against divorce in their marriage contract, since the possibility of divorce was regarded as a part of the marriage contract. During the earlier period of Roman civilization the religious marriage made no provision for divorce, but at the same time the husband was given absolute power over his wife; for example, under certain circumstances it was lawful for him to kill

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1. Narrated by Abu Dawud.

her. As time passed, the religious law was brought into conformity with the civil law, which permitted divorce.

## **Divorce in Judaism**

Judaism improved the status of the wife but it also broadened the scope of divorce. The religious law requires that the husband divorces the wife if moral delinquency is proven against her, even though he may prefer to forgive her; likewise, he is required to divorce her if she does not bear him children throughout a period of ten years of married life.

## **Divorce in Christianity**

Christianity stands alone among the religions we have mentioned, in distinction even to Judaism, in prohibiting both divorce and marriage to divorced men and women. Prophet `Isa (peace be upon him) is reported to have said, "It was also said, 'Whoever divorces his wife must give her a certificate of divorce. But I tell you that whoever divorces his wife, except on the grounds of adultery, causes her to commit adultery; and whoever marries a woman who has been divorced commits adultery.'"<sup>(1)</sup> (Matt. 5: 31-32) And he said to them, "Whoever divorce his wife and marries another, commits adultery against her; and if a woman divorces her husband and marries another, she commits adultery."<sup>"</sup> (Mark 10: 11-12)

The reason for this is given in the Gospels in the words, "What therefore Allah has joined together, let no man put asunder" (Matt. 19: 6, Mark. 10: 9). This statement is correct in the sense that, since the husband and wife are married by Allah's permission and legislation, one may say that Allah has joined them together, although it is the man who enters into the marriage contract. In similar fashion, since Allah has permitted and legislated divorce in relation to certain reasons and circumstances, one may say that Allah has separated them, even though the man implements the divorce. It thus becomes clear that no man puts asunder what Allah has joined together, for joining together and putting asunder is in the hands of Almighty Allah, and is it not Allah Himself Who puts them asunder due to the reason of sexual immorality? So why should it not be that He puts them asunder due to any other cause that makes separation compulsory?

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1. Muhammad Farid Wajdi, *Al-Islam Din `Am Khalid* (Islam: An Eternal Comprehensive Religion), p. 172.

## **Differences Among Christian Denominations Regarding Divorce**

The New Testament Gospels do make an exception with regard to the prohibition of divorce in the case of adultery. Some Catholics, however, try to explain away even this exception by saying, "The meaning here is not that adultery is an exception in the case of which divorce is permitted, because in Christian law there is no divorce. The phrase, "except on the grounds of adultery," means that the marriage itself is annulled, since its legality and correctness have been violated; thus, while it is seemingly a marriage, in actuality it is adultery. Consequently, in such a case it is permissible for the husband, or rather incumbent upon him, to leave the woman."<sup>(1)</sup>

The Protestant denominations permit divorce on the grounds of adultery, betrayal of the husband, and some other specified reasons, in addition to those mentioned in the text of the Gospels. However, some of these denominations prohibit the remarriage of a divorced man or woman.

The councils of the Orthodox Church in Egypt permit its followers the right to divorce on the grounds of adultery, as provided by the Gospels, and for some other reason such as sterility extending over a period of three years, chronic illness, and prolonged dissension which appears to be irresolvable.

## **Consequences of the Christian Stand on Divorce**

As a result of this uncompromising stand of Christianity with regard to divorce, people in Western countries were obliged to resort to civil legislation in order to legalize it. Unfortunately, many of them, the Americans, for example, went to an extreme of permissiveness in the matter of divorce so that it is granted for quite trivial reasons. Some Western philosophers warn that this ease in divorce will dilute the sanctity of the marital bond and erode the very foundations of family life. A well-known judge declared that the time is not too far off when, in Western countries, marriage will be replaced by a loose and tenuous relationship between men and women similar to a commercial transaction, which can be broken for

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1. In a commentary on the Gospel according to Matthew, Institute of Coptic Catholic Research.

the most trivial reasons. Since there will be no bond of religion or love between such couples, they will be united only by their lusts and the desire to experience a variety of pleasures, a type of relationship which is against the teachings of all religions.

"This phenomenon of regulating personal affairs through civil law is against the teaching of the religion and is not to be found anywhere in the world except among the peoples of the Christian West; even Hindus, Buddhists, and Zoroastrians observe religious injunctions in the ordering of their personal affairs. Although we may find among them those who have made innovations in the teachings of their religions in matters of public concern, such innovations are not undertaken in personal affairs, that is to say, in marriage, divorce, and what pertains to family life."<sup>(1)</sup>

### **The Christian Stand of Divorce: A Temporary Injunction, Not a Permanent Law**

A serious student of the Gospels cannot escape the conclusion that what Prophet `Isa (peace be upon him) taught was intended to correct excesses introduced into the divine law by the Jews. His teachings, including his statements concerning divorce, were never intended to be taken as permanent law for the whole of mankind.

In the Gospel according to Matthew we find the following dialogue between Prophet `Isa and the Pharisees:

"And the Pharisees came to him and put him to the test by asking, 'Is it lawful to dismiss one's wife for any cause?' He replied, 'Have you never read that He Who made them from the beginning made them male and female, and said, 'For this reason a man shall leave his father and mother and shall be joined inseparably to his wife, and the two shall become one flesh?

So they are not longer two but one flesh. What therefore Allah has joined together, let not man put asunder.' They said to him, 'Why then did Moses (Musa) command (us) to give a certificate of divorce, and thus to dismiss a wife?'

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1. As quoted in *Huquq al-Insan fil-Islam* (Human Rights in Islam), by `Abd al-Wahid Wafi, p. 88.

He said to them, 'Because of the hardness of your hearts Moses permitted you to dismiss your wives; but from the beginning it was not so (ordained). I say to you: whoever dismisses his wife, except on the grounds of adultery, and marries another, commits adultery, and he who marries a divorced woman commits adultery.' The disciples said to him, 'If the case of a man with his wife is like that, it is neither profitable nor advisable to marry.' " (Matt. 19: 1-10)

From this dialogue it is clear that by restricting the permissibility of divorce to the case of unchastity alone, Prophet 'Isa intended to correct the excesses of the Jews in the indiscriminate application of divorce, which was permitted by Prophet Musa. This was obviously a temporary remedy, abrogated by the permanent and universal law of Islam brought by Prophet Muhammad (pbuh).

To suppose that Prophet 'Isa (peace be upon him) intended to make this an eternal law for all mankind does not appeal to reason. We see that his disciples, the most sincere of his followers, were aghast at such a harsh decree, saying, "If the case of a man with his wife is like that, it is neither profitable nor advisable to marry," that is, the moment a man marries a woman he puts a yoke around his neck which is impossible to remove, regardless of few miserable their life together may become because of mutual hatred and incompatibility of temperaments. As a wise man aptly said, "The greatest torment in life is a companion who neither agrees with you nor leaves you alone."

### **The Islamic Limits for the Regulation of Divorce**

The Islamic *Shari'ah* has placed a number of obstacles in the way of divorce in order to confine it within the narrowest possible compass. Divorce without lawful necessity and without first exhausting all the other means mentioned earlier of resolving conflict is unlawful in Islam. Some jurists maintain, it is injurious to both husband and wife, unnecessarily damaging the interests of the two, which, like the wasting of property, is *haram*.

The Prophet (pbuh) instructed us:

*"No harm is to be inflicted or reciprocated,"*<sup>(1)</sup>

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1. Ibn Qudamah, *Al-Mughni*, vol. 7, p. 77. This *hadith* was transmitted by Ibn Majah and ad-Darqutni.

The people who divorce their spouses and marry others in order to enjoy a variety of sexual partners are liked neither by Allah nor by His Messenger (pbuh). The Prophet (pbuh) called them "the tasters", saying,

*"I do not like the tasters, men and women,"*<sup>(1)</sup>

and,

*"Allah does not like the tasters, men and women."*<sup>(2)</sup>

‘Abdullah ibn ‘Abbas said, "Divorce is (only) in the case of necessity."

## **The Prohibition of Divorce During Menstruation**

When divorce becomes necessary, it is not permissible for the Muslim to implement it any time he pleases; he must wait for a suitable time. According to the *Shari‘ah*, this suitable time is when the woman is clean following her menstrual period or the period of puerperal discharge following childbirth and before her husband has resumed sexual relations with her, unless she is pregnant and (her husband) is aware of her pregnancy.

The reason for prohibiting divorce during menstruation or the period of puerperal discharge is that, since during such periods sexual intercourse is *haram*, the idea of divorce may come to a man's mind because of sexual frustration and nervous tension. He is therefore advised to wait until his wife is clean and to divorce her then, if he is intent on divorce, before the resumption of marital relations.

Just as divorce during menstruation is *haram* it is likewise *haram* between menstruation periods (i.e., "the period of purity") if the husband has had intercourse with his wife following the termination of her previous period. Because it is possible that she may have become pregnant from this union, the husband may change his mind concerning divorce when he knows that his wife is carrying a child, desiring to stay married to her for the sake of the embryo in her womb. However, when the wife is in the period of purity but he has not had intercourse with her following the termination of her menses, or when she is pregnant and he is aware of it, he will be able to

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1. Narrated by At-Tabarani and Ad-Darqutni.

2. At-Tabarani in *Al-Kabir* with a good chain of transmitters.

ascertain that his intention to divorce her is the result of deep-seated antipathy, and accordingly is permitted to carry through with the divorce. In the *Sahih* of Al-Bukhari, it is transmitted that `Abdullah ibn `Umar divorced his wife during her menstrual period. When `Umar mentioned the matter to the Messenger of Allah (pbuh) he became angry and said,

*"He must take her back. If he still wishes to divorce her he may do so when she is clean (of the menstrual discharge) before having intercourse with her, for that is the period of waiting (which Allah has) prescribed for divorce,"*

referring to the verse,

*﴿O Prophet, when you (men) divorce women, divorce them during the prescribed periods...﴾*

(At-Talaq: 1)

Another version of this *hadith* reads,

*"Command him to take her back and then he may divorce her when she is clean (from the menstrual discharge) or (otherwise) is pregnant."*

A question now remains: if a person divorces his wife during these prohibited periods, does the divorce become effective or not? The prevailing opinion is that it does become effective, although the husband will be considered sinful. However, some jurists hold that, as Allah did not legislate it, it does not become effective. Abu Dawud, on sound authority, transmitted that when `Abdullah ibn `Umar was asked, "What would you say if a man were to divorce his wife during menstruation?" he related his own story of divorcing his wife during her period and the Prophet's commanding him to take her back, disregarding his pronouncement of divorce.

### **Taking an Oath of Divorce**

It is not permissible for the Muslim to take an oath of divorce, vowing that if a particular event does not occur his wife will be divorced, or to threaten her by saying that if she does this or that particular thing she will be divorced. In Islam an oath may be expressed only in one specific manner, that is, in the name of Allah alone; apart from this, no other form of

oath-taking is permitted. The Prophet (pbuh) said,

*"Anyone who swears by (anything) other than Allah has committed shirk,"<sup>(1)</sup>*

and,

*"Whoever wants to take an oath should take it in the name of Allah or keep silent."<sup>(2)</sup>*

## **Where the Divorce Resides During the Waiting Period**

The Islamic *Shari`ah* requires that the divorced woman remain in her home, that is to say, her husband's house, for the duration of her *'iddah* (waiting period). It is not permissible for her to move from the house, as it is likewise not permissible for her husband to evict her without a just cause. This requirement leaves the way open, during the *'iddah* following a first or second pronouncement of divorce,<sup>(3)</sup> for the husband to revert to his wife without the requirement of remarriage. Her presence in the same house with him makes it quite probable that mutual sympathy and love may be rekindled between them, while if she is pregnant the passing of months will make her pregnancy obvious, which may be a further inducement to him to change his mind. In any case, ample time is at their disposal to reconsider the whole situation. With the healing effect of time, feelings of antipathy may give place to affection and reconciliation, and the revitalization of their love may occur.

*﴿... And fear Allah, your Lord. Do not turn them out of their houses, nor shall they leave (of their own accord) unless they commit some clear immorality; and these are the limits set by Allah. And whoever transgresses Allah's limits indeed wrongs his own soul. You do not know; it may be that Allah will afterwards bring some new thing to pass. ﴾*

(At-Talaq: 1)

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1. Narrated by Abu Dawud, At-Tirmidhi, and Al-Hakim.

2. Narrated by Muslim.

3. In the Islamic *Shari`ah*, pronouncement of divorce by a husband constitutes a complete act of divorce in itself, to be followed by the required *'iddah*. In order to simplify the discussion, the word divorce is here used to denote the divorce pronouncement, i.e., the act of divorce itself. (Translator)

If then they must separate, it should be done with dignity and kindness, without mutual abuse, injury, recrimination, or infringement of rights. Allah (Glorified be He) says,

﴿... Either retain them in kindness or part with them in kindness...﴾

(At-Talaq: 2)

﴿... Then (either) retain her in honor or release her with kindness...﴾

(Al-Baqarah: 229)

﴿For divorced women a provision (shall be made) in kindness, a duty for those who are conscious of Allah.﴾

(Al-Baqarah: 241)

## **Repeated Divorce**

The Muslim is allowed three chances, that is to say, three pronouncements or acts of divorce on three different occasions, provided that each divorce is pronounced during the time when the wife is in the period of purity during which he has had no intercourse with her.

A husband may divorce his wife once and let the 'iddah pass. During the period of 'iddah they have the option of reconciliation without the necessity of remarriage. If, however, this waiting period expires without reconciliation, they are now fully divorced. Each of them is free to marry someone else or to remarry each other; should they want to remarry each other, a new marriage contract is required.

If after the first divorce the husband is reconciled with his wife but later hostility and conflict begin all over again, all efforts at reconciliation and arbitration resulting in failure, he may divorce her a second time in the same manner as described above. In this case, too, he can return to her during the 'iddah without remarriage, or after the 'iddah has expired through a new marriage contract.

But it may happen that although he is reconciled with his wife again after the second divorce, he may later divorce her for the third time. This will then be a clear proof that the dislike between the two of them runs very deep and that they are incapable of living together. If this third divorce takes place, it is not permissible for the husband to return to his wife during her

*iddah*, nor may he remarry her after the *iddah* unless she has been married to another man, to live with him as a permanent and true wife, and he then subsequently divorces her. It is, however, totally prohibited for the other man to marry and divorce her simply in order to make her *halal* for her first husband.

Those Muslims who utter three divorce pronouncements at one time or in one statement are rebels against Allah's law and are deviating from the straight path of Islam. Once the Prophet (pbuh) was informed about a man who had pronounced three divorces at one time. He got up in anger, saying, "Are you defying Allah's Book even whereas I am still alive among you?" A man stood up and said, "O Messenger of Allah, shall I not kill him?"<sup>(1)</sup>

### **Reconciling Honorably or Separating with Kindness**

When the husband has divorced his wife and the period of *iddah* is passing, he has two alternatives: either to reconcile with her honorably - that is, to take her back with the intention of living in peace and harmony, and not in order to torment or harm her - or to free her and part with her in kindness by allowing the *iddah* to expire without arguments and harsh words, and without any dispute concerning any of their mutual rights.

It is not lawful for him to take her back just before the *iddah* is due to expire in order to torment her by prolonging the waiting period, thus depriving her of the opportunity to marry someone else. This was what was done in the period of *Jahiliyyah*. Allah (Glorified be He) then prohibited this injury to women in a very decisive manner, using a style of expression which makes the heart quake:

﴿And when you have divorced women and they have fulfilled the term (of their *iddah*), either retain them honorably or release them honorably; but do not retain them in order to injure them, for this is transgression, and whoever does this has wronged his own soul. And do not take the revelations of Allah in mockery, but remember Allah's favor upon you and what He has sent down to you of the Book and Wisdom, to instruct you by means of it. And be conscious of Allah, and know that Allah is Ever-Knowing of everything.﴾

(Al-Baqarah: 231)

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1. Narrated by An-Nasa'i.

A little reflection upon this noble verse of seven phrases, containing warning after warning, reminder after reminder, ought to be sufficient for anyone who has any feeling in his heart or any hearing when it is recited.

### **The Divorced Woman's Freedom to Remarry**

After the expiration of the divorced woman's *'iddah*, neither her ex-husband, guardian, nor anyone else can prevent her from marrying anyone she chooses. As long as she and the man who proposes to her follow the procedure required by the *Shari'ah*, no one has the right to interfere. What some men of today do in attempting to prevent their ex-wives from remarrying, intimidating them and their families, is in fact something pertaining to *Jahiliyyah*; likewise, what some families or guardians of divorced women do to prevent them from returning to their husbands when they want to be reconciled, as indeed *¶Peace is better¶* (An-Nisa': 128), contradicts the law set by Allah. Allah (Glorified be He) says,

*¶And when you divorce women and they complete their term ('iddah), do not prevent them from marrying their (former) husbands if they agree among themselves in an honorable manner. This is to instruct those among you who believe in Allah and the Last Day. That is more virtuous and pure for you; and Allah knows and you do not know. ¶*

(Al-Baqarah: 232)

### **The Woman's Right to Demand Divorce**

The woman who cannot bear to live with her husband has the right to free herself from the marriage bond by returning to her husband the *mahr* (required marriage dowry) and gifts he has given her, or more or less than that according to their mutual agreement. It is, however, preferable that he should not ask for more than what he has given her. Allah (Glorified be He) says,

*¶... And if you (the judges) fear that the two may not be able to keep to the limits ordained by Allah, there is no blame on either of them if she redeems herself (from the marriage tie by returning all or part of the mahr)... ¶*

(Al-Baqarah: 229)

The wife of Thabit ibn Qays came to the Prophet (pbuh) and said, "O Messenger of Allah, I do not reproach Thabit ibn Qays in respect of character and religion, but I do not want to be guilty of showing anger to him."<sup>(1)</sup> The Prophet (pbuh) asked her about what she had received from him. She replied, "A garden." He asked, "Will you give him back his garden?" "Yes," she said. The Prophet (pbuh) then said to Thabit, "Accept the garden and make one pronouncement of divorce."<sup>(2)</sup>

It is not permissible for a woman to seek divorce from her husband unless she has met ill treatment from him or unless she has an acceptable reason which requires their separation. The Prophet (pbuh) said,

*"If any woman asks her husband for a divorce without some strong reason, the fragrance of Paradise will be forbidden to her."<sup>(3)</sup>*

## **The Prohibition of Ill Treatment**

It is *haram* for the husband to torment and mistreat his wife in order to compel her to seek divorce so that she will return to him all or part of the property he has given her. Only if the wife is guilty of clear immorality may her husband demand the return of part of the *mahr*. In this regard Allah (Glorified be He) says,

*﴿... Nor should you treat them with harshness in order that you may take away part of what you have given them, (for you may not take it back) unless they are guilty of open lewdness.﴾*

(An-Nisa': 19)

It is also *haram* for a husband to take back anything from his wife because he hates her and wants to divorce her so he can marry another woman. Almighty Allah says,

*﴿But if you decide to take one wife in the place of another, even if you have given one of them a heap of gold, do not take (back) anything of it; would you take it (back) by slander and a manifest wrong? And could*

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1. She meant that although Thabit was a good man, she was unable to get along with him and thus might not be able to show him the respect due to him as a husband. (Translator)
2. Narrated by Al-Bukhari and An-Nasa'i.
3. Narrated by Abu Dawud.

*you take it (back), when each of you has been privately with the other, and they (the wives) have taken a solemn covenant from you? ﴿20-21﴾*

(An-Nisa': 20-21)

## **The Prohibition of the Oath of Desertion**

One of the aspects of Islam's concern for the rights of women is that it prohibits a man to show his anger toward his wife by discontinuing sexual relations with her for a period which she cannot bear. If this abandonment of sexual relations is accompanied by an oath of his part, he is given a limit of four months in which he may calm down and revert to her. If he comes to his senses and resumes sexual relations before the expiration of the four months, it is possible that Allah may forgive him for his excess and open the door of repentance to him; however, he must still do the penance prescribed for a broken oath. If, on the other hand, this period expires and he has not returned to her, his wife is divorced from him as a just punishment for his neglect of her rights.

Some jurists hold that the divorce is automatic at the expiration of four months and that no judgement from a court is needed. Others, however, require that at the end of the period the matter should be referred to the judicial authority, who will then give them the option of reconciliation or divorce.

Such an oath of abstention from the wife is terminologically known in the *Shari`ah* as *ila'*. Concerning it Allah (Glorified be He) says,

*﴿For those who take an oath of abstention from their wives, a waiting period of four months (is ordained); if they return, indeed, Allah is Ever-Forgiving, Ever-Merciful. But if their intention is firm for divorce, then, indeed, Allah is Ever-Hearing, Ever-Knowing.﴾*

(Al-Baqarah: 226-227)

This period of four months has been specified to give the husband an ample time to calm himself and to restore the relationship of his own volition. Moreover, a period of four months is normally regarded as the maximum period a woman can endure separation from her husband. Commentators on the Qur'an narrate the following incident in support of this opinion:

One night during his caliphate, while 'Umar was making a round of Madinah, he heard a woman swearing by Allah that had there been no fear of Him, her cot would be shaking from side to side. 'Umar understood what she meant by this when he, upon investigation, found that the woman's husband had gone on a military expedition for a long time. He then asked his daughter Hafsa (the widow of the Prophet (pbuh)), "How long can a woman endure separation from her husband?" She replied, "Four months." Subsequently, the Commander of the Believers decided that he would not send a married man away from his wife for a period exceeding four months.



## 6. The Relationship Between Parents and Children

### Islam Protects Lineage

The child is an extension of his father and the bearer of his characteristics. During the father's lifetime he is the joy of his eyes, while after his death he represents a continuation of his existence and an embodiment of his perpetuity. He inherits his features and stature as well as his mental qualities and traits, both the good and the bad, the beautiful as well as the ugly, from his father. The child is a part of his father's heart and a piece of his body.

Allah (Glory be to Him) has ordained marriage and has forbidden *zina* so that paternity may be established without doubt or ambiguity and that the child may be referred to his father and the father to his sons and daughters. Through marriage a woman is reserved for one man; it is *haram* for her to be unfaithful to him or to let anyone else have access to what exclusively belongs to him. Thus, every child born to her in wedlock will be her husband's child, without any need for recognition or public proclamation of the fact by him or a corresponding claim on the part of the mother.

The Prophet of Islam (pbuh) declared,

*"The child is attributed to the (one on whose) bed (it is born)." (1)*

### The Prohibition of Denying Paternity

It is not permissible for the husband to deny his paternity of any child born to his wife as long as they are married to each other. Such a denial would bring the ugliest shame imaginable upon both the wife and the child. He is, therefore, not allowed to take such a step on the basis of a mere suspicion, a sudden notion, or an evil rumor. If, however, on the basis of a

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1. Narrated by Al-Bukhari and Muslim.

proof which has been established before him, he is convinced that his wife has betrayed him, the *Shari`ah* of Islam has no desire to force him to raise a child whom he believes not to be his own or to let the child be his heir, or - at the very least - to allow him to suffer from suspicion and doubt the rest of his life.

A way out of this dilemma, known in Islamic Jurisprudence as *li`an*, is provided by the *Shari`ah*. If a man is convinced or strongly suspects, although without having proof, that his wife has had sexual relation with another man and is carrying his child, he can take the case to a Muslim judge (*qadi*). The *qadi* will ask the man and his wife to invoke the curse of Allah on one another in the manner prescribed in *Surat an-Nur*:

﴿As for those who accuse their wives but have no witnesses except themselves, the testimony of one of them shall consist of bearing witness by Allah four times that he is the truthful, and a fifth (time) that the curse of Allah be upon him if he is one of those who lie. And it shall avert the punishment from her if she bear witness by Allah four times that he is indeed of those who lie, and a fifth (time) that the wrath of Allah be upon her if he is among the truthful.﴾

(An-Nur: 6-9)

After this, they shall be separated permanently, and the child shall be identified by the name of his or her mother.

### **The Prohibition of Adoption**

Just as it is *haram* for a man to deny his paternity of a child born to his wife in wedlock, it is likewise *haram* for him to legally adopt a son of whom he is not the natural father. Like peoples of other societies in the run of history, the Arabs of *Jahiliyyah* used to add anyone they wished to their lineage and family through adoption. A man would adopt any boy of his liking making him as his own son, announce that to the public, and the boy would become like a real son to him, sharing the responsibilities and rights of his adopting family and taking its name. The adoption was effective despite the fact that the adopted son might have a known father and come from a known lineage.

This practice was widespread in Arab society at the advent of Islam. The Prophet (pbuh) had himself adopted Zayd ibn Harithah, who had been captured as a child during one of the raids on his tribe which were common occurrences during the period of *Jahiliyyah*. Hakim ibn Hizam had bought him for his aunt Khadijah, and after her marriage to the Prophet (pbuh) Khadijah presented Zayd to him. When Zayd's father and uncle knew his place of residence, they came to the Prophet (pbuh) to demand Zayd's return. The Prophet (pbuh) gave Zayd a choice, and he chose to stay with the Prophet (pbuh) in preference to his father and uncle. The Prophet (pbuh) then set him free and adopted him as his son in the presence of others. He was thereafter called Zayd ibn Muhammad and became the first of the freed slaves to accept Islam.

Now what is the judgement of Islam concerning such a system of adoption? Islam rightly views this sort of adoption as a falsification of the natural order and of reality. Taking a stranger into the family as one of its members and allowing him privacy with women who are not his *mahram* relatives, nor he theirs, is a deception, for the man's wife is not his adopted son's mother, nor is his daughter the boy's sister, nor is his sister his aunt, since all of them are non-*mahram* to him. Moreover, the adopted son acquires a claim on the inheritance of the man and his wife, depriving the rightful, deserving relatives of their inheritance. Such a situation arouses the anger of the real relatives against the intruder who encroaches upon them and usurps their rights, depriving them of the inheritance.<sup>(1)</sup> Frequently such anger leads to quarrels and to the breaking of relations among relatives. That is why the Qur'an abolished this *jahili* system, prohibiting it totally and eradicating all its consequences. Allah (Glorified be He) says,

﴿... Nor has He made your adopted sons your (real) sons; that is simply a saying of your mouths. But Allah speaks the truth, and He guides you to the (right way). Call them by (the names of) their fathers; that is more just in the sight of Allah. But if you do not know their fathers, they are your brothers-in-faith and your wards...﴾

(Al-Ahzab: 4-5)

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1. Since the Islamic *Shari`ah* specifies the share of an individual's property to which each near blood relative is entitled, the legal adoption of a child who is not among such relatives, but who, by virtue of adoption, is one of the heirs would naturally create bitterness and hostility among the rightful heirs. (Translator)

Let us consider the Qur'anic words, "*He has not made your adopted sons your (real) sons; that is simply a saying of your mouths*". This signifies that the declaration of adoption consists of words having no corresponding objective reality. A mere pronouncement does not change realities, alter facts, or make a stranger a relative, or an adopted individual a son. A mere verbal expression or figure of speech cannot make the blood of a man run in the veins of the adopted son, produce feelings of fatherly affection in the man's heart or filial emotions in the heart of the boy, or transfer either the genetic characteristics or physical, mental, or psychological traits.

Islam abolished all the effects of this system of adoption which relate to inheritance and to prohibition of marriage to the widowed or divorced wife of the adopted son. In matters of inheritance, the Qur'an does not consider any claim except that is based on relationship through blood and marriage:

﴿... But blood relatives are nearer to each other in the ordinance of Allah...﴾

(Al-Anfal: 75)

With regard to marriage, the Qur'an declares that only the wives of one's real sons, ﴿The wives of your sons who are from your (own) loins﴾ (An-Nisa': 23), not the wives of the adopted sons, are permanently forbidden in marriage. Accordingly, it is permissible for a man to marry the divorced wife of his adopted son, since she has been, in actuality, the wife of a "stranger" not related by blood.

### **A Practical Example of the Abolition of Adoption**

The practice of adopting sons was very rooted in the society of pre-Islamic Arabia, and it was not easy for people to give up. But Allah (Glorified be He) wanted to eradicate it and its effects, not only by words but also by deeds. In order that all doubts concerning the matter might be dispelled, that the believers might feel at ease with respect to marrying the ex-wives of their adopted sons, and, more importantly, that they might know with certainty that the *halal* is that which is permitted by Allah and that the *haram* is that which is forbidden by Him alone, Allah (Glorified be He) chose the Prophet (pbuh) himself for this significant task.

Zayd ibn Harithah, who was known as Zayd ibn Muhammad, had married the Prophet's cousin, Zaynab bint Jahsh. Zayd and Zaynab were not happy together, and Zayd became increasingly dissatisfied with his wife, complaining frequently to the Prophet (pbuh). Although the Prophet (pbuh) knew, through divine revelation, that Zayd would divorce Zaynab and that he himself would marry her afterwards, human weakness occasionally overcame him, and he was afraid of facing the people. Thus, whenever Zayd complained to him about his wife, the Prophet (pbuh) would say to him, "*Retain your wife and fear Allah*". At that point Allah (Glory be to Him) revealed some verses of the Qur'an admonishing the Prophet (pbuh) and at the same time fortifying his will to face society in demolishing the remnants of this ancient system, in this case, the established practice which prohibited a man from marrying the ex-wife of a stranger who had been adopted as a son. Allah (Glorified be He) says,

*﴿And when thou didst say to him who had received the favour of Allah and thy favour, 'Retain thy wife and fear Allah,' Thou didst hide within thyself what Allah was about to make manifest, fearing the people; but Allah has more right that thou shouldst fear Him. Then, when Zayd had carried out the necessary formality (of divorce) from her, We gave her to thee in marriage so that (in the future) there might be no difficulty for the Believers with respect to (marriage to) the wives of their adopted sons when the latter have carried out the necessary formality (of divorce) from them; and Allah's command must be fulfilled. ﴾*

(Al-Ahzab: 37)

The Qur'an goes on to support the Prophet (pbuh) in this action, confirming its lawfulness and removing any stigma attached to it:

*﴿There is no fault in the Prophet in what Allah has made obligatory for him. That was Allah's practice with those old who passed away, and the command of Allah is a decree determined - those who delivered the messages of Allah and feared Him, fearing none but Allah; and Allah suffices in keeping account. Muhammad is not the father of any man among you, but he is the Messenger of Allah and the Seal of the Prophets; and Allah is the Knower of all things. ﴾*

(Al-Ahzab: 38-40)

## **Adopting a Child to Rear and to Educate**

As explained above, the type of adoption which has been abolished by Islam is that which makes a boy a member of the family, with all the rights of inheritance, the permissibility of mixing freely with other members of the household, the prohibition of marriage and so on.

But the word "adoption" is also used in another sense, one which is not prohibited by Islam - that is, when a man brings home an orphan or a foundling to rear, to educate, and to treat as his own child; he protects, feeds, clothes, teaches, and loves the child as his own. However, he does not attribute the child to himself, nor does he give him the rights which the *Shari`ah* reserves for real children. This is a meritorious act in Allah's religion, and the man who does it will be rewarded by being admitted to Paradise. The Prophet (pbuh) said,

*"I and the one who raises an orphan, will be like these two in Paradise,"*

and he pointed with his middle and index fingers with a slight gap between the two.

A foundling (*laqit*) is regarded as an orphan (*yatim*), and it is more reasonable after that the term wayfarer (*ibn as-sabil*),<sup>(1)</sup> one of those who should also be cared for, is applied to him as well.

If a man has no children of his own, and he wishes to benefit such a child from his wealth, he may give him whatever he wants during his lifetime and may also bequeath to him up to one-third of his inheritance before his death.

## **Artificial Insemination**

Islam safeguards lineage by prohibiting *zina* and adoption, thus keeping the family line unambiguously defined without any foreign element entering into it. It likewise prohibits what is known as artificial insemination if the giver of the semen is other than the husband. In such a case, as the well-known Sheikh Shaltut said,

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1. *Ibn as-sabil* (Wayfarer) is one of several categories of people mentioned as deserving of charity in various Qur'anic verses, notably Al-Baqarah: 176 and At-Tawbah: 60. A foundling or an orphan can also be considered to be belonging in this category and hence as doubly deserving of help and charity. (Translator)

"It is a despicable crime and a major sin, and classified in the same category as *zina*. *Zina* and artificial insemination by anyone other than the husband both have the same nature and effect; that is, in both cases the tillage which belongs exclusively to the husband is intentionally inseminated by a stranger. Had the form of this crime not been different (from that of *zina*), such insemination would have been punishable by the same *hadd* punishment as is prescribed for *zina* in the divinely revealed *Shari`ah*."

There is, however, no doubt that insemination by someone other than the husband is a more serious crime and detestable offense than adoption, for the child born of (such) insemination incorporates in itself the result of adoption - the introduction of an alien elements into the lineage - in conjunction with the offense of *zina*, which is abhorrent both to the divinely revealed laws and to upright human nature. By this action the human being is degraded to the level of an animal, that has no consciousness of the noble bonds (of morality and lineage) which exist among the members of a human society.<sup>(1)</sup>

### **A Child's Attributing Himself to a Man Other Than his Own Father**

Just as Islam prohibits a father to deny his paternity of his own child without a justifiable reason, it likewise forbids the child to claim a lineage other than his own, or to claim as father someone who is not his real father. The Prophet (pbuh) listed this practice among the abominable evils deserving the curse of both the Creator and His creatures. Once `Ali, speaking from the pulpit, read from some papers where he had written various *hadiths*. One of the Prophet's statements was the following:

*"The one who claims descent from someone other than his (real) father and the slave who attaches himself to someone other than his (real) master, are cursed by Allah, His angels, and all people. Allah will accept neither repentance nor ransom from such a person on the Day of Resurrection."*<sup>(2)</sup>

And Sa`d ibn Abi Waqqas reported that the Prophet (pbuh) said,

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1. Shaltut, *Al-Fatawa*, p. 300.

2. Narrated by Al-Bukhari and Muslim.

*"If someone claims a man as his father while knowing that he is not, Paradise will be forbidden to him."<sup>(1)</sup>*

## **Do Not Kill Your Children**

After safeguarding the lineage in this manner, Islam imposed certain mutual rights, which proceed naturally from the parent-child relationship upon children and parents, making certain things *haram* for them in order to protect these rights.

The child has a right to live. Neither the father nor the mother have the right to take life of the child, whether a boy or a girl, by killing it or burying it alive, as was done by some Arabs of *Jahiliyyah*. Allah (Glorified be He) says,

*﴿And do not kill your children out of fear of poverty; We shall provide for them and for you. Truly, the killing of them is a great sin.﴾*

(Al-Isra': 31)

*﴿When the female child who was buried alive is asked for what crime she was killed.﴾*

(At-Takwir: 8-9)

Whatevever the motive for this crime may be, whether economic, such as fear of poverty and lack of provision, or non-economic, such as fear of disgrace in the case of a daughter, Islam absolutely prohibits this savage act which is nothing but premeditated murder and oppression against a feeble, helpless human being. That is why, when the Prophet (pbuh) was asked, "What is the greatest sin?" he replied, *"To ascribe divinity to someone other than Allah, when He is One Who created you"*. "What is next?" he was asked. *"To kill your child out of fear that it will share your food,"* he replied.<sup>(2)</sup>

The Prophet (pbuh) took an oath of allegiance from both men and women at the time of their accepting Islam. This oath of allegiance included the condition that they would not kill their children and would consider it an absolutely prohibited crime:

*﴿... That they will not steal nor commit zina nor kill their children....﴾*

(Al-Mumtahanah: 12)

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and Muslim.

It is the right of a child in relation to his parents that they should give it a good name, not one which will cause it disturbance when it grows older. It is *haram* to give a name which denotes that it is a worshiper of someone other than Allah, as for example *'Abd an-Nabi* (servant - or worshiper - of the Prophet), *'Abd al-Masih* (servant - or worshiper - of Christ), and the like.

A child has a right to sustenance, education, and proper care. The parents are not permitted to neglect the child's needs nor to abuse them. The Prophet (pbuh) said,

*"Each one of you is a caretaker (ra`i) and is responsible for those under his care."<sup>(1)</sup>*

*"Wasting the sustenance of his dependants is sufficient sin for a man."<sup>(2)</sup>*

*"Allah will ask every caretaker (ra`i) about what He entrusted him to take care of, whether he has done the care-taking well or otherwise, and (every) man will be asked concerning the people of his household."<sup>(3)</sup>*

## **Equal Treatment of Children**

It is obligatory for a father to treat all his children equally, especially in the matter of giving gifts. Accordingly, he is prohibited to bestow on some of his children more favors than on others without any necessity or valid reason, since this will produce jealousy and may even arouse enmity and hatred among them. This applies equally to the mother. The Prophet (pbuh) said,

*"Do justice among your sons,"*

repeating it three times.<sup>(4)</sup>

The story behind this *hadith* is that the wife of Bashir ibn Sa`d al-Ansari requested her husband to give a gift of a garden or a slave to her son, An-Nu`man ibn Bashir. She asked Bashir to go to the Prophet (pbuh) and request him to be a witness. Bashir went to him and said, "The daughter of such and such - meaning his wife - has asked me to give a slave to her son." *"Does he have brothers?"* the Prophet (pbuh) asked. "Yes," he replied. *"Did*

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Abu Dawud, An-Nasa'i, and Al-Hakim.

3. Narrated by Ibn Hibban in his *Sahih*.

4. Narrated by An-Nasa'i, Ahmad, and Abu Dawud.

*you give the same to each of them?" inquired the Prophet (pbuh). "No" said Bashir. The Prophet (pbuh) then said, "This is not correct, and I never bear witness to other than what is just."<sup>(1)</sup>*

Some other versions in this regard say as follows:

*"Do not ask me to be a witness to injustice. Your children have the right of receiving equal treatment, as you have the right that they should honor you."<sup>(2)</sup>*

*"Fear Allah and treat your children with equal justice."<sup>(3)</sup>*

Imam Ahmad ibn Hanbal said that preferential treatment of a child is permitted if he or she is handicapped while the others are not.<sup>(4)</sup>

## **Observing the Limits of Allah Regarding Inheritance**

It is *haram* for a father to deprive his children of inheritance, as for example, to deprive the females or the children of a wife who is not a favorite to him. Likewise, it is *haram* for one relative to deprive another eligible relative of his inheritance by means of a trick. It is Allah (Glory be to Him) Himself, Who, out of His knowledge, wisdom, and justice, has established the distribution of inheritance in order to give each eligible person his or her share, and He has commanded mankind to remain within the limits of His legislation; hence, anyone who deviates from His system in the distribution of shares offends his Lord.

Allah (Glorified be He) has mentioned matters of inheritance in three verses of the Qur'an. At the end of the first verse He says,

﴿... Your fathers or your sons: you do not know which of them is nearer to you in benefit. This is an obligation ordained by Allah; indeed, Allah is Knower, Wise. ﴾

(An-Nisa': 11)

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1. Narrated by Muslim, Ahmad, and Abu Dawud.

2. Narrated by Abu Dawud.

3. Narrated by Al-Bukhari and Muslim.

4. In *Al-Mughni*, vol. 5, p. 605, it is stated that special treatment of a child is permissible due to a need, a handicap, blindness, his or her being from a large family, being engaged in studies, or something of the sort, as it is also permitted to withhold from a child who would spend what he is given on sinful or evil things.

After the second such verse He says,

﴿... which is not injurious (to the rightful heirs): a charge from Allah, and Allah is Ever-Knowing, Ever-Forbearing. Those are the limits of Allah, and whoever obeys Allah and His Messenger, He will admit him to Gardens beneath which rivers flow, to abide therein, and that is the supreme achievement. But whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to Fire, to abide therein, and he shall have a humiliating punishment.﴾

(An-Nisa': 12-14)

And at the end of the third such verse He says,

﴿... Allah makes clear to you (His laws) so that you do not err; and Allah has knowledge of all things.﴾

(An-Nisa': 176)

Accordingly, whoever disobeys Allah's laws of inheritance has deviated from the just course made plain by Him, transgressing His limits, and must expect the punishment promised by Allah:

﴿... Fire, to abide therein forever, and he shall have a humiliating punishment.﴾

(An-Nisa': 14)

## **Disobedience to Parents: A Major Sin**

It is the right of parents that their children should treat them with kindness, obedience, and honor. Devotion to parents is a natural instinct which must be strengthened by deliberate actions. The rights of the mother are stressed more because of her suffering during pregnancy and childbirth, her suckling of the child, and her role in rearing it. Allah (Glorified be He) says,

﴿And We have enjoined on man kindness to his parents. His mother carries him in pain and she gives birth to him in pain, and (the period) of carrying him and weaning him is thirty months...﴾

(Al-Ahqaf: 15)

Once, a man came to the Prophet (pbuh) and asked, "Who is most deserving of my good companionship?" "Your mother," replied the Prophet

(pbuh). "Who is next?" asked the man. "Your mother," replied the Prophet (pbuh). "Who is next?" asked the man. "Your mother," replied the Prophet (pbuh). "Who is next?" asked the man. "Your father," replied the Prophet (pbuh).<sup>(1)</sup>

The Prophet (pbuh) declared disobedience to parents to be a major sin, second only to ascribing partners to Allah, as has been stated in the Qur'an. Al-Bukhari and Muslim narrated that he (pbuh) once said, "*Shall I not inform you about the three major sins?*" Those who were present replied, "Yes, O Messenger of Allah." He said, "*Associating partners with Allah and disobedience to parents,*" and sitting up from the reclining position, he continued, "*and telling lies and false testimony; beware of it!*".

He is also reported to have said,

*"Three persons shall not enter Paradise: the one who is disobedient to his parents, the pimp, and the woman who imitates men."*<sup>(2)</sup>

and,

*"Allah defers (the punishment of) all sins to the Day of Resurrection excepting disobedience to parents, for which Allah punishes the sinner in this life before his death."*<sup>(3)</sup>

Moreover, Islam emphasizes treating parents kindly, especially when they grow old. As their strength fails, they require more attention and care, more consideration of them, and even more sensitive feelings. Concerning this, the Qur'an says,

*﴿Your Lord has decreed that you worship none but Him and that you be kind to parents. If one or both of them attain old age with you, do not say a word of annoyance<sup>(4)</sup> to them nor repulse them, but speak to them in gracious words and in mercy lower to them the wing of humility and say, 'My Lord, bestow Thy mercy on them, as they cherished me when I was little'.﴾*

(Al-Isra': 23-24)

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1. Narrated by Al-Bukhari and Muslim.
2. Narrated by An-Nasa'i and Al-Bazzar with two good chains of transmitters, and also by Al-Hakim.
3. Narrated by Al-Hakim with a sound chain of transmitters.
4. Literally, "... do not say *uff* (an expression of annoyance) to them..." (Translator)

In explaining these verses, a commentator said, "If a lesser thing than saying "*uff*" to parents, as a sign of ill-treatment to them, were known Allah would have prohibited it."

## **Causing One's Parents to Be Insulted: A Major Sin**

In addition to the foregoing, the Prophet (pbuh) not only prohibited causing one's parents to be insulted but also declared it to be a major sin. He once said,

*"Among the major sin is a man's cursing his parents".*

The people who were present wondered how a sane and believing individual could curse his own parents, and they inquired, "How is it possible for a man to curse his own parents?" The Prophet (pbuh) replied,

*"He insults another man's father, and then the other insults his father, and he insults the other's mother, and the other returns the insult to his mother."<sup>(1)</sup>*

So what would be the position of one who insults his parents directly?

## **The Parents' Consent for *Jihad***

Pleasing one's parents is considered so important in Islam that the son is forbidden to volunteer for *jihad* without his parent's permission, in spite of the fact that fighting in the cause of Allah (*jihad fi sabil Allah*) has such great merit in Islam that the merit of a person who spends his nights in prayer and his days in fasting fall short of it.

‘Abdullah ibn ‘Amr ibn al-‘As reported,

"A man came to the Prophet (pbuh) and asked his permission to go for *jihad*. The Prophet (pbuh) asked, '*Are your parents living?*' 'Yes,' he replied. The Prophet (pbuh) then said, '*Then strive in their service.*'"<sup>(2)</sup>

The Prophet (pbuh) meant that he should make the field of *jihad* his taking care of his parents.

‘Abdullah also reported,

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and Muslim.

"A man came to the Prophet (pbuh) and said, 'I take the oath of allegiance to you for *Hijrah* (emigration to Madinah) and *jihad*, seeking reward from Allah.' The Prophet (pbuh) inquired whether either of his parents were living. On his replying that both of them were, the Prophet (pbuh) said, '*Are you (really) seeking reward from Allah?*' 'Yes,' the man said. The Prophet (pbuh) then said, '*Then go back to your parents and be a good companion to them.*'"<sup>(1)</sup>

‘Abdullah further reported,

"A man came to the Prophet (pbuh) and said, 'I have come to swear allegiance to you for *Hijrah*, and I have left my parents weeping.' The Prophet (pbuh) said to him, '*Return to them and make them laugh as well as you made them weep.*'"<sup>(2)</sup>

Abu Sa`id reported,

"A man from Yemen emigrated to Madinah to be with the Prophet (pbuh). The Prophet (pbuh) asked him, '*Do you have relatives in Yemen?*' He answered, 'My parents.' '*Did you get their permission?*' the Prophet (pbuh) asked. On his replying that he did not, the Prophet (pbuh) said to him, '*Go back to them and ask their permission. If they agree to it, go on jihad, otherwise stay and serve them.*'"<sup>(3)</sup>

## Non-Muslim Parents

It is one of the beauties of Islam that, with respect to the treatment of parents, it forbids the Muslim to be disrespectful to them even if they should be non-Muslims who are fanatical to the point of arguing with him and putting pressure on him to renounce Islam.

Allah (Glorified be He) says,

*¶... Be grateful to Me and to the parents; to Me is (the final) goal. But if they strive to compel thee to associate with Me that of which thou hast no knowledge, do not obey them; but keep company with them in this life*

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1. Narrated by Muslim.

2. Narrated by Al-Bukhari and others.

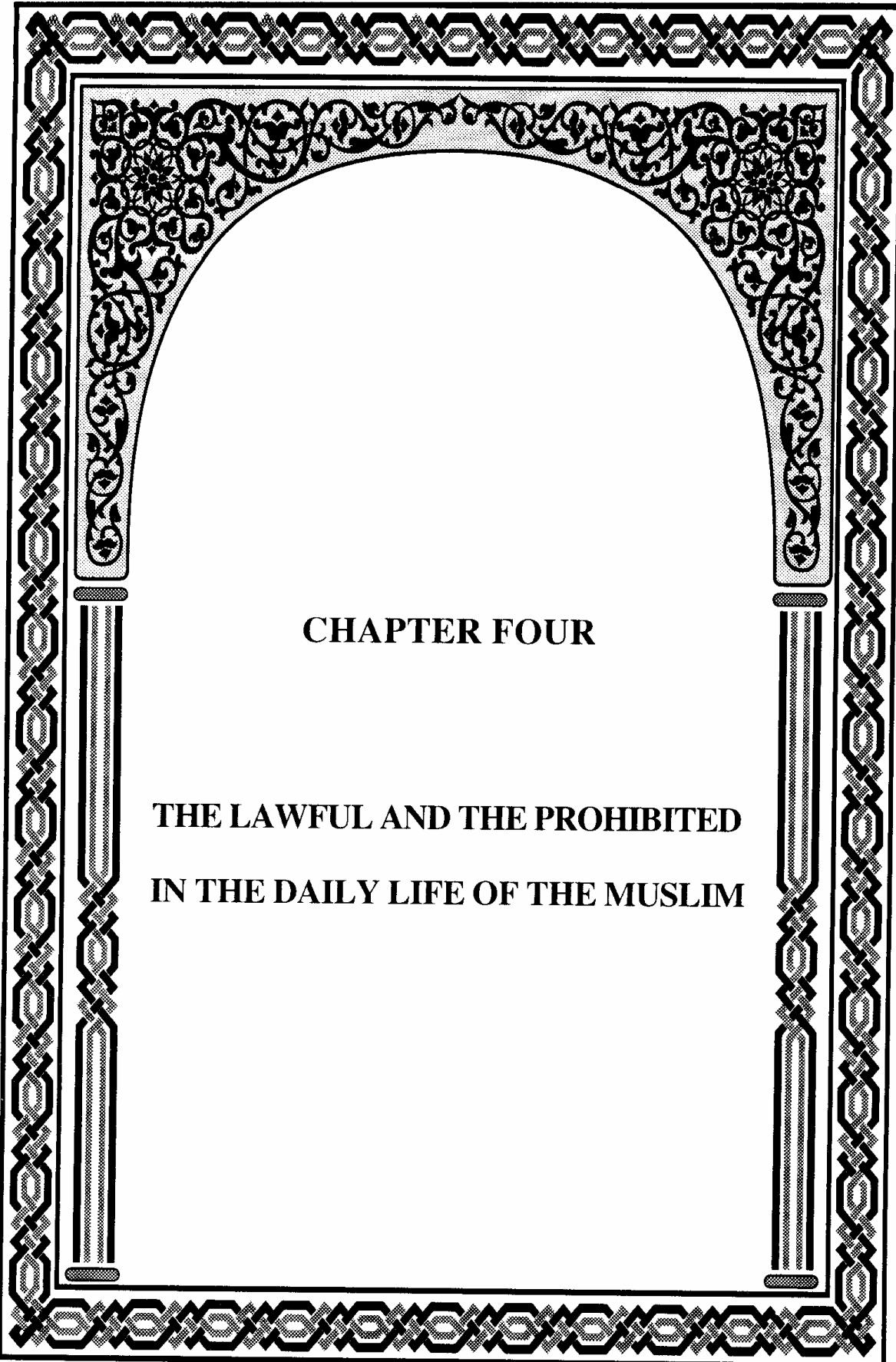
3. Narrated by Abu Dawud.

*in a kind manner and follow the way of those who turn to me. Then to Me will be your return and I will inform you (of the meaning of) all that you did. ﴿*

(Luqman: 14-15)

In these two verses the Muslim is commanded not to obey his parents in what they try to tell him to do in this regard, since there cannot be obedience to a creature in sin against the Creator - and what sin could be greater than associating partners with Allah? At the same time, he is commanded to treat them honorably in this world, unaffected by their stand against his faith, and to follow the path of those righteous Believers who turn to Allah and to leave the judgement between himself and his parents to the Judge of most just of judges, on a Day when the parents will not be able to benefit the child nor the child the parent. Indeed, such tolerant and beneficent teachings are not to be found in any other religion.





## CHAPTER FOUR

**THE LAWFUL AND THE PROHIBITED  
IN THE DAILY LIFE OF THE MUSLIM**

- 1. Beliefs and Customs**
- 2. Dealings and Transactions**
- 3. Play and Recreation**
- 4. Social Relationships**
- 5. Relation with Non-Muslims**

## 1. Beliefs and Customs

Faith (*iman*) is the foundation of the Islamic society, and *tawhid* (the belief in the Oneness of Allah) is the essence of this faith and the very core of Islam. The safeguarding of this *iman* and of this pure *tawhid* is the primary objective of all the Islamic teachings and legislations. In order to keep the Muslim society purified of all traces of *shirk* and remnants of error, a continuous war must be waged against all belief-systems which originate in man's ignorance of the divine guidance and in the errors of idol worship.

### **Respect for Allah's Laws in the Universe**

One of the fundamental beliefs which Islam inculcates in the soul of Muslims is that this vast universe does not run itself without any control and guidance, nor does it follow the misguided, blind, conflicting, and contradictory desires of men or of any other creatures residing in it. The Qur'an says,

﴿And if truth ever followed their liking, the heavens and the earth, and whosoever is therein, would have been in corruption...﴾

(Al-Mu'minun: 71)

Quite to the contrary, the universe is bound by permanent laws, as the Qur'an states,

﴿... Thou wilt not find any changes in the sunnah (practice or rule) of Allah, nor wilt thou find in the sunnah of Allah any turning aside.﴾

(Fatir: 43)

Muslims have learned from the Book of their Lord and the practice of their Prophet (pbuh) to respect these laws of the universe, to understand and to use the causes and relationships which Allah has established among things, and to reject the alleged esoteric causes propagated by priests, charlatans, and impostors.

## **The War Against Superstitions and Myths**

A class of deceivers known as soothsayers or diviners existed in Arab society during the Prophet's time; they pretended to know the events of the past and future through their contact with the jinn or through other secret sources. The Prophet (pbuh) then declared war on this deception, which had no basis in knowledge, divine guidance, or a revealed scripture. He recited to them what Allah had revealed to him:

*﴿Say: No one in the heavens and the earth knows the Unseen except Allah... ﴾*

(An-Naml: 65)

Accordingly, the Unseen is known neither to the angels, the jinn nor human beings. Acting on the command of this Lord, the Prophet (pbuh) proclaimed,

*﴿... If I had knowledge of the Unseen, I should have had abundance of good and no evil should have touched me. Truly, I am but a warner and a bringer of good tidings to those who have faith. ﴾*

(Al-A`raf: 188)

Concerning the jinn who labored for Prophet Sulayman (Solomon), Allah (Glorified be He) says,

*﴿... It became clear to the jinn that if they had known the Unseen, they would not have continued in the humiliating punishment (of their task). ﴾*

(Saba': 14)

Thus, anyone who claims to know what pertains to the Unseen utters a falsehood against Allah and the truth, deceiving people.

Once a delegation came to the Prophet (pbuh) and supposing him to be one of those who claimed to have knowledge of the Unseen, they concealed something in their hands, asking the Prophet (pbuh) to tell them what it was. The Prophet (pbuh) said to them in plain words,

*"I am not a diviner. The diviner, (what pertains to) the divination, and the soothsayers will all be in the Fire."*

## **Believing in Those Who Foretell the Future Constitutes *Kufr***

Islam's campaign is not only confined to the soothsayers and diviners but includes all those who go to them, ask for their help, and believe in their superstitions and errors. The Prophet (pbuh) said,

*"The Prayer of one who goes to a soothsayer, asks him for something and believes in what he says will not be accepted for forty days."<sup>(1)</sup>*

He also said,

*"Whoever goes to a soothsayer and believes in what he says has denied what was revealed to Muhammad."<sup>(2)</sup>*

This is because what was revealed to Muhammad (pbuh) asserts that the knowledge of the Unseen belongs to Allah alone and that Muhammad (pbuh) has no knowledge of it, much less anyone else:

*﴿Say: I do not tell you that the treasures of Allah are with me or that I know the Unseen, nor do I tell you that I am an angel; I follow only what is revealed to me... ﴾*

(Al-An`am: 50)

If, after being aware of this clear and explicit statement of the Qur'an, a Muslim believes that some people can foretell the future and know the secrets of the Unseen, he has indeed denied what was revealed to the Messenger of Allah (pbuh).

## **Divination with Arrows**

For the reason mentioned above, divination with arrows is prohibited by Islam. The Arabs of *Jahiliyyah* used three arrows for divination; on one arrow was written, "My lord commanded me," on another, "My lord forbade me," and the third was left blank. If they planned to go on a journey, to marry, to carry out a raid, etc., they would go to the temple where these arrows were kept. One arrow would be selected randomly. If they selected the "commanding" arrow they would proceed with their plan; if they selected the "forbidding" arrow they would not proceed with it; while if the

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1. Reported by Muslim.

2. Narrated by Al-Bazzar with a good and well-established chain of transmitters.

blank arrow was drawn they would replace it and repeat the process until they received a clear indication.

The practices in our society of making decisions on the basis of what is observed in sand, seashells, tea leaves, cards, palms, of opening a book at random, and the like are similar to this practice.<sup>(1)</sup> Islam has prohibited all such practices and considers them sinful. After mentioning the prohibited foods, Allah (Glory be to Him) says,

*﴿... And (also forbidden) is predicting the future by means of divining arrows, for that is impiety... ﴾*

(Al-Ma'idah: 3)

And the Prophet (pbuh) said,

*"He who consults with soothsayers or divining arrows, or returns from a journey because of an ill omen, shall not attain the high rank (in Paradise)."<sup>(2)</sup>*

## **Magic**

In like manner, Islam condemns magic and those who practice it. Concerning those who learn magic the Qur'an says,

*﴿... They learned (only) what harmed them and what did not benefit them.... ﴾*

(Al-Baqarah: 103)

The Prophet (pbuh) counted the practice of magic among those major deadly sins which destroy nations before destroying individuals and which degrade those who practice them in this world prior to the Hereafter, he said, *"Avoid the seven destructive things."* The listeners asked, "O Messenger of Allah, what are they?" He said,

*"Associating partners with Allah (shirk), magic, taking a life which Allah has made sacred except in the course of justice, devouring riba,*

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1. Ar-Razi said, "This also indicates the practice of astrology, belief in horoscopes, and related matters. The Prophet (pbuh) said, *"If anyone acquires any knowledge of astrology, he has acquired a branch of magic."*" (Ahmad, Abu Dawud, and Ibn Majah). He also said, *'An astrologer is a diviner, a diviner is a magician, and a magician is a disbeliever.'*"

2. Reported by An-Nasa'i.

*appropriating the property of an orphan, fleeing from the battlefield, and slandering chaste, indiscreet, and believing women."*<sup>(1)</sup>

Some jurists regard magic as disbelief (*kufr*) or as something that leads to disbelief, and some have even advocated that those who practice it should be put to death in order to purify the society of their evil. The Qur'an has taught us to seek refuge with Allah against the evil of the practitioners of magic:<sup>(2)</sup>

﴿... From the evil of those who blow on knots... ﴾

(Al-Falaq: 4)

Blowing on knots is one of the methods which such people employ; the Prophet (pbuh) said,

*"Whoever blows on knots practices magic and whoever practices magic is a mushrik (polytheist)."*<sup>(3)</sup>

Just as it is *haram* for the Muslim to consult with diviners or fortune-tellers concerning the secrets of the Unseen, it is *haram* for him to seek help through magic, or from those who practice it, to cure an illness or to remove a difficulty. The Messenger of Allah (pbuh) disowned such persons, saying,

*"He is not of us who seeks an omen or for whom an omen is sought, who divines or for whom divination is made, who practices magic or asks someone to practice magic for him."*<sup>(4)</sup>

‘Abdullah ibn Mas‘ud said,

"Anyone who goes to a diviner, a practitioner of magic or a soothsayer, asking something and believing in what he says, denies what was revealed to Muhammad."<sup>(5)</sup>

And the Prophet (pbuh) said,

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1. Reported by Al-Bukhari and Muslim.

2. Magic should be understood to denote witchcraft, sorcery, and all related practices. (Translator)

3. Reported by At-Tabarani through two chains of transmitters, one of which is reliable.

4. Reported by Al-Bazzar.

5. Reported by Al-Bazzar.

*"The addict of intoxicants, the believer in magic, and the one who breaks the ties of kinship will not enter Paradise."*<sup>(1)</sup>

The sin of such things is not limited to the practitioner of magic alone but includes those who believe in his magic, encourage him, and trust in what he says. Then sin becomes greater and more flagrant if the magic is used for purposes which are *haram* in themselves, such as sowing discord between a husband and his wife, inflicting bodily injury, and other evil causes, which are popular among those who practice magic.

## **Charms and Amulets**

In the same category is the hanging of charms, seashells and the like in the belief that they will bring about the cure of a disease or act as a protection from it. There are still some people in the present century who hang a horseshoe on the door. Moreover, we still find today charlatans in various countries who exploit the ignorance of simple people by writing amulets and charms for them, drawing lines and talismans and reciting strange incantations, with the claim that these practices will protect the bearer from the aggression of evil spirits, the influence of demons, the evil eye, envy, and so on.

As far as the prevention and treatment of disease are concerned, Islam has prescribed measures which are well known, condemning those who turn away from them to the deceitful methods of swindlers. The Prophet (pbuh) said,

*"Seek the remedy, for He Who created illness also created its cure."*<sup>(2)</sup>

He also said,

*"There is a remedy in three things: a drink of honey, bleeding by a copper, and cauterization by fire."*<sup>(3)</sup>

In our time these three of cures include, by analogy and extension, all medicines which are taken by mouth, surgical intervention, and therapies utilizing heat or electricity.

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1. Reported by Ibn Hibban in his *Sahih*.

2. Reported by Ahmad.

3. Reported by Al-Bukhari and Muslim.

As for wearing beads, seashells, charms and amulets, or reciting certain incantations to treat or prevent illness, such practices are sheer ignorance and error and contrary to the laws of Allah (Glorified be He), and constitute a denial of *tawhid*.

‘Uqbah ibn ‘Amir reported that he came to the Prophet (pbuh) in a group of ten persons. The Prophet (pbuh) accepted the oath of allegiance from nine of them, withholding himself from the tenth. "What about him?" they asked. "There is an amulet on his arm," the Prophet (pbuh) replied. The man tore off the amulet and the Prophet (pbuh) then accepted his oath and said, "The one who wears (it) is a polytheist."<sup>(1)</sup>

The Prophet (pbuh) also said,

*"May Allah not fulfill the hopes of the one who wears a charm; may Allah not protect the one who hangs seashells."*<sup>(2)</sup>

‘Imran ibn Husayn reported that the Prophet (pbuh) saw a man wearing a brass bracelet in his arm and he said to him, "Woe to you, what is this?" He replied, "To protect me from weakness." The Prophet (pbuh) said,

*"Indeed, this only increases your weakness. Throw it away, for if you die wearing it, you will never attain success (in the Hereafter)."*<sup>(3)</sup>

These teachings of the Prophet (pbuh) penetrated the minds of his Companions, and they rejected such erroneous and false practices, neither accepting nor believing in them. `Isa ibn Hamzah reported, "I visited `Abdullah ibn Hakim who had a fever. I said, 'Why do you not wear a charm?' He replied, 'I seek refuge in Allah from that.' " In another version he said, "Death is preferable to that." The Messenger of Allah (pbuh) said,

*"Whoever wears a charm will be left to rely on it."*<sup>(4)</sup>

‘Abdullah ibn Mas‘ud once saw his wife wearing a knotted thread around her neck. He pulled at and broke it, saying, "The family of `Abdullah is free of associating anything with Allah for which He has sent no authority." Then he said, "I heard the Messenger of Allah (pbuh) say,

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1. Reported by Ahmad.

2. Reported by Ahmad.

3. Reported by Ahmad.

4. Reported by At-Tirmidhi.

*'Incantations, amulets, and spells are (signs of) shirk.'"*

Thereupon, someone said to him, "Abu `Abd ar-Rahman (as he was commonly called), we know what incantations and amulets are, but what is spells *tawlah*?" He said, "Something which women employ to make their husbands love them."<sup>(1)</sup> Accordingly, *tawlah* denotes a kind of magical practice.

Scholars say that if incantations are in a foreign language so that one does not know what is being said, they are prohibited out of fear of their being mixed with disbelief and magic. However, if what is being said can be understood and there is mention of Allah in it, it is commendable because it is then a supplication to Allah and is not meant to be a cure or a medicine. The incantations of *Jahiliyyah* were intermixed with magical formulae, polytheistic phrases, and nonsensical utterances.

It is narrated that `Abdullah ibn Mas`ud forbade his wife to utter such *jahili* incantations. She said to him, "I went out one day and saw such and such person. One of my eyes then began to water (meaning that it was the effect of his evil eye and envy). But when I recited an incantation it stopped watering, and when I left off reciting it, the eye started watering again." Ibn Mas`ud said, "That is Satan. When you obey him he leaves you alone, but when you disobey him he stabs your eye with his finger. But if you do as the Prophet (pbuh) did, it will be better for you and will most probably cure your eye. Bathe your eye with water and say,

*'Remove the hurt, O Lord of mankind. Heal me; You are the Healer.*

*There is no cure except Your cure which leaves no disease behind.'*<sup>(2)</sup>

## **Omens**

Drawing evil omens from certain articles, places, times, individuals, and the like was, and still is a current superstition. In antiquity, the people of the Prophet Salih (peace be upon him) said to him,

﴿We augur an evil omen of thee and those with thee...﴾

(An-Naml: 47)

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1. Reported by Ibn Hibban in his *Sahih*.

2. Reported by Ibn Majah.

And whenever a calamity struck them, Pharaoh and his people

﴿... ascribed it to evil omens connected with Musa and those with him...﴾

(Al-A`raf: 31)

Many times, when Allah (Glorified be He) tried the unbelievers by sending a calamity, they would say to the Messenger of Allah (pbuh),

﴿... Indeed, we augur an evil omen from you...﴾

(Yasin: 18)

The reply of the Messengers was,

﴿... Your auguring of evil omens is with yourselves...﴾

(Yasin: 19)

This means, "The cause of your evil omens is in your own attitude, stemming from your unbelief, stubbornness, and arrogance in regard to Allah and His Messengers."

The Arabs of *Jahiliyyah* had a long history of such practices associated with a variety of beliefs which persisted until the coming of Islam, which abolished all such notions and brought the people back to the way of sound reason. The Prophet (pbuh) classified the auguring of evil omens with divination and magic in his saying,

*"He is not of us who seeks for evil omens or for whom evil omens are sought, who divines or for whom divination is made, who practices magic or for whom magic is practiced."*<sup>(1)</sup>

The Prophet (pbuh) also said,

*"Augury from drawing lines in the sand, from the flight of birds, and from throwing stones pertains to shirk."*<sup>(2)</sup>

The auguring of omens has no basis in science or in reality, but is weakness of the mind and a superstition. How can a sane human being believe that a certain person or place, the cry of a bird, the flick of an eyelid, or the hearing of a certain word can foretell something evil? Even if there is

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1. Reported by At-Tirmidhi.

2. Reported by Abu Dawud

some weakness in human nature which is conducive to the seeking of omens from certain things, one should not surrender to this weakness, especially when a decision is to be made or an action is to be taken. It is stated in a *hadith* that

*"No one is free of three things: suspicion, auguring evil omens, and envy. Thus, if you have a suspicion, do not pursue it; if you augur an evil omen, do not turn back; and if you are envious, do not transgress."<sup>(1)</sup>*

In this way these three things will remain mere thoughts which cross the mind without affecting the actual behavior, and Allah (Glorified be He) will forgive them. Ibn Mas`ud reported the Prophet (pbuh) as saying three times,

*"Auguring evil omens is shirk (polytheism)."*

Ibn Mas`ud added, "None of us fails to be affected by this, but Allah removes such influences through our trust in Him,"<sup>(2)</sup> meaning that although there is no one among us who is not affected by this weakness at one time or another, this weakness is removed from the heart of the person who turns to Allah, trusting in Him and not letting such ideas obsess him.

## **The War Against *Jahili* Customs**

On the one hand Islam launched an attack on *jahili* beliefs and superstitions which were a threat to reason, morals, and manners, and on the other, on *jahili* customs, which were the product of chauvinism: boastfulness, pride, and the glorification of tribes.

## **No Chauvinism in Islam**

Islam's first step in this direction was to reduce every kind of group chauvinism to dust, forbidding the Muslim to revive any of the disputes of such chauvinism or to allure others to it. The Prophet (pbuh) declared himself free of responsibility for anyone who practices it, saying,

*"He who calls others to group chauvinism does not belong to us; he who fights for the sake of group chauvinism does not belong to us; and he who dies upholding group chauvinism does not belong to us."<sup>(3)</sup>*

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1. Narrated by At-Tabarani.

2. Narrated by Abu Dawud.

3. Narrated by Abu Dawud.

There is no special distinction for a certain color of skin, a particular race of mankind, or a special region of the earth. The Muslim is forbidden to be a partisan of one race against another, one people against another, or one country against another. It is not permissible for a believer in Allah and the Last Day to support his people only because he is related to them no matter whether they are right or wrong, just or unjust.

Wa`llah ibn al-Asqa` reported, "I asked, 'O Messenger of Allah, what is chauvinism?' and he replied, '*That you should help your people in wrongdoing.*'"<sup>(1)</sup>

And Allah (Glorified be He) says,

﴿*O you who believe, be steadfast in justice, as witnesses for Allah, even though it be against yourselves or parents or kindred...*﴾

(An-Nisa': 135)

﴿*... And do not let hatred of (other) people cause you to deviate from justice...*﴾

(Al-Ma'idah: 8)

"Help your brother, whether he is the offender or the offended," was a well-known proverb in pre-Islamic *Jahiliyyah* which people used to take literally. The Prophet (pbuh) changed its meaning in a subtle fashion. After the faith was firmly established in the hearts of his Companions, he once repeated this proverb to them. They were shocked and said, "O Messenger of Allah, we know how to help the offended, but how can we help the offender?" He replied, "*Stop him from wrongdoing; that is helping him.*"<sup>(2)</sup>

We know from these statements that a call toward nationalism or racism is a call of *Jahiliyyah*, and Islam, its Prophet (pbuh), and its Book have totally rejected it. Islam does not recognize any loyalty other than to its belief, any relationship other than that of its brotherhood, or any differentiation among human beings other than on the basis of belief and unbelief. Even though he may be a fellow countryman, a relative, or one's own blood brother, the unbeliever who shows hostility to Islam is an enemy to the Muslim.

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1. Narrated by Abu Dawud.

2. Narrated by Al-Bukhari.

Allah (Glorified be He) says,

*¶ Thou wilt not find any people who believe in Allah and the Last Day having affection for the ones who contravene Allah and His Messenger, even if they are their fathers or their sons or their brothers or their kindred... ¶*

(Al-Mujadalah: 22)

*¶ O you who believe, do not take your fathers or your brothers as friends if they love unbelief above faith... ¶*

(At-Tawbah: 23)

### **Boasting about One's Lineage and Color**

Al-Bukhari narrated that Abu Dharr and Bilal the Abyssinian, both of whom were among the earliest Muslims, once quarreled and insulted each other. Carried away by his anger, Abu Dharr said to Bilal, "You are son of a black woman!" Bilal complained about this to the Prophet (pbuh), who turned to Abu Dharr, saying,

*"Are your taunting him about his mother? There is still some influence of Jahiliyyah in you!"<sup>(1)</sup>*

Abu Dharr reported that the Prophet (pbuh) said to him,

*"Look! You are no better than a white or black man unless you excel him in the fear of Allah."*<sup>(2)</sup>

The Prophet (pbuh) also said,

*"You are all children of Adam, and Adam was created of dust."*<sup>(3)</sup>

Thus Islam makes it *haram* for the Muslim to boast about his genealogy and kinship, mentioning his forefathers and saying, "I am the son of such and such," or "I am white and you are black, I am an Arab and you are a non-Arab." What is the value of kinship and genealogies when all people come from one single origin? And even supposing that genealogy had a value, how does it add to the credit or debit of a person to have been born to this or that father? The Prophet (pbuh) said,

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1. Reported by Al-Bukhari.

2. Reported by Al-Bukhari.

3. Reported by Ahmad.

*"These genealogies of yours are not a reason to revile anyone. You are all children of Adam. No one has superiority over another except in religion and taqwa (the fear of Allah)."<sup>(1)</sup>*

*"Mankind is descended from Adam and Eve.... On the Day of Resurrection Allah will not ask you about your kinship and genealogies. The most honorable among you in the sight of Allah is the one who is the most God-fearing."<sup>(2)</sup>*

The Prophet (pbuh) launched a fierce attack against those who boast about their fathers and grandfathers, saying,

*"Let people cease to boast about their ancestors who have died, who are merely fuel in hell, or they will certainly be of less account than the beetle which rolls dung with its nose. Allah has removed from you the pride of Jahiliyyah and its boasting about ancestors. One is either a God-fearing believer or a wicked sinner. All people are children of Adam, and Adam was created of dust."<sup>(3)</sup>*

People who boast about their remote ancestors among the Pharaohs or the Choesroes (the rulers of ancient Persia) and the like should take note of this *hadith*. As the Messenger of Allah (pbuh) stated, these ancestors of theirs, whether Arab or non-Arab, or of pre-Islamic *Jahiliyyah*, are nothing but the fuel of Hell.

During the Farewell Pilgrimage, when thousands of Muslims gathered in the sacred place, during the sacred month, the Prophet (pbuh) delivered his farewell sermon, emphasizing the basic principles:

*"O people, your Lord is One. Beware that there is no superiority of an Arab over a non-Arab or of a non-Arab over an Arab, nor of a white over a black or of a black over a white, except through fear of Allah (taqwa). Verily, the most honorable among you in the sight of Allah is the one who has most taqwa."<sup>(4)</sup>*

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1. Reported by Al-Bazzar.

2. Reported by Ahmad.

3. Reported by Abu Dawud.

4. Narrated by Ahmad.

## **Mourning for the Dead**

Among the customs of *Jahiliyyah* which were denounced by Islam was the practice of wailing, lamenting, and showing excessive grief for the dead.

Islam's teaching concerning death is that it is not the annihilation of an individual, causing him to become non-existent, but that it is a journey from one world to another and that no amount of mourning will bring the dead back to life or change the decree of Allah (Glory be to Him). The believer should receive death, as he receives any other calamity which may befall him, with patience and dignity, repeating the Qur'anic words:

*﴿... To Allah we belong and to Him do we return.﴾*

(Al-Baqarah: 156)

The pre-Islamic manner of mourning for the dead is strictly forbidden to the Muslim. The Prophet (pbuh) declared,

*"He who slaps his cheeks, tears his clothes and cries out in the manner of *Jahiliyyah* is not of us."<sup>(1)</sup>*

The Muslim is not permitted to wear a mourning band, discard his adornment, or change his usual attire to express his sorrow and grief.<sup>(2)</sup> However, a wife must observe a mourning period of four months and ten days for her deceased husband in loyalty to the sacred ties of marriage; in Islam this period is considered an extension of her previous marriage and she is not allowed to receive any new proposals of marriage during this period. Thus, she is required to refrain from adorning herself during that time in order to keep the thought of remarriage out of her own mind and that of her potential suitors. However, if the deceased is someone other than her husband, for example, her father, brother or son, it is *haram* for her to mourn for more than three days. Al-Bukhari narrated concerning Umm Habibah and Zaynab bint Jahsh, both of whom were wives of the Prophet (pbuh), that at the time of the deaths of Umm Habibah's father, Abu Sufyan ibn Harb, and Zaynab's brother, each of them perfumed herself, saying "By Allah, I am not in need of perfume, but I heard Allah's Messenger (pbuh) say,

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1. Reported by Al-Bukhari.

2. The wearing of black as a sign of mourning is prohibited in Islam, even in the case of a widow in mourning for her husband. (Translator)

*"It is not lawful for a woman who believes in Allah and the Last Day to mourn for a deceased person for more than three nights, except for the husband (for whom the period of mourning is) four months and ten (days)."<sup>(1)</sup>*

The period of mourning for the deceased husband is obligatory and should not be violated. A woman came to the Prophet (pbuh) and said, "My daughter's husband has died, and her eye is infected. May she use kohl?"<sup>(2)</sup> The Prophet (pbuh) said, "No," and repeated it twice or thrice.<sup>(3)</sup> This demonstrates that adorning or beautifying herself during the prescribed period of mourning is prohibited to the widow. As grief and the expression of it are natural, she may mourn and weep but without wailing and shouting. Upon the death of Khalid ibn al-Walid, `Umar heard some women weeping for his death. Some people wanted to stop them from it but `Umar said, "Let them weep for Abu Sulayman (the name by which Khalid was called), as long as they do not throw dust on their heads or start crying out."

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1. Reported by Al-Bukhari in his *Sahih* in the book of "Funerals".

2. In addition to its being an adornment, kohl also has a medical value for the eye. (Translator)

3. Reported by Al-Bukhari in the book of "Divorce".



## 2. Dealings and Transactions

Allah (Glory be to Him) created human beings in a state of dependence upon one another. Each individual does not own all the things he needs; one person has something which he can spare while at the same time he may need something which others have and which they can spare. Allah has directed people toward exchanging goods and utilities through buying and selling because such transactions make social and economic life function smoothly and encourage people to be productive.

Various types of transactions and exchanges of property were current among the Arabs at the dawn of the Prophet's mission. He approved and confirmed such types of transactions which did not conflict with the principles of the *Shari`ah* and disapproved and prohibited those business practices which were against the purposes and aims of the *Shari`ah*. The prohibitions were due to specific reasons, as, for example, trading in *haram* goods, transactions involving fraud or exorbitant profits, or injustice to one of the contracting parties.

### **The Prohibition of Selling *Haram* Goods**

Trading in goods which are normally used for committing sin is *haram*. Examples of such things are pork, intoxicants, and other prohibited kinds of food in general, as well as idols, crosses, statues, and the like. Permitting the sale or trade of such articles implies promoting and encouraging them among people to do what is *haram*, while prohibiting their sale implies suppressing and ignoring them, thereby preventing people from coming into contact with them. The Prophet (pbuh) said,

*"Surely, Allah and His Messenger have prohibited the sale of intoxicants, the flesh of dead animals, swine, and idols,"*<sup>(1)</sup>

and also

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1. Narrated by Al-Bukhari and Muslim.

*"When Allah prohibits something, He prohibits (giving and receiving) the price of it as well."<sup>(1)</sup>*

## **The Prohibition of a Sale Involving Uncertainty**

The Prophet (pbuh) forbade any kind of transaction which could lead to a quarrel or litigation due to some uncertainty<sup>(2)</sup> or which involved an unspecific quantity to be exchanged or delivered. This includes the sort of transaction in which there is no guarantee that the seller can deliver the goods for which he receives payment. Accordingly, the Prophet (pbuh) forbade selling what is in a stallion's or male camel's loins, fish in the water, or birds in the air, or the offspring of a camel still in the female's womb, since there is an element of uncertainty as to the outcome in all such transactions.

The Prophet (pbuh) observed that people sold unripened fruits which were still in the fields or orchards; if the crop were destroyed by blight or some natural calamity, the buyer and seller would quarrel over who was to bear the loss. Hence, the Prophet (pbuh) prohibited the sale of fruit until they were clearly in good condition,<sup>(3)</sup> unless they were to be picked on the spot. Similarly, he forbade selling ears of corn until they were white and safe from blight,<sup>(4)</sup> and said,

*"If Allah withholds the fruit, how can any of you accept his brother's money as a lawful gain?"<sup>(5)</sup>*

However, not every sale involving what is unknown or uncertain is prohibited; for example, a person may buy a house without knowing the condition of its foundation or what is inside the walls. What is prohibited is selling something about which there is an obvious element of uncertainty which may lead to dispute and conflict, or may result in the unjust appropriation of other people's money. Again, If the risk of uncertainty is little - and this is determined by experience and custom - the sale is not

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1. Narrated by Ahmad and Abu Dawud.

2. See the chapter on the prohibition of *gharar* (transactions involving uncertainty) in *Sahih Muslim* and other books of *Hadith*.

3. Narrated by Al-Bukhari and Muslim.

4. Narrated by Muslim.

5. Narrated by Al-Bukhari and others.

prohibited. For example, one may sell root vegetables such as carrots, onions, and radishes while they are still in the ground, or fields of cucumbers, watermelons and the like. In the opinion of Imam Malik, all such sales of needed items in which the margin of risk is bearable are permissible.<sup>(1)</sup>

## Price Manipulation

In Islam the market is to be free and permitted to respond to the natural laws of supply and demand. Thus, when the prices became high in the Prophet's time and people asked him to fix prices for them, he replied,

*"Allah is the One Who fixes prices, Who withholds, Who gives lavishly, and Who provides, and I hope that when I meet Him none of you will have a claim against me for any injustice with regard to blood or property."*<sup>(2)</sup>

With these words the Prophet of Islam (pbuh) declared that unnecessary interference in the freedom of individuals is injustice and that one should meet Allah free of blame for such a thing. If, however, any artificial forces, such as hoarding and manipulation of prices by certain merchants, interfere in the free market, public interest takes precedence over the freedom of such individuals. In such a situation price control becomes permissible in order to meet the needs of the society and to protect it from greedy opportunists by thwarting their schemes, for the above *hadith* does not mean that price control is prohibited regardless of the circumstances, even if it removes harm and prevents obvious injustice. Researchers among scholars have concluded that, depending on the nature of the circumstances, price control may at times be unjust and prohibited, and at other times may be just and permissible.

If price control compels people to sell their goods at a price which is not acceptable to them or denies them the reasonable profit permitted by Allah,

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1. In *Al-Qawa'id an-Nuraniyyah*, p. 118, Ibn Taymiyah said, "The principles laid down by Imam Malik concerning sales are superior to those of others, because he took them from Sa'id ibn al-Musayyab, who is the best authority on the juristic rulings regarding sales." Imam Ahmad ibn Hanbal's opinion is close to that of Malik.

2. Narrated by Ahmad, Abu Dawud, At-Tirmidhi, Ibn Majah, Ad-Darimi, and Abu Ya`la.

it is *haram*. If, on the other hand, price control establishes equity among people, for example, by forcing sellers to accept a price equal to that commanded by other comparable commodities and restraining them from taking more than this, it is allowed - indeed necessary.

The *hadith* cited above relates to the first type of situation. Accordingly, if merchants are selling a commodity in the customary fashion without any wrong-doing on their part and the price subsequently rises due to the scarcity of the commodity or due to an increase in population (indicating the operation of the law of supply and demand), this circumstance is from Allah, in which case to force them to sell the commodity at a fixed price would be unjust compulsion.

In relation to the second type of situation, should the dealers in a commodity refuse to sell it, despite the fact that people are in need of it, unless they secure a price higher than its known value, they must be compelled to sell it at a price equal to the price of an equivalent commodity. Price control here means nothing more than establishing comparable prices for equivalent commodities and it is therefore in conformity with the standard of justice demanded by Allah (Glorified be He).<sup>(1)</sup>

### **Hoarding Is Condemned**

Freedom for individual and natural competition in the marketplace is guaranteed by Islam. Nevertheless, Islam severely condemns those who, driven by ambition and greed, accumulate wealth at the expense of others and become rich by manipulating the prices of food and other necessities. This is why the Prophet (pbuh) denounced hoarders in very strong words, saying,

*"If anyone withholds grain for forty days out of the desire for a high price, Allah will renounce him."*<sup>(2)</sup>

He also said,

*"If anyone withholds goods until the price rises, he is a sinner."*<sup>(3)</sup>

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1. Refer to *Risalat al-Hisbah* by Ibn Taymiyah, as well as to *At-Turuq al-Hukmiyyah* by Ibn al-Qayyim, p. 214 ff.

2. Narrated by Ahmad, Al-Hakim, Ibn Abi Shaybah, and Al-Bazzar.

3. Narrated by Muslim.

And the term "sinner" here is not to be taken lightly. It is the same epithet which Allah (Glorified be He) applied to some of the great tyrants in history, for example:

﴿... Assuredly Pharaoh and Haman and their hosts were sinners.﴾

(Al-Qasas: 8)

The Prophet (pbuh) also said,

*"The man who hoards goods is evil. If prices fall he is grieved and if they rise he is happy,"*<sup>(1)</sup>

thereby exposing the selfish and greedy mentality of hoarders.

Again, he said,

*"He who brings goods to the market is blessed with bounty, but he who withholds them is cursed."*<sup>(2)</sup>

There are two ways of making a profit in a business. One is to withhold the commodity from the market until it becomes scarce and those who need it are unable to find it; then, compelled by their need, they come to the hoarder and pay him the price he demands, although it may be unreasonably high. The other way is to put the commodity on the market, sell it for a reasonable profit, buy more goods and sell them in like manner, and so on. Since this latter practice serves the public interest, a merchant who practices it is both blessed by Allah and well-provided for, as the foregoing *hadith* stated.

A very important *hadith* concerning hoarding and manipulating prices was reported by Ma`qal ibn Yasar, a Companion of the Prophet (pbuh). The Umayyad governor, `Ubaydullah ibn Ziyad, came to visit Ma`qal when he was bedridden due to a grave illness. After inquiring about his condition, `Ubaydullah asked him, "Do you know of any instance of my having wrongfully shed someone's blood?" Ma`qal replied that he did not. "Do you know of any instance," `Ubaydullah continued, "in which I interfered with the prices of the Muslims' goods?" Ma`qal again replied that he did not know. Then Ma`qal asked the people to help him to sit up, which they did.

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1. Ar-Razi mentioned this *hadith* in his *Jami`*.

2. Narrated by Ibn Majah and Al-Hakim.

He then said, "Listen, O `Ubaydullah, and I will tell you something which I heard from the Messenger of Allah (pbuh). I heard the Messenger of Allah (pbuh) say,

*'Whoever interferes with the prices of the Muslims' goods in order to raise them deserves that Allah should make him sit in the Fire on the Day of Resurrection.'*

"Did you hear this from Allah's Messenger (pbuh)?" asked `Ubaydullah, and Ma`qal replied, "More than once or twice."<sup>(1)</sup>

On the basis of the texts and contents of these foregoing *hadiths*, scholars have deduced that hoarding is prohibited under two conditions: one, that hoarding at a given time is injurious to the people of that country, and two, that the hoarder's aim is to force the price up in order to make more profit.

### **Interference in the Free Market**

Another practice related to hoarding which was prohibited by the Prophet (pbuh) is a townsman's selling on behalf of a man from the desert. Scholars have explained the situation in the following manner: a stranger would bring some goods to be sold in town at the current market price. A townsman would approach him, saying, "Leave them with me for a while. I will sell them for you when the price is better." Had the non-resident himself sold his goods, he would have done so for a lower price, thereby benefiting the people, while he himself would have made a reasonable profit.

This sort of practice was very common in Arab society when Islam came. Anas said, "Sale by a townsman on behalf of a desert-dweller was prohibited to us, even though he might be a blood brother."<sup>(2)</sup> From this we learn that for the Muslim the public interest takes precedence over personal relationships. The Prophet (pbuh) said,

*"A resident (of town) must not sell for a man from the desert. Leave people alone, so that Allah may give them provision from one another."*<sup>(3)</sup>

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1. Narrated by Ahmad and At-Tabarani.

2. Narrated by Al-Bukhari and Muslim.

3. Narrated by Muslim.

This significant expression of the Prophet's "*Leave people alone, so that Allah may give them provision from one another,*" establishes a basic principle in the field of commerce: that the market, its prices, and sales, should be left free to respond to internal economic forces and natural competition without manipulation. When Ibn `Abbas was asked about the meaning of "*A resident (of town) must not sell for a man from the desert,*" he replied, "The resident should not be a broker for him".<sup>(1)</sup> From this we understand that if someone were to inform the man from the desert about prices, offering him good advice and telling him about prevailing market prices without charging him a commission, there would be no harm in it, for giving good advice is part of the religion; in fact, a sound *hadith* stated,

*"Religion is (the giving of good) advice,"*<sup>(2)</sup>

and,

*"If someone asks your advice, advise him."*<sup>(3)</sup>

However, with regard to the broker, it always happens that, in a situation such as that described above, he might neglect the public interest for the sake of his own profit.

### **Brokerage Is Permissible**

With the exception of such cases, brokerage is permissible, since it is a sort of mediation and connection between the buyer and the seller, which in many cases facilitates a profitable transaction for at least one of them or for both.

In modern times, middlemen have become more necessary than at any time in the past because of the complexities of trade and commerce, which involve all types of exports and imports, and wholesale and retail sales and purchases; brokers play a very important role in keeping things moving. There is nothing wrong, therefore, with the broker's charging a commission for his services. The commission may be a fixed amount or proportional to the volume of sales, or whatever is agreed upon among the parties involved. Al-Bukhari stated in his *Sahih*,

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1. Narrated by Al-Bukhari.

2. Narrated by Muslim.

3. Narrated by Ahmad.

"Ibn Sirin, 'Ata', Ibrahim, and Al-Hasan saw nothing wrong with commissions charged by brokers. Ibn 'Abbas said, 'There is no harm if one person says to another, 'Sell this robe, and if you sell it for more than such and such a price, you may keep the extra amount'. Ibn Sirin said, 'There is nothing wrong if one person says to another, 'Sell it for this price and keep the profit, or the profit will be shared between you and me'. The Prophet (pbuh) said, '*Muslims must abide by their terms.*'"<sup>(1)</sup>

## **Exploitation and Fraud**

In order to prevent the manipulation of the market, the Prophet (pbuh) also prohibited what is termed *najash*.<sup>(2)</sup> Ibn 'Umar explained that *najash* signifies someone's bidding for an item in excess of its price without having any intention of actually buying it, but merely in order to induce others to bid still higher. Many times this is pre-arranged for the purpose of deceiving others.

Among the variety of measures which the Prophet (pbuh) took to keep business transactions as far removed as possible from all kinds of exploitation and fraud was that of prohibiting people from going out of town to buy merchandise which was on its way to the market, telling them to wait until it was brought to the marketplace.<sup>(3)</sup> The reason for this prohibiting is that the market place, where the forces of demand and supply determine prices, is the best place for trading transactions. If someone goes out of town to buy from a trader who is bringing merchandise, there is a possibility that the seller, not knowing the current price of his merchandise, may be defrauded. If anyone does buy some of his merchandise in this manner, the seller has the option of canceling the transaction after arriving at the marketplace.<sup>(4)</sup>

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1. This *hadith* was narrated by Al-Bukhari with a chain of transmitters which does not reach back to the Prophet (pbuh). However, Ahmad, Abu Dawud, Al-Hakim, and others had a complete chain of transmitters.
2. Narrated by Al-Bukhari and Muslim.
3. Narrated by Muslim, Ahmad, and Ibn Majah.
4. Narrated by Muslim.

## **He Who Deceives Us Is Not of Us**

Islam prohibits every type of fraud and deception, whether it be in buying and selling or in any other matter between people. In all situations the Muslim must be honest and truthful, holding his faith dearer than any worldly gain. The Prophet (pbuh) said,

*"Both parties of a business transaction have a right to cancel it as long as they have not separated. If they tell the truth and make everything clear, they will be blessed in their transaction, but if they lie and conceal anything, the blessing will be blotted out."<sup>(1)</sup>*

He also said,

*"It is not permissible for anyone to sell an article without making everything (about it) clear, nor is it permissible for anyone who knows (about its defects) to refrain from mentioning them."<sup>(2)</sup>*

Once, when passing by a grain merchant, the Prophet's curiosity was aroused. He thrust his hand into the heap of grain and found it wet. "What is this, O merchant?" he asked. "It is because of rain," the man replied. The Prophet (pbuh) then said to him,

*"Why did you not put it on top so that the people could see it? He who deceives us is not of us."<sup>(3)</sup>*

In another report it is said that he passed by a heap of grain which was made to look good by the merchant. The Prophet (pbuh) put his hand into it and found it to be not good. He said to the merchant,

*"Sell this alone and that alone. He who deceives us is not of us."<sup>(4)</sup>*

The Muslims of earlier times strictly observed the practices of exposing the defects of what they sold, of telling the truth, and of giving good advice. When Ibn Sirin sold a sheep, he said to the buyer, "I would like to tell you about a defect it has: it kicks the fodder." And when Al-Hasan ibn Salih sold a slave girl he said to the buyer, "Once she spat up blood." Although she

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1. Narrated by Al-Bukhari.

2. Narrated by Al-Hakim and Al-Bayhaqi.

3. Narrated by Muslim.

4. Narrated by Ahmad.

had done this only once, Al-Hasan's believing conscience required to mention this fact, even if it resulted in his receiving a lower price.

## **Frequent Swearing**

The sin of deceiving is greater when the seller supports it by swearing<sup>(1)</sup> falsely. The Prophet (pbuh) told the merchants to avoid swearing in general and, in particular, in support of a lie, saying,

*"Swearing produces a ready sale but blots out the blessing."*<sup>(2)</sup>

He disapproved of frequent swearing in business transactions because first, it is probably done to deceive people, and second, because it takes away one's glorification of the name of Allah from one's heart.

## **Withholding Full Measure**

One way of defrauding the customer is to measure or weigh incorrectly. The Qur'an emphasizes this aspect of business transactions and includes it among the ten obligations described in the last part of *Surat al-An`am*:

*﴿... And give full measure and (full) weight, in justice; We do not burden any soul beyond what it can bear... ﴾*

(Al-An`am: 152)

And elsewhere in the Qur'an Allah (Glorified be He) says,

*﴿And give full measure when you measure and weigh with the straight balance; that is more charitable and fairest in interpretation. ﴾*

(Al-Isra': 35)

He also says,

*﴿Woe to the defrauders - those who, when they take the measure from people take it in full, but when they measure for them or weigh for them give them short. Do they not realize that they will be raised up again on a mighty Day, a Day when mankind will stand before the Lord of the worlds? ﴾*

(Al-Mutaffifin: 1-6)

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1. This means swearing in the name of Allah that something is true or good.

2. Narrated by Al-Bukhari.

The Muslim should try to do justice in measuring and weighing as fast as it is humanly possible, although absolute accuracy in this regard is unattainable. This is why, following the command to give full measure, the Qur'an adds, *"We do not burden any soul beyond what it can bear..."*

A story is narrated in the Qur'an concerning a people who were dishonest in their business dealings, deviating from justice in weighing and measuring, and being miserly with each other. Allah (Glory be to Him) sent a Messenger to bring them back to justice and honesty, as well as to the belief in His Oneness. These were the people of Prophet Shu`ayb (peace be upon him), who as a warner and preacher, called on them to, saying,

*﴿Give full measure, and do not be of those who give less (than what is due). And weigh with the straight balance, and do not diminish people's goods nor do evil on the earth, making mischief.﴾*

(Ash-Shu`ara': 181-183)

What is correct in relation to weighing and measuring is correct in relation to all other human affairs and relationships. The Muslim is not permitted to have two standards, one for himself and one for other people, this for the near and dear and that for the public, demanding in full his rights and the rights of those who support him, but when it concerns others, diminishing or depriving them of their rights.

## **The Prohibition of Buying Stolen Property**

In order to combat crime and to confine the criminal within a very narrow sphere of activity, Islam has prohibited the Muslim to buy any article which he knows to have been usurped, stolen, or taken unjustly from its owner; anyone who does so abets the usurper, the thief, or the one committing injustice in his respective crime. The Prophet (pbuh) said,

*"He who buys something stolen, while being aware that it is stolen, shares in the sin and shame of stealing."<sup>(1)</sup>*

The passage of time does not render a piece of stolen or misappropriated property lawful, for in Islam the mere passage of time does not transform the *haram* into *halal* nor does it deprive the original owner of his right to it.

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1. Narrated by Al-Bayhaqi.

## **Riba Is Prohibited**

Islam permits increase in capital through trade. Allah (Glory be to Him) says,

*﴿O you who believe, do not consume your property among yourselves wrongfully, but let there be trade by mutual consent...﴾*

(An-Nisa': 29)

At the same time, Islam blocks the way before anyone who tries to increase his capital through lending on usury or interest (*riba*), whether it is at a low or a high rate, reprimanding the Jews for taking usury, even though they had been prohibited to do so. Among the last revelations are the following verses of *Surat al-Baqarah*:

*﴿O you who believe, fear Allah and give up what remains due to you of interest if you are indeed Believers. And if you do not, then be warned of war (against you) by Allah and His Messenger, while if you repent you shall have your capital. Do not do wrong and you shall not be wronged.﴾*

(Al-Baqarah: 278-279)

The Prophet (pbuh) declared war on *riba* and those who deal in it; he pointed out its dangers to society, saying,

*"When riba and zina appear in a community, the people of that community render themselves deserving of the punishment of Allah."*<sup>(1)</sup>

Among the revealed religions, Judaism, prior to Islam, had also prohibited interest. In the Old Testament we read, "If you lend money to any of My people with you who is poor, you shall not be to him as a creditor, neither shall you require interest from him. " (Ex. 22: 25)

As for Christianity, the Gospel according to Luke reads, "... and lend without expecting to get anything back. Then your reward will be great..." (Luke 6: 35)

It is, therefore, sorrowful to see that the Old Testament has been subjected to such distortions that the meaning of "My people," which originally had a broader application, later became restricted to the Jews

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1. Narrated by Al-Hakim; Abu Ya`la narrated something similar on good authority.

alone, as we read in Deuteronomy, "You may lend on interest to a foreigner, but to your brother you shall not lend on interest." (Deut. 23: 20)

## **Why *Riba* Is Prohibited**

Islam strictly prohibits *riba* because it deeply concerns for the moral, social, and economic welfare of mankind. Muslim scholars have given sound arguments, explaining the wisdom of this prohibition, and recent studies have confirmed their opinion, with some additions and extensions of their arguments.

We confine ourselves to what Imam Ar-Razi said in his *Tafsir* of the Qur'an,

**"First:** *Riba* requires the taking of interest appropriating another person's property without giving him anything in exchange, because one who lends one dirham for two dirhams gets the extra dirham for nothing. Now, a man's property is for (the purpose of) fulfilling his needs and it has great sanctity, according to the *hadith*, 'A man's property is as sacred as his blood.'<sup>(1)</sup> This means that taking it from him without giving him anything in exchange is *haram*.

**Second:** Dependence on interest prevents people from working to earn money, since the person with *dirhams* can earn an extra *dirham* through interest, whether at once or at a later date, without working for it. The value of work will consequently be reduced in his estimation, and he will not bother himself to take the trouble of running a business or risking his money in trade or industry. This will lead to depriving people of benefits, and the business of the world cannot go on without industries, trade and commerce, building and construction, all of which need capital at risk. (This, from an economic point of view, is unquestionably a weighty argument.)

**Third:** Permitting the taking of interest discourages people from doing good to one another, as is required by Islam. If interest is prohibited in a society, people will lend to each other with good will, expecting back no more than what they have loaned, while if interest is made permissible the needy person will be required to pay back more on loans (than what he has borrowed), and this will weaken his feelings of good will and friendliness toward the lender. (This is the moral aspect of the prohibition of interest.)

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1. Transmitted by Abu Nu`aym in *Al-Hilyah*.

**Fourth:** The lender is very likely to be wealthier and the borrower poorer. If interest is allowed, the rich will exploit the poor, and this is against the spirit of mercy and charity. (This is the social aspect of the prohibition of interest.)<sup>(1)</sup>

Thus, in a society where interest is lawful, the strong benefits from the suffering of the weak. As a result, the rich become richer and the poor poorer, creating socio-economic classes in the society separated by wide gulfs. Naturally this generates envy and hatred among the poor toward the rich, and contempt and callousness among the rich toward the poor. Conflicts arise, the socio-economic fabric is rent, revolutions are born, and social order is threatened. Recent history amply illustrates the dangers to the peace and stability of nations inherent in interest-based economies.

### **The Borrower on Interest and the Writer of the Deed**

Unquestionably the money-lender who takes interest, getting more from the borrower than his capital, is accursed in the sight of Allah and the people. But Islam, with its characteristic method of dealing with the *haram*, does not confine the sin to the lender on interest alone; it considers the borrower who pays him interest, the writer of the promissory note, and the witness to it to be among his accomplices. A *hadith* said,

*"Allah has cursed the one who takes interest, the one who pays it, the two persons who witness the deed, and the one who writes the contract."*<sup>(2)</sup>

However, if a person is driven to borrowing money on interest due to some pressing need, the sin will be on the lender alone. Now, to establish such a pressing need certain conditions must be met:

1. The need must be real, not merely an extension of the scope of one's needs and the desire for luxury. It must be so basic that life is not possible without it, for example, food without which man would die, clothing without which he would be uncovered, and medical treatment without which he would be destroyed.

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1. *Tafsir* of Fakhr ad-Din ar-Razi, vol. 7, p. 4.

2. Narrated by Ahmad, Abu Dawud, An-Nasa'i, and Ibn Majah; and also by At-Tirmidhi who called it *sahih*.

2. This concession is limited to the exact amount needed. Thus, for example, if nine dollars is sufficient, borrowing ten dollars is not lawful.
3. The borrower must continue to search for ways to escape from his predicament, and his Muslim brothers should help him in this. If no other means are found, he can resort to borrowing on interest without liking it or transgressing the limits, along with hope for forgiveness from Allah, as indeed He is Forgiving and Ever-Merciful.
4. He must continue to hate it and regret doing it until Allah opens a way out for him.

### **The Prophet Seeks Refuge with Allah Against Debt**

The Muslim must be aware that his religion commands him to be moderate in his living habits and thrifty in his financial affairs:

﴿... And do not be extravagant; indeed, He does not like those who are extravagant.﴾

(Al-An`am: 141)

﴿... And do not squander your wealth; truly, those who squander are the brothers of the evil ones.﴾

(Al-Isra': 26-27)

The Qur'an asks Muslims to spend in the way of Allah, but it does not ask them to spend all their wealth, as it asks them to spend merely a part of it. If a person spends only a part of what he earns, it is not likely that he will become destitute; thus, with moderation in his living habits and control of his spending, the Muslim will not be compelled to borrow. The Prophet (pbuh) disliked the Muslim's being in debt because debt is a worry by night and a cause of humiliation by daytime. He always asked Allah's protection from indebtedness, saying,

*"O Allah, I seek refuge with You against the burden of debt and against being overcome by men."*<sup>(1)</sup>

He also once said, *"I seek refuge with You against unbelief and debt."* A man asked him, "Do you equate debt with unbelief?" He replied, *"Yes."*<sup>(2)</sup>

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1. Narrated by Abu Dawud.

2. Narrated by An-Nasa'i and Al-Hakim.

In his prayers he (pbuh) would frequently say, "*O Allah, I seek refuge with You against sin and debt.*" He was asked, "Why do you so often seek the protection of Allah from debt?" He replied, "*One who is in debt tells lies and breaks promises.*"<sup>(1)</sup>

From these statements it becomes clear that borrowing can endanger one's morals.

The Prophet (pbuh) would not offer the funeral prayer for a person who had died in a state of indebtedness, while not leaving behind enough property to repay his debts: he did this in order to discourage people from such an end. In later years, when Allah had bestowed on him from the spoils of war, he paid the debts of such persons and led funeral prayers for them.<sup>(2)</sup> He said,

*"Everything will be forgiven to the shahid (martyr in the cause of Allah) except debt."*<sup>(3)</sup>

The Muslim who is informed of these *hadiths* will never resort to borrowing except in the case of dire need, and if he borrows he will always remain mindful of the obligation of repayment. A *hadith* stated,

*"If a man borrows from people with the intention of repaying them, Allah will help him to repay, while if he borrows without intending to repay them, Allah will bring him to ruin."*<sup>(4)</sup>

Accordingly, if a Muslim is not to resort to the kind of borrowing which is *halal* (that is, without interest) without a compelling need, what can we say concerning his borrowing money on interest?

## **Sale for Deferred Payment (Credit)**

While it is best to buy an article by paying in cash, it is also permissible to pay on credit by mutual consent. The Prophet (pbuh) bought some grain from a Jew, to be paid for at a specific time, pledging his coat of mail as security.<sup>(5)</sup>

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1. Narrated by Al-Bukhari.

2. This was quoted from what was reported by Jabir and Abu Hurayrah.

3. Narrated by Al-Bukhari.

4. Narrated by Muslim.

5. Narrated by Al-Bukhari.

A group of jurists are of the opinion that, should the seller increase his price if the buyer asks for deferred payments, as is common in installment-buying, the amount increased due to the time of delay resembles interest, which is likewise the price paid for time; accordingly, they declare such sales to be *haram*. However, the majority of scholars permit it because the basic principle is the permissibility of things, and no clear text exists prohibiting such a transaction. Furthermore, there is on the whole, no resemblance to interest in such a transaction, since the seller is free to increase the price as he deems proper, as long as it is not to the extent of blatant exploitation or clear injustice, in which case it is *haram*. Ash-Shawkani said, "On the basis of legal reasons the followers of the Shafi`i and Hanafi schools, Zayd ibn `Ali, Al-Mu'ayyad Billah, and the majority of scholars consider it lawful<sup>(1)</sup>

## **Payment in Advance**

The Muslim is allowed to make an advance payment of a specified price for a specified quantity of merchandise to be delivered at a fixed time in the future. This type of transaction was prevalent in Madinah when the Prophet (pbuh) arrived, and he introduced certain changes and conditions in this type of transaction in order to bring it into conformity with the Islamic *Shari`ah*. Ibn `Abbas reported, "When Allah's Messenger (pbuh) came to Madinah, the people were used to paying one and two years in advance for fruits but he then said,

*'Those who pay for anything in advance must do so for a specified measure and weight, with the fixing of a specified time.'*<sup>(2)</sup>

This limitation of specifying the measure or weight and time removes uncertainty and misunderstanding. Similar to this was the practice of paying in advance for the fruit of a certain number of palm trees, which the Prophet (pbuh) prohibited because of the possibility of unforeseen losses due to blight. The proper form of advance trade is therefore to specify the measure or weight, rather than selling the fruits of a certain number of trees

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1. *Nayl al-Awtar*, vol. 5, p. 153. Ash-Shawkani said, We have compiled a treatise on this subject and have called it *Shifa' al-'Ilal fi Hukm Ziyadat ath-Thaman li Mujarrad al-Ajal* (Increasing the Price Due to Lapse of Time). We have researched it thoroughly."

2. Narrated by Al-Bukhari, Muslim, and others.

or the crop of a certain acreage of sown field. However, such a transaction is *haram* if the owner of the trees or the farmland is clearly being exploited because he needs money.

## **Partnership Between Capital and Labor**

It may be said that Allah (Glory be to Him) has distributed talents and wealth among human beings according to a wise plan of apportionment. There is often a talented and experienced individual who does not possess much wealth or none at all, while another has a great deal of money but little or no talent. Why, therefore, should the wealthy person not turn over to the one possessing talents some of his wealth in a profitable business, so that the two may benefit from each other and share the profits according to some agreed-upon formula? In particular, business ventures on a large scale require the cooperation of many investors. Among the populace we find a large number of people who have savings and excess capital but who lack time or the capability for investing it. Why should this money not be pooled and placed under the management of capable people who will invest it in significant, large-scale projects?

We maintain that the Islamic *Shari`ah* does not prohibit cooperation between capital and management, or between capital and labor as these terms are understood in their Islamic legal sense. In fact, the *Shari`ah* has established a firm and equitable basis for such cooperation: if the owner of capital wishes to become a partner with the working man, he must agree to share all the consequences of this partnership. The *Shari`ah* lays down the condition that in such a partnership, which is called *mudarabah* or *qirad*, the two parties should agree that they will share the profit if there is profit and loss if there is loss in a proportion agreed upon in advance. This proportion can be one-half, one-third, one-fourth, or any other proportion for one party and the remainder for the other party. Thus the partnership between capital and labor is that of two parties with joint responsibility, each having his share, whether of profit or loss, and whether much or little. If, in the balance, the losses exceed the profits the difference is to be charged against the capital. This arrangement is not surprising, for while the owner of the capital has suffered a loss in his wealth, the working partner has lost his time and effort.

This is the law of Islam concerning partnership contracts. Conversely, were the owner of the capital to be guaranteed a fixed profit on his capital regardless of the magnitude of the profit or loss it would be a clear violation of justice and a bias in favor of capital against investment experience and labor; it would also be contrary to the realities of investment, which always contain elements of risk. To guarantee to the person who did not toil or take any risk is the very essence of abominable usury.

The Prophet (pbuh) forbade the type of partnership on cultivable land which was known as *muzara`ah* (crop-sharing)<sup>(1)</sup> in which the contract would give one partner the produce of a specified area of a farm or a fixed amount of grain such as one or two tons. He prohibited this because such a transaction is similar to usury or gambling; for if the farm produced less than the specific amount or nothing at all, one partner would still get his share, while the other would suffer a total loss, which is contrary to justice.

The explicit *hadith* invalidating crop-sharing because of this condition is, in my opinion, the basis of consensus among jurists that no partnership is valid which specifies a fixed profit for one partner in every case, regardless of whether or not the investment was profitable. They say, "Suppose that one of the partners makes a condition that he is to receive a specified amount of money. In case the profit does not exceed that amount, he would receive the entire profit, and it is also probable that there will be no profit; on the other hand, if the profit is large he will be hurt by the condition of getting only the specified amount."<sup>(2)</sup> This reasoning is in accordance with the spirit of Islam, which bases all human affairs on clearly defined principles of justice and fairness.

## **Partnership Among Owners of Capital**

Just as it is lawful for the Muslim to use his own wealth for any permissible purpose or to give it to a capable, experienced person to invest

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1. Narrated by Muslim.

2. In the treatise, *Al-Islam wa Mushkilatuna al-Mu`asirah* (Islam and our Contemporary Problems), Dr. Muhammad Yusuf Musa quoted Sheikh Muhammad `Abduh and Sheikh `Abd al-Wahhab Khallaf as saying that this stipulation set by jurists concerning *mudarabah* has no basis in the Qur'an or the *Sunnah*. With due respect to their opinions, I maintain that, by analogical deduction, what is reported concerning crop-sharing is sufficient to be applied to this matter. However, Allah knows best.

in a joint venture, it is also lawful for him to pool his capital with the capital of others for investment, trade, or any lawful business ventures.

These are all kinds of activities and projects, some requiring intensive labor, others intensive mental expenditure, and still others large capital. By themselves individuals may not be able to accomplish much, but when joined with others, they can achieve many things. Allah (Glorified be He) says,

﴿... and help each other in righteousness and God-consciousness...﴾

(Al-Ma'idah: 2)

Any deed which produces good results for the individual or society, or which removes some evil, is a righteous one and a sign of piety if good intention is added to it. Islam is not content with merely allowing such joint endeavors but encourages and blesses them, promising Allah's help in this world and His reward in the Hereafter as long as these endeavors are within the sphere of what Allah has made *halal*, far removed from *riba* and from ambiguity, injustice, fraud, and cheating in any form. In this connection the Messenger of Allah (pbuh) said,

*"Allah's hand is over two partners as long as none of them cheats the other, but when any of them cheats his partner, He withdraws it from them both."*<sup>(1)</sup>

"Allah's hand" refers to His help, inspiration, and blessing. The Prophet (pbuh) also reported in a *Hadith Qudsi* that Allah, the Greatest and Glorious says,

*"I make a third with two partners as long as none of them cheats the other, but when any of them cheats the other I depart from them."*<sup>(2)</sup>

Another version added, "and Satan comes."<sup>(3)</sup>

## **Insurance Companies**

We now turn to the important questions relating to present-day companies which issue life insurance and insurance against hazards and accidents. What is the Islamic ruling concerning such companies?

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1. Narrated by Ad-Darqutni.

2. Narrated by Abu Dawud, and by Al-Hakim who called it *sahih*.

3. Narrated by Razin in his *Jami`*.

Before answering this question we should first inquire into the nature of such companies and the nature of the relationship between the insured and the insurance firm; in other words, is the insured individual a partner of the firm's owners? If this is the case, every individual insured by the firm should have a share in its profits or losses since this is the meaning of a partnership in Islam.

With regard to insurance against hazards, the insured pays a specified premium during the year. If no accident of the type specified in the insurance policy occurs to the property (shop, factory, ship, etc.) during the year, the company keeps the premiums received and nothing is returned to the insured. If, on the other hand, some calamity occurs, the insured individual is paid the agreed-upon sum. This kind of transaction is far removed from either trade or partnership.

In relation to life insurance, supposing a person takes out insurance for twenty thousand dollars and dies soon after paying the first premium, his beneficiaries are then entitled to the entire sum of twenty thousand dollars. Had this been a business partnership, they would have been entitled only to the amount of the premium which was paid, plus the profit on it. Again, if the insured person fails to pay his premiums after having paid a few of them, according to the terms of insurance he will lose all or a great part of what he has already paid. The least one can say about this is that it is an invalid condition.

The argument that the two parties, the insured and the insurance firm, enter into this contract willingly in accordance with their respective self-interest carries no weight; so do the lender and the borrower on interest and two gamblers. The mutual agreement of the two parties has no validity in a transaction which is not based on justice and equity, and which is not devoid of any trace of ambiguity or exploitation. Moreover, since justice, with no harm either to oneself or others, is the ultimate criterion here, a transaction is invalid if it stipulates that in certain situations one party is to take all, with no benefits guaranteed to the other.

## **Do Insurance Companies Constitute Cooperatives?**

It is clear to us that the relationship between the insured and the insurer does not constitute a partnership. Some questions then arise: What is the

nature of this relationship? Is it a relationship of cooperation? Are insurance firms to be regarded as cooperatives which are organized by their members to help one another, each member paying a certain amount as his share?

In order to establish a cooperative system on sound footing in any group which desires to help its members in the event of unforeseen calamity, the following conditions must be met in regard to the money collected:

1. Every member who pays his allotted share of money pays it as a donation, in the spirit of brotherhood. From this pool of donations help is given to those who are in need.
2. If any part of this money is to be invested, it should be invested in *halal* businesses only.
3. It is not permitted to any member to donate his share on the condition that he will receive a pre-determined amount in the event of an unforeseen calamity. Rather, he will be paid an amount which will compensate his loss or a part of it, depending on the resources of the group, from the contributed donations.
4. What has been donated is a gift from the donor, and taking it back is *haram*.<sup>(1)</sup>

Apart from some of the Muslim cooperatives and associations in which the individual pays a certain sum monthly as a donation without any right to take it back and with no condition that he will receive a pre-determined amount in case of an unforeseen calamity, these conditions are not met. As far as insurance companies - especially life insurance - are concerned, they do not satisfy these conditions in any respect because:

1. The insured individuals do not pay the premium as donations; such a thought never occurs to them.
2. Insurance firms invest their money in businesses which operate or lend money on interest. All this is *haram* and the Muslim is prohibited to participate in such activities; the strictest and most permissive jurists alike all agree on this point.
3. In the event that the insured survives the term of the contract, he gets back all the premiums he paid plus some additional sum, which is nothing but interest.

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1. Taken from the book *Al-Islam wa Manahij al-Ishtirakiyyah* (Islam and Socialism), by Muhammad al-Ghazali, p. 131.

Furthermore, insurance is contrary to the whole concept of cooperation among people. While the principle of cooperation requires that the poor and needy be paid more than the rich, the rich, who can afford higher premiums, get back much more in the event of death or an accident than the poor.<sup>(1)</sup>

## **A Modification**

In my view insurance against hazards can be modified in a manner which would bring it closer to the Islamic principle by means of a contract of "donation with a condition of compensation". The insured would donate his payments to the company with the stipulation that the company would compensate him, in the event that he is struck by calamity, with an amount which would assist him and reduce the burden of his loss. Such a type of transaction is allowed in some schools of Islamic jurisprudence. If such a modification is effected, and if the company is free of usurious business, one may declare insurance against hazards to be a lawful contract. However, as far as life insurance is concerned, I see it as being very remote from Islamic business transactions.

## **The Islamic System of Insurance**

Our observation that the modern form of insurance companies and their current practices are objectionable Islamically does not mean that Islam is against the concept of insurance itself; not in the least - it only opposes the means and methods. If other insurance practices are employed which do not conflict with Islamic forms of business transactions, Islam will welcome them.

In any case, the Islamic system has already insured the Muslims and others living under its governance in its teaching and legislation. This provision is accomplished either through mutual help among individuals or through the government and its treasury, for the treasury, known as the *bayt al-mal*, is the universal insurance company for all who reside within the Islamic domain.

In the Islamic *Shari`ah* we find insurance for individuals against hazards and provision for assisting them to overcome disasters which may befall them. Earlier we mentioned that a person who is rendered destitute due to a

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1. In the sixth (1972) edition of the present volume, Sheikh Al-Qaradawi cited three additional references about insurance published in the '40's and '50's. (Translator)

calamity is permitted to ask for financial help, particularly from the administrative authorities, until he is fully compensated or is able to stand on his own feet again.<sup>(1)</sup>

We also find the concept of insurance for the heirs of a deceased person in the Prophet's saying:

*"I am nearer to each Muslim than his very self. If he leaves behind some property it is for his heirs, and if he leaves behind a debt or a family with young children, he leaves them to me and they are my responsibility",<sup>(2)</sup>*

(meaning that they are the responsibility of the Muslim government.)

One of the greatest forms of insurance which Islam has legislated for its followers among those deserving to receive *Zakah* funds relates to the category of *gharimun* (those in debt). Some of the early interpreters of the word *gharim* (the singular form of *gharimun*) said, "It denotes one whose house has burned down or whose property or trade has been destroyed by flood or other disasters". Some jurists hold that such a person may be given, from the *Zakah* fund, an amount which would restore his previous financial position, even though the amount may reach thousands of dollars.

## **The Use of Cultivable Land**

If the Muslim owns a piece of cultivable land, he must make use of it by planting crops or trees. It is not consonant with Islam that such lands not be used for cultivation, as this is tantamount to rejecting the bounty of Allah and wasting of property, which the Prophet (pbuh) forbade.

In this regard a number of options are available to the landowner:

### **1. Cultivating the land himself:**

The first option available to the landowner is that he himself cultivates the land. This is commendable, and the owner will be rewarded by Allah for whatever men, beasts, and birds eat of the produce of his farm or garden. As we mentioned earlier, the *Ansar* among the Companions of the Prophet (may Allah be pleased with them) used to cultivate their lands themselves.

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1. See the *hadith* from Qubaysah in the section on "Work and Earning a Livelihood".

2. Narrated by Al-Bukhari and Muslim.

## 2. Lending the land to others to cultivate it:

If the landowner is unable to cultivate the land himself, he may lend it to another person who is able to cultivate it by employing the latter's own equipment, helpers, seeds, and animals. Such a kind of cultivation is very desirable in Islam. Abu Hurayrah reported that the Prophet (pbuh) said,

*"If anyone has (a piece of) land, he should cultivate it or lend it to his brother."<sup>(1)</sup>*

Jabir said, "In the time of the Prophet (pbuh) we used to do planting on a piece of land and in return would get what remained in the ears after they were threshed. In comment on this, the Prophet (pbuh) said,

*'If anyone has (a piece of) land, he should cultivate it or lend it to his brother to cultivate it, or otherwise he should release it from his ownership.'"<sup>(2)</sup>*

Some early scholars, going by the apparent meaning of this *hadith*, held the opinion that cultivable land can be used in one of two ways: either the owner cultivates it himself or he lends it to someone else for cultivation, with no return for himself. In the latter case, the piece of land remains the property of the owner but the produce belongs to the one who cultivates it.

According to Ibn 'Abbas, the Prophet's order concerning the lending of cultivable land to others if one does not farm it himself was not intended as a command which must be obeyed but only as a recommendation of a laudable act. Al-Bukhari narrated that 'Amr ibn Dinar said, "I said to Tawus (one of the closest companions of Ibn 'Abbas), 'I wish you would leave off crop-sharing since people claim that the Prophet (pbuh) forbade it.' Tawus replied, 'The most knowledgeable among them (that is, Ibn 'Abbas) informed me that the Prophet (pbuh) did not forbade it but said,

*'Lending (your land) free to your brother is better than taking a fixed sum from him.'"<sup>(3)</sup>*

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Ahmad and Muslim. "To lend it to his brother to cultivate it" means without receiving anything in return for it.

3. Narrated by Al-Bukhari.

### 3. Taking a proportion of the crop

The third alternative for the landowner is to let out his land to a person who will cultivate it, using his own equipment, seeds, and animals on the condition that he is to get a specified percentage, such as a half, a third, or whatever is agreed upon, of the total produce of the land; the owner may also make available to the cultivator his own seeds, equipment, animals, or other help. Such an arrangement is termed *muzara`ah* (crop-sharing).

Al-Bukhari and Muslim narrated on the authority of Ibn `Umar, Ibn `Abbas, and Jabir ibn `Abdullah that the Prophet (pbuh) gave the people of Khaybar the land to work and cultivate, in return for half of what it would produce.

In support of their position, scholars who consider crop-sharing permissible said,

"It is established and well-known that the Prophet (pbuh) practiced it until his death and that after him the rightly-guided Caliphs practiced it until their deaths, and so did those who came after them. The wives of the Prophet (may Allah be pleased with them) continued this practice after the death of the Prophet himself (pbuh) until the last one of them had died, and so on. This practice cannot be considered abrogated because an abrogation is valid only if it was implemented by the Prophet himself (pbuh) during his own lifetime. Still, he practiced a thing until his death, and thereafter his successors and all the Companions (may Allah be pleased with them) acted on it and none of them opposed it, so how then is anyone else entitled to invalidate it? And if it was (actually) abrogated during the lifetime of the Prophet (pbuh), why then did he continue to practice it after abrogating it? And how was it possible that his closest Companions and successors should remain ignorant of its abrogation while the story of Khaybar was in wide circulation; and they were (themselves) acting according to it? And where was the narrator of (the report of) this abrogation, that none of them knew or had heard about?"<sup>(1)</sup>

### The Prohibited Form of Crop-sharing

The Prophet (pbuh) forbade his Companions to practice another form of crop-sharing which was quite common at that time. This is because such a

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1. Ibn Qudamah, *Al-Mughni*, vol. 5, p. 384.

transaction clearly involves great uncertainty and risk, and is contrary to the spirit of justice. The landowner would give out his land conditional to his getting the produce of one part of it and the cultivator the produce of the remaining part or perhaps half, or to the owner's getting a specified weight or measure of the grain produced and the cultivator the rest. But sometimes one part of the land produced a crop while the other did not, so that one of the two would receive nothing or very little, while the other took everything. Similarly, if the total produce did not exceed the specified weight or measure, the owner would get everything while the cultivator would get nothing.

The Prophet (pbuh) saw that justice demands that both should share the total produce, whether this total is much or little, according to the agreed-upon ratio. Proportions of the total produce must be specified so that if the crop is bountiful, it is bountiful for both; if it is meager, it is meager for both, and if nothing is produced, neither of them receives anything. This is the fair distribution for both parties.

Al-Bukhari narrated that Rafi` ibn Khudayj said, "We had the most agricultural land in Madinah, and one of us would rent out his land, designating a part of it for himself. Sometimes a calamity would hit that part while the rest of the land was safe, and sometimes the other way around. Consequently, the Prophet (pbuh) forbade us to do so."

Muslim narrated Rafi` ibn Khudayj as saying, "People used to let out land in the time of the Prophet (pbuh) in exchange for what they grew by the streamlets or at the borders of the fields, or for a fixed quantity of produce. Sometimes it would happen that the part so set aside was destroyed while the other was safe and sometimes the opposite, and the people had no investments other than this. Hence the Prophet (pbuh) forbade this practice."

Again, Al-Bukhari narrated from Rafi` ibn Khudayj that the Prophet (pbuh) asked, "*What do you do with your agricultural lands?*" The people replied, "We let them out for (the produce of) the quarter of their area or for a measure of barley or dates." He said "*Do not do that.*" What is meant here is that the landowner would take this fixed quantity as "overhead" and would also share in some proportion of the remainder, for example, the entire produce of the specified one-fourth of the area, plus one-half of the produce of the remaining three-fourths of the area.

We observe from this that the Prophet (pbuh) was eager to establish perfect justice in his society and to remove every source of conflict and discord from the community of the believers. Zayd ibn Thabit reported that two people came to the Prophet (pbuh) disputing about some land, and he said,

*"If this is what happens among you, then do not let out your farms."<sup>(1)</sup>*

The landowner and the cultivator must therefore be magnanimous and generous to each other; the landowner should not demand too high share of the yield and the worker should take proper care of the land. Ibn `Abbas said that the Prophet (pbuh) did not prohibit crop-sharing but advised the owner and the cultivator to be considerate of each other.<sup>(2)</sup> And when someone said to Tawus, "O Abu `Abd ar-Rahman, why do you not give up crop-sharing, since they claim that the Prophet (pbuh) forbade it?" he replied, "I help them (the cultivators) and provide for them."<sup>(3)</sup> His concern was not simply that he should earn something from his land regardless of whether those who were employed on it got something or suffered hunger; rather, he helped them and took care of them. That was the true Muslim society.

There may be a landowner who prefers to keep his land idle, not planting any crops or fruit trees on it, rather than renting it to a farmer for a small proportion of the yield, since he may consider the return too little. With this in mind, the Caliph `Umar ibn `Abd al-`Aziz issued a decree to all concerned saying, "Let out your land for one-third, one-fourth, or one-fifth to one-tenth of the yield, but do not leave the land uncultivated."

#### **4. Renting the land for money**

The fourth option available to the Muslim landowner is to lease the land to the cultivator for a fixed amount of money, gold, or silver. Many well-known jurists and Imams have declared this to be permissible, relying on proofs relating to some *hadiths* and traditions while others consider it *haram* on the basis of sound *hadiths* to the Prophet (pbuh) which prohibit renting out land for money. Among the narrators of these *hadiths* are two Companions who participated in the Battle of Badr, as well as Rafi` ibn

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1. Narrated by Abu Dawud.

2. Narrated by At-Tirmidhi who called it sahih.

3. Narrated by Ibn Majah.

Khudayj, Jabir, Abu Sa`id, Abu Hurayrah, and Ibn `Umar; all of them report that the Prophet (pbuh) absolutely prohibited the renting of agricultural land for money.<sup>(1)</sup>

Exempted from this prohibition is crop-sharing for a specified proportion of the total yield, as is demonstrated by the Prophet's transaction with the people of Khaybar. He turned land over to them to cultivate for one-half of the total yield and continued to do this until his death; after his death, the rightly-guided Caliphs continued to practice crop-sharing on a proportionate basis.

Contemplating the legislative development of this problem, one comes across a clear exposition by Ibn Hazm, who stated,

"When the Prophet (pbuh) arrived (in Madinah), the people were used to leasing their farms, as is reported by Rafi` and others. This practice had undoubtedly been common among them before the time of the Prophet (pbuh), and it continued after he came to Madinah; it is not permissible for any sane person to doubt this fact. Then, as is authentically transmitted by Jabir, Abu Hurayrah, Abu Sa`id, Zahir al-Badri, and Ibn `Umar, the Prophet (pbuh) totally prohibited the leasing of land, thus nullifying this practice; this is certainly correct and there is no doubt concerning the matter. He who asserts that what was nullified (i.e., the leasing of land) has been restored and that the certainty of nullification is not established is a liar and denies the veracity of others, saying what he does not know. According to the Qur'an, making such an assertion is *haram* unless one brings proof for it. And he can never find a proof for it except in the instance where the land is let for a given proportion (such as one-third or one-fourth) of the total yield, as it is authentically reported that the Prophet (pbuh) did this with the people of Khaybar after prohibiting it for several years, and he continued to give them land on a crop-sharing basis until his death."<sup>(2)</sup>

A group of early jurists hold the same opinion. Tawus, the jurist of Yemen and one of the greatest of the Muslim scholars of the second generation, held renting land for silver or gold as detestable but saw no harm in renting it for one-third or one-fourth of the yield. When someone

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1. See *Al-Muhalla*, vol. 8, p. 212.

2. *Al-Muhalla*, vol. 8, p. 224.

disputed with him, saying that the Prophet (pbuh) had prohibited this, he replied, "Mu`adh ibn Jabal, the governor of Yemen appointed by the Prophet (pbuh), arrived here and gave out the land for one-third or one-fourth (of its yield), and we have been continuing to act upon this to this day." Thus, in his opinion, renting land for gold or silver was disapproved but crop-sharing was permissible.

### **Reasoning by Analogy Implies no Leasing for Money**

Correct reasoning by analogy (*qiyas*) based on Islamic principles and sound and clear texts leads to the conclusion that the leasing of cultivable land for money is not permissible:

- A. The Prophet (pbuh) forbade the leasing of land for a fixed amount of yield such as one or two tons, and permitted crop-sharing only on the basis of a proportion such as one-half, one-third, or one-fourth - that is to say, on a percentage basis. Such a basis is just and equitable, as both partners share in the profit if the land is productive and in the loss if blight strikes the crop. However, if one party is guaranteed a profit while the other has to take the risk of ending up with nothing for his effort and toil, the whole transaction resembles gambling or a usurious contract. If we reflect on the matter of leasing land for money in this light, which difference do we find between the last-mentioned practice and the type of crop-sharing which is prohibited? In both the owner of the land is guaranteed his share in the form of money regardless of what happens to the land, while the lessee must gamble his effort and labor, not knowing whether he will gain or lose.
- B. When the owner of an article lends it to another person and charges rent for the use of it, he is rightfully entitled to this rent in consideration of the fact that he prepared the article in question for the renter's use; as the article becomes worn out by usage and depreciates over time, the owner deserves compensation. But as far as land is concerned, in what way has the owner made it ready for the lessee's use? Indeed, it is Allah and not the owner who makes the land ready for cultivation. Again, how does land become worn out or depreciate by cultivation, since land is not like buildings or machinery which depreciate over a period of time or get worn out by being used?

C. The person who rents a house lives in it, thus receiving a direct benefit, while the man who rents a piece of machinery uses it and thus derives an immediate benefit. But the man who rents a piece of land does not benefit from it at once, nor are his benefits assured. When he rents it he receives no direct benefit from it, as in the case of renting a house, but works hard, plowing and planting, in the hope of benefiting from it at a later date. His hope may be fulfilled or it may not; consequently, any analogy between renting land and renting a house and the like is a false one.

D. In the two *Sahihs* of Al-Bukhari and Muslim it is narrated that the Messenger of Allah (pbuh) forbade the sale of fruits until they are obviously in good condition and of ears of grain until they are ripe and safe from blight. He gave the reason for this prohibition by saying,

*"If Allah withholds the fruit, how can any of you accept his brother's money as a lawful gain?"*

If this is the position relative to selling fruits which have appeared, but the safety of which is not assured, so that if they are ruined by some calamity their sale will be nullified, how is it possible for a person to take money for the use of a piece of cultivable land which has not yet been plowed or planted? Is it not more appropriate that it be said to him, "If Allah withholds the fruit, how can any of you accept his brother's money as a lawful gain?"

I myself have witnessed how certain cotton fields were struck by an infestation of caterpillars (known as *dudah*) until nothing was left of them except dry stalks. Nevertheless, the owners of the land demanded the rent, and the lessees had no choice except to pay it, obliged by the condition of the contracts which they had signed under grave necessity. Where then is the equality and justice so eagerly sought by Islam?

Consequently, no one can deny the fact that justice cannot be achieved except through crop-sharing on a proportionate basis, according to which the gain or loss accrues to both parties alike.<sup>(1)</sup>

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1. Concerning this subject, refer to what Ibn Hazm said in *Al-Muhalla*, vol. 8; Ibn Taymiyah in *Al-Qawa'id an-Nuraniyyah*; Abu al-A'la al-Mawdudi in *Milkiyyat al-Ard fil-Islam*; and Professor Mahmud Abu Sa'ud in his article entitled "*Istighlal al-Ard fil-Islam*," published by Al-Muslimun.

Although Sheikh al-Islam Ibn Taymiyah considers the leasing of land to be permissible, he nevertheless remarks that crop-sharing is more akin to the justice of the *Shari`ah* and its principles, saying "Crop-sharing is preferable to renting and closer to justice and to the principles of the *Shari`ah*, since in this case both parties share in the profit or loss, in contrast to leasing for rent, under which the landowner takes his rent, while the lessee may or may not receive a harvest."<sup>(1)</sup>

Another great thinker, Ibn al-Qayyim, commenting on the oppression perpetrated by the rulers and military personnel on farmers during his time, said,

"Had the soldiers and rulers relied on what Allah and His Messenger (pbuh) have legislated and followed the practice of the Messenger (pbuh) and of the rightly-guided Caliphs in their dealings with the farmers, Allah would have showered His blessings on them from the heaven and the earth; they would have been given to eat from above their heads and from beneath their feet, and from that one fourth of crop-sharing would have received many times more than they receive by oppression and tyranny. But their ignorance and greed prevented them from doing anything but committing oppression and injustice, and thus Allah withheld His blessings and His provision from them. In addition to being deprived of Allah's blessing in this world, they will receive His punishment in the Hereafter. If it is asked, 'What is the legislation of Allah and His Messenger (pbuh) and the practice of the Companions in this regard so that one may follow it?' the reply is this: The equitable form of crop-sharing is that in which both the landowner and the cultivator are on equal footing, neither of them enjoying any of those privileges for which Allah has sent down no authority. These customs which they (the soldiers and rulers) have introduced are ruining the country, corrupting the people, and have kept away Allah's help and blessings. Many of the rulers and soldiers are consuming what is *haram*, and if the body is nourished by what is *haram*, the Fire is its fitting abode. Such equitable crop-sharing was the practice of the Muslims during the time of the Prophet (pbuh) and during the time of his rightly-guided successors of Abu Bakr, `Umar, `Uthman, `Ali, their families, and of the families of other Emigrants (*Muhajirun*). Great Companions of the Prophet (pbuh) such as Ibn Mas`ud,

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1. From Ibn Taymiyah's treatise "Al-Hisbah fil-Islam".

Ubay ibn Ka`b, Zayd ibn Thabit, and others expressed their opinions favorably concerning it, and this was also the opinion of the jurists who rely on the Prophet's *hadiths*, such as Ahmad ibn Hanbal, Ishaq ibn Rahawayt, Muhammad ibn Isma`il al-Bukhari, Dawud ibn `Ali, Muhammad ibn Ishaq ibn Khuzaymah, and Abu Bakr ibn Nasr al-Maruzi. Other great Muslim scholars, such as Al-Layth ibn Sa`d, Ibn Abi Layla, Abu Yusuf, Muhammad ibn al-Hasan, and others, have all expressed the same opinion. The Prophet (pbuh) made an agreement with the people of Khaybar that they would work the land for half of the produce of the land and the seed. This agreement remained in effect during his lifetime and thereafter until `Umar exiled them from Khaybar. Accordingly, the scholars who say that the seed may be provided either by the worker alone or by both the partners are entirely correct. Al-Bukhari mentioned in his *Sahih* that `Umar ibn al-Khattab employed people with the stipulation that if he (^Umar) provided the seed, his share would be half and if they brought the seed their share would be more than half."<sup>(1)</sup>

In all the reports which have reached us from the time of the Prophet (pbuh) and his Companions, we find that the cultivator's share was never less than one-half, and in some cases it was more. This division, according to which the cultivator's share would not be less than half, as was allotted by the Prophet (pbuh) to the Jews of Khaybar,<sup>(2)</sup> appeals to the mind, for it is not appropriate that the share of the land, which is an inanimate thing, should be greater than the share of the human, the cultivator.

## **Partnership in Raising Animals**

Partnership in raising animals is quite common in Muslim countries, especially in villages. One of the partners puts up all or a part of the price of some livestock and cattle, while the other partner raises them; the two then share the yield and the profits of this joint venture.

In order to form an opinion concerning this partnership, we should first look at its various forms:

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1. Ibn al-Qayyim, *At-Turuq al-Hukmiyyah fil-Islam*, pp. 248-250.

2. Refer to what Ibn Hazm said in *Al-Muhalla*, vol. 8; Abu al-A`la al-Mawdudi in *Milkiyyat al-Ard fil-Islam*; and Mahmud Abu Sa`ud in his article entitled "*Istighlal al-Ard fil-Islam*," published by Al-Muslimun.

**1. In the first form** of such a business, the partnership is entered into from purely commercial purposes, for example, raising calves for beef or cows and water buffalo for milk production.

It is supposed here that one partner contributes the price of the animals and the other contributes the effort, that is to say, the management and supervision; the expenses of feeding, watering, and the like are borne by the joint partnership and not by one partner alone. After a sale is made, the feeding expenses are deducted from the proceeds before dividing up the profits in the agreed-upon proportions. It is not just that one partner alone be required to bear all the feeding expenses without receiving any commensurate return, while the profits are divided between the two; this point is quite clear.

**2. The second form** of such a business is the same as the first except that the partner who manages the business also bears the feeding expenses and in return benefits from the milk or makes use of the animals in the field for plowing, irrigating, or planting; this is the situation when large animals are involved. We see no harm in such a contract. Although one may not be able to balance exactly the cost of feed with the benefits derived from milking or working the animal, so that there is an element of uncertainty about it, we still prefer to consider this arrangement permissible. The element of risk is negligible; and there are other examples of such contracts which are permitted by the *Shari`ah*. In sound *hadiths* concerning mortgages, the Prophet (pbuh) stated the permissibility of using an animal which is mortgaged for riding or milking, saying,

*"A mortgaged animal may be used for riding or milking by the person who bears the expenses of feeding it."<sup>(1)</sup>*

In this *hadith* the Prophet (pbuh) equated spending on feeding the animal with using it for riding or milking. Accordingly, if this type of mortgage is allowed for people's mutual benefit, with the possibility that the expenses of feeding may be more or less than the benefit derived from the animal by using it for riding or milking, we see no harm in allowing a similar arrangement in the case of partnerships in raising animals, as the needs of people are better served in this manner. This is my own deduction from this *hadith*, and I hope it be correct.

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1. Narrated by Al-Bukhari on the authority of Abu Hurayrah.

However, if the partnership is in raising young calves which cannot be used for work or for milk stipulating that the price be paid by one partner and the feeding expenses by the other, the rules of Islam do not permit such an arrangement. The partner who bears the cost of feeding is the only loser, receiving no return in the form of work or milk, while the other partner has the clear advantage. Such an arrangement is contrary to the justice which Islam seeks to establish in every transaction. However, if the two partners share the cost of feeding and raising the animal until it reaches the age of usefulness, such an arrangement is, in our view, permissible.



### 3. Recreation and Play

Islam is a practical religion; it does not float in the stratosphere of imaginary ideals but remains with the human being on the ground of realities and day-to-day concerns. It does not regard people as angels but treats them as human beings. Islam does not require of Muslims that their speech should consist entirely of pious utterances, that their silence should be a meditation, that they should listen to nothing except the recitation of the Qur'an, nor that they should spend all their leisure time in the mosque. Rather, it recognizes that Allah has created human beings with needs and desires, so that, as they need to eat and drink, they also need to relax, and to enjoy themselves.

#### **A Time for This and a Time for That**

Some of the Companions of the Prophet (pbuh) attained great spiritual heights. They believed that in order to remain at such a spiritual level they should always be serious, engaged in constant worship, turning their backs on all the enjoyments of life and the good things of the world, neither playing nor relaxing but keeping their eyes and their minds fixed on the Hereafter and its concerns, and being away from common life and its amusements.

Let us listen to what the great Companion and scribe of the Prophet (pbuh), Hanzalah al-Usaydi, said about himself:

"Abu Bakr once met me and asked, 'How are you, Hanzalah?' I replied, 'Hanzalah has become a hypocrite.' He said, 'Subhanallah! What are you saying?' I replied, 'When we are with Allah's Messenger (pbuh), he reminds us of Fire and Paradise so impressively that we seem keeping watchful eye on them. But when we leave the Prophet's company, play with our wives and children or busy ourselves with our property, so we forget much.' Abu Bakr said, 'By Allah, I have experienced the same thing.' He and I then went

to visit the Messenger of Allah (pbuh), and I said, 'O Messenger of Allah, Hanzalah has become a hypocrite.' He asked, 'And how is that?' I replied, 'O Messenger of Allah, when we are with you, you remind us of Fire and Paradise so impressively that we seem keeping watchful eye on them. Then we go out and play with our wives and children and deal with our property, and we forget much.' The Messenger of Allah (pbuh) then said,

*'By Him in Whose hand is my soul, if you were to continue at the same level at which you are when with me and in remembering Allah, the angels would shake hands with you when you are resting and when you walk about, but, O Hanzalah, there is a time (for this) and a time (for that).'*

He repeated this three times."<sup>(1)</sup>

### **The Humanness of the Messenger of Allah**

The life-pattern of the Messenger of Allah (pbuh) is a perfect example for every human being. When he was in private he would worship his Lord with such intense devotion, standing for so long hours in prayers that his feet would become swollen; in matters pertaining to truth and justice he never favored anyone against them; he always sought the pleasure of Allah only. But in his living habits and dealings with people he was a human being, enjoying good things, participating in small talk, smiling and joking, yet never departing from the truth. The Prophet (pbuh) liked happiness and disliked grief; he sought refuge with Allah from difficulties and troubles which result in sorrow supplicating,

*"O Allah, I seek refuge with You against distress and grief."<sup>(2)</sup>*

Concerning his sense of humor, it is narrated that once an old woman came to him and said, "O Messenger of Allah, pray to Allah that He admits me to Paradise." The Prophet (pbuh) said, *"O mother of so and so! No old woman will enter Paradise."* The woman broke down and wept, supposing that she would not enter Paradise. The Prophet (pbuh) then explained to her that no old woman would enter Paradise as an old woman, for Allah would restore her youth and admit her to Paradise as a young virgin. He then recited to her the verse,

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1. Narrated by Muslim.

2. Narrated by Abu Dawud.

﴿Surely, We have brought them into being a (perfect) bringing up, so We have made them virgins, full of love (for their mates), equal in age.﴾  
(Al-Waqi`ah: 35-37)<sup>(1)</sup>

## Relaxing the Mind

Following the Prophet's example, his noble and pious Companions also enjoyed humor and laughter, play and sport, which relaxed their bodies and minds and prepared them the better to travel on the long, arduous path of striving in the cause of truth and justice. `Ali ibn Abi Talib said, "Minds get tired, as do bodies, so treat them with humor," and "Refresh your minds from time to time, for a tired mind becomes blind." And Abu ad-Darda' said, "I entertain my heart with something trivial in order to make it stronger in the service of the truth."

Accordingly, there is no harm in the Muslim's entertaining himself in order to relax his mind or refreshing himself with some permissible sport or play with his friends. However, the pursuit of pleasure should not become the goal of his life so that he devotes himself to it, forgetting his religious obligations. Nor should he joke about serious matters. It has been aptly said, "Season your speech with humor in the same proportion as you season your food with salt."

The Muslim is forbidden to joke and laugh about other people's values and honor. Allah (Glorified be He) says,

﴿O you who believe, let not some people mock at other people; it may be that they are better than themselves...﴾

(Al-Hujurat: 11)

Nor is it appropriate for the Muslim to tell jokes based on what is untrue in order to make people laugh. The Prophet (pbuh) warned against this, saying,

"Woe to the one who says something which is false in order to make people laugh! Woe to him, woe to him!"<sup>(2)</sup>

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1. Narrated by `Abd ibn Humayd and At-Tirmidhi.

2. Narrated by At-Tirmidhi.

## **Permissible Recreation**

There are many kinds of recreations and sports which the Prophet (pbuh) recommended to the Muslims as a source of enjoyment which, at the same time, prepare them for worship and other obligations. These recreations, which require skill and determination, and which also involve physical exercise and bodybuilding activity, are related to the martial arts, training Muslims for the battlefields of *jihad* in the cause of Allah. Among them are the following:

### **Foot-racing**

The Companions of the Prophet (may Allah be pleased with them) used to race on foot and the Prophet (pbuh) encouraged them in this. It is narrated that `Ali was a fast runner. The Prophet (pbuh) himself raced with his wife `A'ishah in order to please her, to enjoy himself, and to set an example for his Companions. `A'ishah said, "I raced with the Prophet (pbuh) and I won. Later, when I had put on some weight, we raced again and he won. Then he said, *'This cancels that,'*<sup>(1)</sup> referring to the previous occasion.

### **Wrestling**

The Prophet (pbuh) once wrestled with a man called Rukanah who was well-known for his strength, throwing him down more than once.<sup>(2)</sup> In another report of this incident, the Prophet (pbuh) started wrestling with him. As the fight was hard, Rukanah said, "A sheep for a sheep."<sup>(3)</sup> The Prophet (pbuh) then threw him. The man said, "The same again." The Prophet (pbuh) threw him again, and the man said, "The same again." The Prophet (pbuh) threw him a third time. The man then said, "What shall I tell my people? One sheep was eaten by the wolf, one ran away, but what about the third?" Then the Prophet (pbuh) said, "*We are not going to defeat you and take something from you as well. Take your sheep.*"

From these reports concerning the Prophet (pbuh) jurists have deduced the permissibility of foot-racing, whether it be between men against each

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1. Narrated by Ahmad and Abu Dawud.

2. Narrated by Abu Dawud.

3. This must have occurred before the prohibition of gambling, or perhaps the Prophet (pbuh) did not accept the bet and hence did not enforce its terms.

other or between men and women who are their *mahram* relatives or wives. They have also concluded that foot-racing, wrestling, and sports of this type do not conform to the dignity of scholarship, piety, or age. The Prophet (pbuh) was more than fifty years old when he raced with `A'ishah.

## **Archery**

Among the permissible sports is competition in archery or with other weapons.

The Prophet (pbuh) once passed by a group of his Companions who were competing in archery. He encouraged them, saying, *"Shoot, and I am with you."*<sup>(1)</sup>

He realized that archery was not just a hobby or a sport but, more importantly, constituted that kind of force which Allah has commanded to be mustered:

*¶ And make ready for them all thou art able of (armed) force... ¶*

(Al-Anfal: 60)

The Prophet (pbuh) said,

*"The missiles (arrows) are the force,"*

repeating it three times.<sup>(2)</sup>

He also said,

*"Practice archery; that is good for you."*<sup>(3)</sup>

However, the Prophet (pbuh) warned archers against using chickens and the like as targets for practice, as the Arabs of *Jahiliyyah* used to do. Once `Abdullah ibn `Umar saw a group of people doing this and he said to them, "The Prophet (pbuh) cursed the one who takes anything possessing life as a target."<sup>(4)</sup>

He cursed such an individual because this sort of act involves the torturing and unnecessary killing of an animal, and a human being has no right to have fun and sport at the expenses of a living creature. For the same

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1. Narrated by Al-Bukhari.

2. Narrated by Muslim.

3. Narrated by Al-Bazzar and At-Tabarani on good authority.

4. Narrated by Al-Bukhari and Muslim.

reason the Prophet (pbuh) forbade making animals fight each other.<sup>(1)</sup> Some Arabs used to laugh and find it amusing to see two rams or bulls fight each other until one of them was gored to death. Scholars have said that the prohibition of making animals fight recognizes that such a practice causes them unnecessary suffering merely for the fun of it, without any benefit.

### **Spear Play**

Spear play is similar to archery. The Prophet (pbuh) allowed some Abyssinians to display their skill with spears in his mosque; he let his wife `A'ishah watch their show and encouraged them by saying, "*Carry on, O Banu Arfidah,*" (as the Abyssinians were known among the Arabs). `Umar, with his serious disposition, wanted to stop them but the Prophet (pbuh) prevented him from it. It is narrated in the two *Sahihs* of Al-Bukhari and Muslim from Abu Hurayrah that while the Abyssinians were performing their show with spears in the presence of the Prophet (pbuh), `Umar entered. He picked up some pebbles and started throwing at them but the Prophet (pbuh) said, "*Leave them alone, O `Umar!*"

This indulgence on the part of the Prophet (pbuh) in permitting and encouraging such a sport in his mosque was to demonstrate that the mosque serves both worldly and religious purposes. Muslims congregate in the mosque not only to worship but also to play. However, this play is not to be merely for fun but should involve physical exercise and some sort of training. Commenting on this *hadith*, scholars have said that the mosque is the center of the Muslim's community affairs, and any activity which combines benefits for religion and for the Muslims may be carried out in it. Muslims of the present time should note how devoid mosques today are of vitality and strength, often having become havens for the lazy.

The above mentioned incidents also provide an example of the Prophet's concern for his wife's amusement and recreation. `A'ishah, his wife, said, "The Messenger of Allah (pbuh) covered me with his cloak while I watched the Abyssinians play in the mosque. He then stood (in his place) for my sake until I was the one who got tired so estimate the time a young girl eager for amusement would wait."<sup>(2)</sup>

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1. Narrated by Abu Dawud and At-Tirmidhi.

2. Narrated by Al-Bukhari and Muslim.

She also said, "I used to play with dolls in the house of the Messenger of Allah (pbuh) and my (female) friends would come over to play with me. They would hide when they saw the Messenger of Allah (pbuh) approaching but he was in fact happy because they came and played with me."<sup>(1)</sup>

## **Horseback Riding**

Allah (Glorified be He) says,

*﴿And (He created) horses, mules, and donkeys for you to ride and as adornment... ﴾*

(An-Nahl: 8)

And the Prophet (pbuh) said,

*"There is blessing in the forelocks of horses."*<sup>(2)</sup>

He also said,

*"Practice archery and (horseback) riding."*<sup>(3)</sup>

And again,

*"Any action without the remembrance of Allah is either a diversion or heedlessness excepting four acts: walking from target to target (during archery practice), training a horse, playing with one's family, and learning to swim."*<sup>(4)</sup>

‘Umar said, "Teach your children swimming and archery, and tell them to jump on the horse's back." Ibn ‘Umar reported that the Prophet (pbuh) organized a horse race and gave a prize to the winner.<sup>(5)</sup> All this was done by the Prophet (pbuh) to encourage competition in sport involving physical exercise and discipline.

Anas was asked, "Did you bet during the time of the Prophet (pbuh)? And did the Prophet (pbuh) bet?" "Yes," Anas replied. "By Allah, he bet on a horse called Subhah. The horse won the race and the Prophet (pbuh) was very pleased about it."<sup>(6)</sup>

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Ahmad.

3. Narrated by Muslim.

4. Narrated by At-Tabarani on good authority.

5. Narrated by Ahmad.

6. Narrated by Ahmad.

Betting on horses is permissible if the one who pays the money is not one of the two competitors or if it is paid by only one of them; however, if each person bets an amount on the condition that the winner is to take all, this is gambling and is consequently prohibited. The Prophet (pbuh) termed racing a horse on which bets are laid "the horse of Satan" and considered the price of it, its fodder, and riding it to be sinful,<sup>(1)</sup> saying,

*"Horses are of three kinds: the horse of Ar-Rahman (the Most Merciful, i.e., Allah), the horse of man, and the horse of Satan. As for the horse of the Most Merciful, it is dedicated to jihad in the cause of Allah, so feeding it, cleaning its urine and dung, and everything related to it are counted as good deeds. As for the horse of Satan, it is that on which people bet and gamble. As for the horse of man, it is that which is for breeding, and it is a protection against poverty."<sup>(2)</sup>*

## **Hunting**

Hunting is among the beneficial sports which are encouraged by Islam. It is a sport, an exercise, and also a means of livelihood, regardless of whether it is done with weapons or with hunting animals such as dogs and hawks. We have already discussed the Islamic conditions and rules for hunting in an earlier chapter.

However, Islam prohibits hunting in two situations. The first is when a person is in the sacred state of consecration (*ihram*) for the performance of *Hajj* or *'Umrah*, because this is a state of total peace in which one is not permitted to kill or shed blood, as commanded by Allah:

﴿O you who believe, do not kill game while you are in *ihram*...﴾

﴿... But to hunt on land is forbidden to you as long as you are in *ihram*...﴾

(Al-Ma'idah: 95-96)

The second situation exists when a person is within the limits of the sacred territory of Makkah. Islam has declared this to be a region of peace and security, a sanctuary for every living creature, whether beast, bird, or

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1. Narrated by Ahmad.

2. Narrated by Al-Bukhari and Muslim.

plant, since the Prophet (pbuh) forbade hunting its game, cutting its trees, or disturbing its airspace.<sup>(1)</sup>

## **Playing with Dice: Backgammon**

Any sort of game played with money and having an element of gambling is *haram*. The Qur'an classifies gambling in the same category as drinking intoxicants, idolatry, and divining with arrows. The Prophet (pbuh) said,

*"He who says to his friend, 'Come, let us gamble,' must give charity (sadaqah)"*,<sup>(2)</sup>

meaning that merely to invite someone to gamble is a sin requiring penance.

Playing backgammon while betting with money is unanimously *haram*. Some scholars consider it *haram* even if no betting is involved, while others consider it *makruh* rather than *haram*. Those who consider it *haram* base their judgement on the *hadith* reported by Buraydah in which the Prophet (pbuh) said,

*"He who plays with dice is like the one who dyes his hand with the flesh and blood of swine."*<sup>(3)</sup>

The same scholars cite the *hadith* from Abu Musa al-Ash`ari in which the Prophet (pbuh) said,

*"He who plays with dice disobeys Allah and His Messenger."*<sup>(4)</sup>

These two sayings of the Prophet (pbuh) are clearly applicable to all players of backgammon, whether they gamble in playing or not.

Ash-Shawkani said that Ibn Mughaffal and Ibn al-Musayyab allowed playing with dice if it does not involve gambling, apparently interpreting the above *hadiths* to refer to those who play for money.

## **Playing Chess**

Chess is a very popular game, and the opinion of jurists concerning it varies. Some consider it *halal*, others *makruh*, and still others *haram*. Those

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and Muslim.

3. Narrated by Muslim, Ahmad, and Abu Dawud.

4. Narrated by Ahmad, Abu Dawud, Ibn Majah, and Malik in his *Muwatta'*.

who consider it *haram* cite some *hadiths* in support of their position, but researchers have proven that chess did not appear until after the death of the Prophet (pbuh), thus all such *hadiths* must have been fabricated.

The Companions of the Prophet (may Allah be pleased with them) themselves held differing views about playing chess. Ibn `Umar said that it is worse than backgammon and `Ali regarded it as gambling (perhaps meaning when it is played for money), while some others merely expressed disapproval of it.

However, some Companions and some of the second generation scholars allowed it. Among these were Ibn `Abbas, Abu Hurayrah, Ibn Sirin, Hisham ibn `Urwah, and Sa`id ibn al-Musayyab. We agree with these great jurists, since the original principle is the permissibility of acts and no text is to be found prohibiting it. Moreover, in addition to being a game and recreation, chess is also a mental exercise which requires thought and planning. In this respect it is the opposite of backgammon, for while backgammon is a game of chance and therefore comparable to divining with arrows, chess is a game of skill and strategy which may be compared to archery.

However, playing chess is permissible only if the following three conditions are met:

1. One should not get so absorbed in it that he delays his Prayer; chess is well-known to be a stealer of time.
2. There should be no gambling involved.
3. The players should not utter obscenities or vulgarities.

If any of these conditions are not met it should be considered *haram*.

## **Singing and Music**

Singing is one of the means of entertainment that may comfort the soul, please the heart, and refresh the ear. Islam permits singing under the condition that it not be in any way obscene or harmful to Islamic morals.

In order to create an atmosphere of joy and happiness, singing is recommended on festive occasions such as the days of *'Id*, weddings and wedding feasts, births, `aqiqah (the celebration of the birth of a baby by the slaughter of sheep), and on the return of a traveler.

‘A’ishah reported that when a woman was married to an *Ansari* man, the Prophet (pbuh) said,

*“O ‘A’ishah, did they have any entertainment? The Ansar are fond of entertainment.”*<sup>(1)</sup>

Ibn ‘Abbas said, “‘A’ishah gave a girl relative of hers in marriage to a man of the *Ansar*. The Prophet (pbuh) came and asked, ‘Did you send a singer along with her?’ ‘No,’ said ‘A’ishah. The Messenger of Allah (pbuh) then said,

*“The Ansar are a people who love poetry. You should have sent along someone who would sing, ‘Here we come, to you we come, greet us as we greet you.’”*<sup>(2)</sup>

‘A’ishah reported that during the days of Mina, on the day of ‘Id al-Adha, two girls were with her, singing and playing on a hand drum. The Prophet (pbuh) was present, with his head under a shawl. Abu Bakr then entered and scolded the girls. The Prophet (pbuh), uncovering his face, said to him,

*“Let them be, Abu Bakr. These are days of ‘Id.”*<sup>(3)</sup>

In his book, *Ihya’ ‘Ulum ad-Din*,<sup>(4)</sup> Imam Al-Ghazali mentioned the *hadiths* about the singing girls, the Abyssinians playing with spears in the Prophet’s Mosque, the Prophet’s encouraging them by saying, “*Carry on, O Banu Arfidah,*” his asking his wife, ‘A’ishah, “*Would you like to watch?*” and standing there with her until she herself became tired and went away, and ‘A’ishah’s playing with dolls with her friends. He then said,

“All these *hadiths* are narrated by Al-Bukhari and Muslim in the two *Sahih*s, and they clearly prove that singing and playing are not *haram*. From them we may deduce the following:

**First:** The permissibility of playing; the Abyssinians were in the habit of dancing and playing.

**Second:** Doing this in the mosque.

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1. Narrated by Al-Bukhari.

2. Narrated by Ibn Majah.

3. Narrated by Al-Bukhari and Muslim.

4. In the section dealing with “Habits” in the book “Listening to Singing”.

**Third:** The Prophet's saying, 'Carry on, O Banu Arfidah,' was a command and a request that they should play; then how can their play be considered *haram*?

**Fourth:** The Prophet (pbuh) prevented Abu Bakr and `Umar from interrupting and scolding the players and singers. He told Abu Bakr that `Id was a joyous occasion and that singing was a means of enjoyment.

**Fifth:** On both occasions he stayed for a long time with `A'ishah, letting her watch the show of the Abyssinians and listening with her to the singing of the girls. This proves that it is far better to be good-humored in pleasing women and children with games than express such disapproval of such amusements out of a sense of harsh asceticism.

**Sixth:** The Prophet (pbuh) himself encouraged `A'ishah by asking her, 'Would you like to watch?'<sup>(1)</sup>

**Seventh:** The permissibility of singing and playing on the drum..." It is narrated that many Companions of the Prophet (may Allah be pleased with them) as well as of the second generation Muslim scholars used to listen to singing and did not see anything wrong with it. As for the *hadiths* which have been narrated against singing, they are all weak and have been shown by researchers to be unsound. The jurist Abu Bakr al-`Arabi said, "No sound *hadith* is available concerning the prohibition of singing," while Ibn Hazm said, "All that is narrated on this subject is false and fabricated."

However, since singing is in many cases associated with drinking parties and nightclubs, many scholars have declared it to be *haram* or at least *makruh*. They stated that singing constitutes that kind of idle talk which is mentioned in the verse,

﴿And among the people is the one who buys idle talk (at the expense of his soul) in order to lead (people) astray from the path of Allah without knowledge, holding in mockery; for such there will be a humiliating punishment.﴾

(Luqman: 6)

Ibn Hazm said,

"This verse condemns a particular behavior, that of doing something to hold the path of Allah in mockery. Anyone who does this is an unbeliever;

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1. Narrated by Al-Bukhari.

if he even should buy a copy of the Qur'an, doing so in order to make it the object of his mockery and thereby leading people astray, he would be an unbeliever. It is this type of behavior which is condemned by Allah and not the talk in which one may indulge for mere relaxation, without intending to lead people astray from the path of Allah."

Ibn Hazm also refuted the argument of those who say that since singing is not of "the truth" it must be of "error," referring to the verse, *﴿And what is beyond the truth except error?﴾* (Yunus: 32). He Commented,

"The Messenger of Allah (pbuh) said, *'Deeds will be judged according to intentions, and everyone will get what he intended.'*<sup>(1)</sup> Accordingly, the one who listens to singing with the intention of using it in support of a sin is a sinner, and this holds true of anything other than singing (as well), while one who listens to singing with the intention of refreshing his soul in order to gain strength to do his duty toward Allah (Glorified be He) and to do good deeds, is a good and obedient servant of Allah, and his action is of the truth. And he who listens to singing intending neither obedience nor disobedience is doing something natural and harmless, which is similar to going to the park and walking around, standing by a window and looking at the sky, wearing blue or green clothes, and so on."

However, there are some limitations to be observed in the matter of singing:

1. The subject matter of songs must not be against the teachings of Islam. For example, if the song is in praise of wine and invites people to drink, singing or listening to it is *haram*.
2. Although the subject matter itself may not be against the Islamic teachings, the manner of singing may render it *haram*; this would be the case, for example, if the singing is accompanied by suggestive sexual movements.
3. Islam fights against excess and extravagance in anything, even in worship; how, then, can it tolerate excessive involvement with entertainment? Too much time should not be wasted in such activities; after all, what is time but life itself? One cannot dispute the fact that spending time in permissible activities consumes time which ought to be

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1. Narrated by Al-Bukhari and Muslim.

reserved for carrying out religious obligations and doing good deeds. It is aptly said, "Excess is always accompanied by a neglected duty."

4. There remain certain things concerning which each individual is the best judge of himself. If a certain type of singing arouses one's passions, leads him towards sin, excites his instincts excessively, and dulls spirituality, he must avoid it, thus closing the door of temptations.
5. There is unanimous agreement that if singing is done in conjunction with *haram* activities - for example, at a drinking party, or if it is mixed with obscenity and sin - it is *haram*. The Prophet (pbuh) warned of a severe punishment for people who sing or listen to singing in such a situation when he said,

*"Some people of my Ummah will drink intoxicants, calling them by other names, while they listen to singers accompanied by musical instruments. Allah will cause the earth to swallow them and will turn some of them into monkeys and pigs."<sup>(1)</sup>*

This does not mean that they will be physically transformed into the bodies and outward form of monkeys and pigs but rather in heart and soul, carrying the hearts of monkeys and the souls of pigs in their human bodies.

### **Gambling, the Companion of Drinking**

While permitting a variety of games and sports, Islam prohibits any game which involves betting, that is, which has an element of gambling in it. We have already quoted the saying of the Prophet,

*"He who says to his friend, 'Come, let us gamble,' must give charity."*

It is not lawful for the Muslim to seek relaxation and recreation in gambling, nor is it lawful for him to acquire money through it.

There are sound and noble objectives behind this strict prohibition of gambling:

1. The Islamic teachings urge the Muslim to follow Allah's directives for earning a living, to use natural laws and direct means for the attainment of his objectives, and to employ such causes to produce the desired effects. Gambling, which includes raffling or the lottery, on the other

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1. Narrated by Ibn Majah.

hand, makes a person dependent on chance, "luck" and empty wishes, taking him away from honest labor, serious work and productive effort. The person who depends on gambling loses respect for the laws of causation which Allah has established and commanded people to use.

2. In Islam, an individual's property is inviolable; it must not be taken from him except through lawful exchange or unless he gives it freely as a gift or in charity. Accordingly, taking it from him by gambling is unlawful.
3. It is, therefore, not surprising that gamblers develop hatred and enmity toward one another, although they may claim that losing does not trouble them. There is always a winner and a loser. The loser may seem composed but behind his composure is frustration, anger, and regret: frustration due to disappointment, anger at the loss of money, and regret for not having played a winning game.
4. Gambling has its own compulsion. The loser plays again in hope of winning the next game in order to regain his earlier losses, while the winner plays again to enjoy the pleasure of winning, impelled by greed for more. Naturally, luck changes hands, the loser becomes the winner and the winner the loser, and the joy of winning changes into the bitterness of loss. Thus the gamblers may persist in playing the game, unable to bring themselves to leave it; this is the secret of the addiction to gambling.
5. Because of this addiction, gambling is a danger to the society as well as to the individual. This habit consumes gamblers' time and energy, making them non-productive idlers and parasites on society, who take but do not give, who consume but do not produce. Moreover, due to his absorption with gambling, the gambler neglects his obligations toward his Creator and his duties toward his community. It often happens that a gambling addict sells his honor, religion, and country for the sake of the gaming table, since his devotion to this table dulls his sense of values and kills all other devotions.

How correct the Qur'an is in mentioning drinking and gambling together in one verse, since their harmful effects on the individual, the family, and society are very similar. What is more like alcoholism than addiction to gambling? This is why one usually is not found without the other. Again,

how correct the Qur'an is when it teaches us that both of these, drinking and gambling, are inspired by Satan, that they are akin to idolatry and divination by arrows, and that they are filthy and abominable habits which must be shunned:

*﴿O you who believe, truly intoxicants and gambling and divination by arrows are an abomination of Satan's doing; avoid them in order that you may be successful. Assuredly Satan desires to sow enmity and hatred among you by means of intoxicants and gambling, and to hinder you from the remembrance of Allah and from Prayer. Will you not then desist?﴾*

(Al-Ma'idah: 90-91)

### **Lottery, a Form of Gambling**

What is known as lottery or raffle is likewise a form of gambling. There should be no laxity or permissiveness toward it in the name of "charitable institutions" or "humanitarian causes." Those who consider it permissible in relation to such causes are similar to people who raise funds for the same causes by means of *haram* dances or "artistic" shows. To both such groups we say, "Allah is pure and does not accept anything except what is pure."

People who resort to such means of raising money assume that members of society have become devoid of goodness of heart and feelings of charity, compassion and mercy, as a result of which there is no other way of getting money from them except through gambling and sensuous entertainment. But Islam does not assume this for its society. It believes in the basic goodness of man and appeals to that goodness, seeking nothing but pure means for noble causes. The Islamic means of raising money are to invite toward righteousness, to appeal to human sympathy, and to recall to people's minds the implications of the belief in Allah (Glory be to Him) and the Hereafter.

### **Movies**

Many Muslims ask about Islam's stand concerning the watching of movies, dramatic performances, and the like: is it permissible or not?

No doubt movies are important tools of instruction and recreation. Their situation is like that of any other tool which in itself is neutral and harmless, and any ruling concerning it will depend on how it is used.

Consequently, movies may be regarded as permissible and good - in fact, desirable - if the following conditions are met:

**First:** The content must be free of sin and immorality, indeed, of anything which is against the Islamic beliefs, morals, and manners. Portrayals which excite sexual desire or greed, glorify crime, or propagate deviant ideas, false beliefs, and the like are *haram*, and it is not permissible for the Muslim to watch or to encourage them.

**Second:** The watching of movies should not result in the neglect of religious obligations or worldly responsibilities. The five daily prayers constitute the foremost of the religious obligations; hence it is *haram* for the Muslim to miss any prayer - for example the *Maghrib* Prayer - in order to watch a movie. Allah (Glorified be He) says,

﴿So Woe to the ones who pray, who are neglectful of their prayers﴾

(Al-Ma`un: 4-5)

referring to those who postpone a prayer until its time is past. Again one of the most important reasons mentioned in the Qur'an for the prohibition of drinking and gambling is that they keep people away from the remembrance of Allah and from Prayer.

**Third:** Physical intermingling and free mixing among men and women in movie theatres must be avoided in order to prevent sexual temptation, particularly because showing a film requires a darkened hall. We have already mentioned the *hadith*:

*"It is better for one of you to be pricked in the head with an iron pick than to touch a woman whom it is unlawful to touch."<sup>(1)</sup>*

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1. Narrated by Al-Bayhaqi and At-Tabarani on sound authority.



## 4. Social Relations

The relations among the members of the Islamic society are based on two fundamental principles: first, awareness of the strong bond of brotherhood which links one individual to another, and second, the protection of the rights of the individual and the sanctity of his life, honor, and property, as guaranteed by the *Shari`ah* of Islam.

Any word, deed, or behavior that contravenes or threatens these two principles is prohibited by Islam, the degree of prohibition depending on the magnitude of material or moral injury which might result from it. In the following verses we find some examples of those prohibited acts which are injurious to the brotherhood and sanctity of human beings. Allah (Glory be to Him) says,

*﴿Verily, the Believers are brothers. Then set matters right among your brothers and be conscious of Allah in order that you may obtain mercy. O you who believe, let not some people mock at other people, for they may be better than them, nor (let) women (mock) at women who may be better than them. And do not slander yourselves, nor revile by (offensive) nicknames; evil is a name connoting wickedness after believing; and whoever does not turn away (from doing this), those are wrongdoers. O you who believe, avoid (indulging in) much suspicion; truly some suspicion is a sin. And do not spy or backbite one another; would any of you like to eat the flesh of his dead brother? You would abhor that. And be conscious of Allah; indeed, Allah is Ever-Forgiving, Ever-Merciful.﴾*

(Al-Hujurat: 10-12)

Here Allah proclaims that the believers are indeed brothers to one another and united through the brotherhood of Islam in addition to their brotherhood in humanity. This brotherly relationship requires that they get to know each other and do not avoid each other, that they establish ties and do not break them, that they love and do not hate, that they be sincere and not superficial, and that they come together and do not separate from one

another. And the Prophet (pbuh) said,

*"Do not be envious of each other, nor backbite, nor hate one another, but be brothers in the service of Allah."*<sup>(1)</sup>

### **It Is Unlawful for a Muslim to Sever Ties with a Fellow Muslim**

It is *haram* for the Muslim to shun a brother Muslim, to break ties with him, or to turn away from him. If two Muslims quarrel with each other, they are allowed a cooling-off period of three days, after which they must seek out means of reconciliation and peace, overcoming their pride, anger, and hatred. One of the characteristics of the believers praised in the Qur'an is that they are "*humble toward the Believers*" (Al-Ma'idah: 54). The Prophet (pbuh) said,

*"It is not permissible for a Muslim to keep apart from his brother for more than three (days). If three (days) pass, he should meet him and greet him, and if he replies to it, they will both have shared in the reward, while if he does not reply, he will bear his sin while the Muslim (who offered him the greeting) will have been freed from the sin of keeping apart."*<sup>(2)</sup>

The prohibition of severing ties is even more emphatic in the case of blood relatives. Islam has made it obligatory upon Muslims to strengthen the ties of relationship,<sup>(3)</sup> holding them inviolable. Allah (Glorified be He) says,

*﴿... And be conscious of Allah, in Whom you claim your rights of one another, and of the wombs (that bore you); indeed, Allah is Ever-Watchful over you.﴾*

(An-Nisa': 1)

Using picturesque language, the Prophet (pbuh) emphasized the value of this relationship in the sight of Allah by saying,

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1. Narrated by Al-Bukhari and others.

2. Narrated by Abu Dawud.

3. Literally "the ties of the womb". (Translator)

*"The womb is tied to the Throne (of Allah) and it says, 'With him who keeps me united, Allah will keep connection, but with him who severs me, Allah will sever connection.'"<sup>(1)</sup>*

He also said,

*"One who cuts will not enter Paradise."<sup>(2)</sup>*

In explaining the meaning of this, some scholars say it means "one who cuts the ties of relationship," while others say that it means "one who cuts the road," that is, the highway robber. The Prophet's *hadiths* imply that both pertain to the same category.

Joining the ties of relationship does not merely mean returning a visit of a visit or one good turn for another, since this much is quite natural and to be expected; rather, it means to persist in keeping friendly relations even with those relatives who shun you. The Prophet (pbuh) said,

*"The one who joins (the ties of relationship) is not the one who merely requites others, but he is the one who joins such ties (even) when they are severed by others."<sup>(3)</sup>*

This applies as long as such shunning or boycotting is not for the sake of Allah, while if it is for the sake of Allah and in the cause of justice these injunctions do not apply. The strongest bond among the believers is established through loving for the sake of Allah and hating for the sake of Allah.

For fifty days the Prophet (pbuh) and his Companions boycotted three men who stayed behind from the Battle of Tabuk. This boycott was so total that the three did not know what to do or where to turn, and felt that the earth, in spite of its vastness had become a prison to them. No one visited them, spoke to them, or greeted them. This boycott continued until Allah accepted their repentance and revealed to the Prophet (pbuh) that He had pardoned them.<sup>(4)</sup> On another occasion, the Prophet (pbuh) stayed away from some of his wives for forty days.

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari.

3. Narrated by Al-Bukhari.

4. Narrated by Al-Bukhari and Muslim.

‘Abdullah ibn ‘Umar boycotted one of his sons for the remainder of his life because his son did not abide by the *hadith* narrated to him by his father, in which the Prophet (pbuh) forbade men to prevent their women from going to the mosque.<sup>(1)</sup>

Estrangement and enmity among Muslims must never be for any worldly reason, for in the sight of Allah and the Muslim, the whole world is of such little value that it is not worth abandoning and breaking the relationship with a brother Muslim. How can it be otherwise, when the penalty of such rancor is the deprivation of the forgiveness and mercy of Allah (Glory be to Him)? The Prophet (pbuh) said,

*"The gates of Paradise are opened on Mondays and Thursdays, and Allah forgives every person who does not associate anything with Allah, excepting a man between whom and his brother there is enmity. Allah then says, 'Leave the two of them until they are reconciled, leave the two of them until they are reconciled, leave the two of them until they are reconciled.' "<sup>(2)</sup>*

It should suffice for the aggrieved person that his brother come to him and apologize; he must then accept the apology and be reconciled. It is *haram* for him to rebuff his brother by not accepting his apology. The Prophet (pbuh) warned against this by saying that the one who does so will not meet him, the Prophet, at the Fountain in Paradise on the Day of Resurrection.<sup>(3)</sup>

## **Settling Disputes**

While it is incumbent upon the disputants to settle their differences in a brotherly fashion, the Muslim community also has a responsibility in this regard. As the Muslim society is based upon mutual caring and cooperation, it cannot stand passively by watching its members disputing and quarreling, permitting the conflict to grow larger. It is the responsibility of those who command respect and authority in the community to come forward in order to set things right, with absolute impartiality and without allowing

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1. Narrated by Ahmad. As-Suyuti wrote an article entitled "Az-Zajr bil-Hajr" (Prevention through Boycott), justifying it on the basis of several *hadiths* and actions of the Prophet's Companions.

2. Narrated by Muslim.

3. Narrated by At-Tabarani.

themselves to become emotionally involved with one side against the other. Allah (Glorified be He) says,

*﴿Verily, the Believers are brothers. Then set matters right among your brothers and be conscious of Allah in order that you may obtain mercy. ﴾*

(Al-Hujurat: 10)

The Prophet (pbuh), explaining the merit of such mediation and the danger of conflict and hostility, said, *"Shall I inform you of something more excellent in degree than fasting, charity, and Prayer?"* On receiving the reply, "Certainly," he said,

*"It is putting things right among people, for to incite people to dispute is like a razor. And I do not mean that it shaves off the hair but it shears the religion."*<sup>(1)</sup>

### **Let Not Some People Mock at Other People**

In the Qur'an, 49: 10-12, Allah has prescribed a number of things related to the preservation of brotherhood and what this implies with regard to what is to be held inviolable among human beings. The first among these is the prohibition of mocking, deriding, and scoffing at others. The believer who fears Allah and hopes to attain Paradise in the Hereafter will not scoff at any individual nor make people the object of his jokes, scorn, sarcasm or mockery, because this is nothing but pride, arrogance, and contempt for others, as well as ignorance of the scale by which Allah measures goodness. Allah (Glory be to Him) says,

*﴿Let not some people mock at other people, for they may be better than themselves, nor (let) women (mock) at women who may be better than themselves... ﴾*

(Al-Hujurat: 11)

In the scale of Allah, goodness is measured by faith, sincerity, and the quality of the relationship with Allah (Glorified be He), not by physical appearance, wealth, or power. The Prophet (pbuh) said,

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1. Narrated by At-Tirmidhi and others.

*"Verily Allah does not look at your (physical) features or your wealth, but He looks at your hearts and your deeds."<sup>(1)</sup>*

How, then, can it be permissible for a person to laugh at someone's physical handicap, deformity, or poverty? It is reported that `Abdullah ibn Mas`ud had thin, weak legs. Once, upon seeing his leg uncovered, some people laughed, whereupon the Prophet (pbuh) said,

*"Are you laughing at the frailty of his legs? By Him in Whose hand is my soul, in the scale of Allah they are weightier than Mount Uhud."<sup>(2)</sup>*

The Qur'an speaks of how the criminal idolaters used to laugh at the faithful Muslims, especially at the weak and oppressed ones like Bilal and `Ammar, and how the tables will be turned on the Day of Reckoning, when the mockers will become the mocked:

*﴿Verily, the criminals used to laugh at those who believed and wink at one another when they passed them, and when they returned to their families they would return joking (about them). And when they saw them they would say, 'Surely these people are astray'. But they had not been sent as preservers over them. Then on this day those who believe will laugh at the disbelievers.﴾*

(Al-Mutaffifin: 29-34)

Although it has already been implied in the first part of the verse 11, in *Surat al-Hujurat*, nevertheless this verse goes on to state explicitly that women should not mock at other women. This emphasis is due to the fact that mocking at others is quite common among women.

## **Do Not Slander**

The second of these prohibitions is against "*lamz*", which literally means "piercing and stabbing." Here it is used to mean finding faults, as the person who finds faults in others is doing something similar to piercing them with a sword or stabbing them with a dagger - and perhaps the wound inflicted by the tongue is more lasting.

The form of prohibition expressed in this verse is very subtle, saying, "*Do not slander yourselves*," that is, one another. For the Qur'an regards the

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1. Narrated by Muslim.

2. Narrated by At-Tayalisi and Ahmad.

community of Muslims as one body in its mutual concerns and responsibilities, so that whoever slanders his brother in effect slanders himself.

### **Do Not Revile by Nicknames**

One form of slandering is calling others by derogatory nicknames of the sort which highlights some defect and is used to mock and deride a person. A Muslim should not call his brother by a name which is offensive to him, thereby causing him pain and thus trampling on the feelings of Islamic brotherliness.

### **Suspicion**

Islam aims at establishing its society on clearness of conscience and mutual trust, not on doubts, suspicions, accusations and mistrust. Hence this verse mentions the fourth prohibition by which what is to be held inviolable among people is safeguarded:

*﴿O you who believe, avoid (indulging in) much suspicion; truly some suspicion is a sin...﴾*

(Al-Hujurat: 12)

The kind of suspicion which is a sin is the ascribing of evil motives, and it is not permissible for a Muslim to impute such motives to his brother Muslim without justification and clear evidence. Because the basic assumption concerning people is that they are innocent, a mere suspicion should not be allowed to result in the accusation of an innocent person. Regarding this, the Prophet (pbuh) said,

*"Avoid suspicion, for (airing) suspicion is the most lying form of speech."<sup>(1)</sup>*

Human weakness is such that no one is free of suspicion and wrong thoughts especially concerning those with whom relationships are not good. However, one must not give in to such thoughts nor go beyond thoughts to action, as stated in the *hadith*:

*"If you have a suspicion, do not pursue it."<sup>(2)</sup>*

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1. Narrated by Al-Bukhari and others.

2. Narrated by At-Tabarani.

## **Spying**

Inwardly, mistrust of others produces evil thoughts in the mind while outwardly it leads a person toward spying. But Islam establishes its society on the purity of both what is inner and what is outer. Therefore, the prohibition of spying comes immediately after that of suspicion.

Prying into other people's private affairs and spying on their secrets is not permitted, even if they are engaged in sin, as long as they do it privately and not openly.

Abu Haytham, the scribe of 'Uqbah ibn 'Amir, a Companion of the Prophet (pbuh) reported, "I said to 'Uqbah ibn 'Amir, 'Some of our neighbors drink wine, and I am going to call the police and have them arrested.' He said, 'Do not do so, but advise them and warn them.' I said, 'I told them to stop it but they do not listen to me. I am therefore going to inform the police to arrest them.' 'Uqbah then said, 'Woe to you! Do not do that, for I heard the Messenger of Allah (pbuh) say,

*'If one conceals the private affairs (of others), it is like reviving a girl who has been buried alive from her grave.'"<sup>(1)</sup>*

The Prophet (pbuh) classified those who search out other people's faults as being among the hypocrites, who proclaim their belief with their tongues while their hearts do not confirm what they say. He denounced such people publicly. Ibn 'Umar reported, "Allah's Messenger (pbuh) mounted the pulpit and called out in a loud voice,

*'O you who declare Islam with your tongues but yours hearts have not been reached by faith, do not harm Muslims nor seek out their faults, for he who seeks out the faults of his Muslim brother will have his faults sought out by Allah, and when Allah seeks out someone's faults, He exposes them even though he should be in the interior of his house.'"<sup>(2)</sup>*

In order to safeguard people's privacy, the Prophet (pbuh) strictly forbade that anyone should look into other people's houses without their permission and absolved the residents for any injury they might inflict upon one who so looks. He said,

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1. Narrated by Abu Dawud, An-Nasa'i, Ibn Hibban in his Sahih, and Al-Hakim. The wording is from Ibn Hibban.

2. Narrated by At-Tirmidhi; and Ibn Majah narrated something similar.

*"If someone peeps into the house of a people without their permission, it becomes allowable to them to gouge out his eye."<sup>(1)</sup>*

Likewise, he prohibited listening clandestinely to people's conversation without their knowledge or approval, saying,

*"He who listens (clandestinely) to people's conversation against their wishes will have molten lead poured into his ears on the Day of Resurrection."<sup>(2)</sup>*

Allah (Glory be to Him) has made it obligatory on the person who wants to visit someone at his home not to enter the house until permission is given and he has greeted its inhabitants:

*﴿O you who believe, do not enter houses other than your own, until you have asked permission and offered salam (greeting) to its people; that is best for you in order that you may be heedful. And if you do not find anyone therein, do not enter until permission is given to you. And if you are told, 'Withdraw,' then do so; that is purer for you; and Allah knows what you do.﴾*

(An-Nur: 27-28)

The Prophet (pbuh) said,

*"He who pulls a curtain and looks into (a house) before he is granted permission to enter has done something that he is not allowed to do."<sup>(3)</sup>*

The texts prohibiting spying and searching out peoples' faults apply equally to the government and to individuals. Mu`awiyah reported the Prophet (pbuh) as saying,

*"If you seek out people's faults, you will corrupt them, or bring them very near to corruption."<sup>(4)</sup>*

And Abu Umamah reported that the Prophet (pbuh) said,

*"The ruler who sows suspicion among the people corrupts them."<sup>(5)</sup>*

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari and Muslim.

3. Narrated by Ahmad and At-Tirmidhi.

4. Narrated by Abu Dawud and Ibn Hibban in his *Sahih*.

5. Narrated by Abu Dawud.

## **Backbiting**

The sixth evil prohibited in the verses cited above is backbiting (*ghibah*):

﴿And do not...backbite one another...﴾

(Al-Hujurat: 12)

The Prophet (pbuh) wanted to drive home the meaning of backbiting to his Companions through questions and answers. He asked them, *"Do you know what backbiting is?* They replied, *"Allah and His Messenger know best."* He said, *"It is saying something about your brother which he would dislike."* Someone asked, *"What if I say something about my brother which is true?"* The Prophet (pbuh) replied, *"If what you say of him is true, it is backbiting and if it is not true you have slandered him."*<sup>(1)</sup>

When a person dislikes someone, he is likely to find faults in his appearance, behavior, lineage, and anything else which pertains to him. 'A'ishah reported that she said to the Prophet (pbuh), *"It is enough that Safiyyah (another wife of the Prophet) is such and such?"* meaning that she was short. The Prophet (pbuh) replied,

*"You have spoken a word such that, if it were mixed in the water of the sea, it would darken it."*<sup>(2)</sup>

Backbiting is nothing but a desire to belittle people, to slander their honor, and to deride their accomplishments in their absence. Since this is stabbing in the back, it is an expression of narrow-mindedness and cowardice. Backbiting is a negative trait, and only those engage in it who themselves are not achievers. It is a tool of destruction, for one who is addicted to it leaves no one without throwing a dart at him and wounding him.

It is no wonder then, that the Qur'an paints such a repulsive picture of this vile habit as would make people shrink from it in horror:

﴿... And do not ... backbite one another; would any of you like to eat the flesh of his dead brother? You would abhor that...﴾

(Al-Hujurat: 12)

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1. Narrated by Muslim, Abu Dawud, At-Tirmidhi, and An-Nasa'i.

2. Narrated by Abu Dawud and Al-Bayhaqi.

Since one feels sick at the very thought of eating human flesh, how much more revolting it is to think of eating the flesh of one's dead brother!

Whenever an opportunity arose, the Prophet (pbuh) stressed this Qur'anic imagery in order to imprint it on people's hearts and minds. Ibn Mas`ud reported, "We were sitting with the Prophet (pbuh). Then a man got up and left, whereupon another person spoke ill of him. The Prophet (pbuh) said to him, *'Pick your teeth.'* The man replied, 'Why? I have not eaten any meat.' The Prophet (pbuh) replied, *'You have eaten your brother's flesh.'*"<sup>(1)</sup>

Jabir reported, "While we were with the Prophet (pbuh) the wind brought a foul odor in our direction, whereupon the Prophet (pbuh) said,

*'Do you know what this odor is? It is the odor of those who backbite the believers.'*<sup>(2)</sup>

All these textual quotations demonstrate the sanctity and dignity which is accorded to one in Islam. However, scholars have listed some exceptions, necessarily limited to certain circumstances, when talking about a person in his absence is permitted. Among these exceptions is the instance of a person who has been wronged and who complains about the wrongdoer. While he must then speak about what the other dislikes, it is his right to do so in order to secure justice; consequently, he is given permission to describe the wrong he has suffered. Allah (Glorified be He) says,

*﴿Allah does not like the announcing of evil in public speech except by one who has been wronged; and Allah is Ever-Hearing, Ever-Knowing.﴾*

(An-Nisa': 148)

If someone wants to investigate the character or suitability of a person with whom he wants to enter into partnership, who has asked for his daughter in marriage, or who is seeking employment with him, it is permissible for those who have been asked to give their frank and honest opinion. Here there is a conflict between two obligations: one, to give good advice to the person who seeks the information, and two, to protect the honor of the person about whom the opinion is sought. But the first obligation takes precedence over the second, as it is more important and

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1. Narrated by At-Tabarani on sound authority.

2. Narrated by Ahmad on reliable authority.

more sacred. Fatimah bint Qays asked the Prophet (pbuh) about two men who had asked for her hand in marriage. The Prophet (pbuh) said to her about one of them, "*He is such a have-not who has no property,*" and about the other, "*He does not put his stick down from his shoulder,*" meaning that he frequently beat the women of his household.

It is also permissible to speak about a person without his knowledge if a legal opinion or religious ruling is required concerning him or if help is needed to combat some evils he may be causing, or to refer to him by a name, title, or characteristic which he dislikes but without which he cannot be identified, as for example, "the lame person" or "the person with one eye." Likewise, cross-questioning a witness or criticizing the reporters of *hadiths* and news is permissible.<sup>(1)</sup>

The general ruling concerning the permissibility of speaking about someone in his absence is governed by two considerations:

### **(1) the need and**

## (2) the intention.

1. When there is no compelling need to mention the third person in a manner in which he would dislike, one must refrain from violating the sanctity of his personality and honor. If there is a need to mention him but the need can be met by an indirect reference, one must not be explicit. If a general discussion is sufficient, the mentioning of specific persons must be avoided. For example, in seeking a juristic opinion, one can phrase the question as, "What would your opinion be if someone did such and such?" rather than, "This person is doing such and such. What do you think about it?" Furthermore, if one must identify the person, he must mention only what is true, since ascribing anything false to him is *haram*.
2. In any event, the intention is the decisive factor. The speaker knows his own intention better than anyone else - whether it constitutes a genuine complaint against wrongdoing or mere spite, an inquiry concerning an issue or a slander, a scholarly criticism or envious backbiting, a piece of good advice or the spreading of a rumor. It is said in this connection that

1. See Al-Ghazali's discussion of the uses and abuses of speech in his *Ihya' 'Ulum ad-Din*; An-Nawawi's commentary on the *Sahih* of Muslim; and Ash-Shawkani's treatise on what is permissible and what is not permissible in talking behind the backs of others.

the believer is a sterner judge of himself than a tyrannical ruler or a greedy partner could be.

Islam has decreed that the listener is the partner of the one who is absent, and he must defend his absent brother by repudiating the slander being spoken.

The Prophet (pbuh) said,

*"If anyone defends his brother against someone who is backbiting him, it will be (his) due from Allah to set him free from the Fire."<sup>(1)</sup>*

And again,

*"If anyone defends his brother's honor in this world, Allah will shield his face from the Fire on the Day of Resurrection."<sup>(2)</sup>*

If a person does not have the courage to speak out in defense of his brother against malicious tongues, the least he can do is to withdraw from such company until they turn to some other topic; otherwise, the verse, ﴿Truly, you would then be like them﴾ (An-Nisa': 140) would apply to him.

## **Spreading Calumnies**

Another bad habit, which usually accompanies backbiting and is strictly prohibited by Islam, is calumny. This means passing on to others what you hear from someone in such a manner that will cause dissension among people, sour their relationships, or increase already-existing bitterness between them.

From the very early Makkan period of revelation, the Qur'an condemned this trait saying,

*﴿And do not obey any despicable man, ready with oaths, a slanderer, going among the people with calumnies.﴾*

(Al-Qalam: 10-11)

And the Prophet (pbuh) said,

*"The one who spreads calumnies will not enter Paradise."<sup>(3)</sup>*

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1. Narrated by Ahmad on good authority.
2. Narrated by At-Tirmidhi on sound authority.
3. Narrated by Al-Bukhari and Muslim.

and,

*"The most evil among Allah's servants are those who go about spreading calumnies dividing those who love each other and desiring to defame those who are innocent."<sup>(1)</sup>*

In order to foster peace and reconciliation, Islam permits a mediator to conceal the bad words said by one person against another and permits him to add some good words which, in fact, neither of them has said. This is not considered to be lying, for the Prophet (pbuh) said,

*"He is not a liar who makes peace between two persons, saying what is good or adding something good."<sup>(2)</sup>*

Islam's anger is particularly directed against those people who, as soon as they hear something bad, hasten to recount it for the sake of currying favor or merely out of love of causing trouble and dissension. Indeed, many such people are not satisfied to simply repeat what they heard but add to it or invent something of their own.

A man came to `Umar ibn `Abd al-`Aziz and told him something about another person which the latter would have disliked being mentioned. Thereupon `Umar said to him "Let us examine your case: If you are lying, you are one of those who are mentioned in the verse, *﴿If a wicked person brings you some news, investigate it﴾* (Al-Hujurat: 6) and if you are telling the truth, you are one of those mentioned in the verse, *﴿A slanderer, going among the people with calumnies﴾* (Al-Qalam: 11). But if you wish we may forgive you." The man replied, "Please forgive me, O Commander of the Believers! I shall never do it again."

### **Honor Is Sacred and Inviolable**

We have already noted that the Islamic teachings safeguard human dignity and honor, regarding them, in fact, as inviolable and sacred. Once, while looking at the *Ka`bah*, `Abdullah ibn `Umar remarked, "How great and sacred you are! But the sanctity of the Believer is greater than yours" - and the sanctity of the Muslim includes the sanctity of his life, his honor, and his property.

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1. Narrated by Ahmad.

2. Narrated by Al-Bukhari.

During the Farewell Pilgrimage the Prophet (pbuh) addressed the assembly of Muslims, saying,

*"The sacredness of your property, your honor, and your lives is (not to be violated) among you (just) as the sacredness of this day, in this month, and in this city."*<sup>(1)</sup>

Islam safeguards the sanctity of a person's honor against backbiting even if what is said about him is true. How much more abhorrent it is, then, if what is said is false and baseless; this is a sheer wrong and a great sin. The Prophet (pbuh) said,

*"If anyone says something about a person which is not true in order to defame him, Allah will confine him in the fire of Hell until it extinguishes his utterance."*<sup>(2)</sup>

‘A’ishah reported that the Prophet (pbuh) said to his Companions, *"Do you know what the worst form of excessiveness is in the sight of Allah?"* They said, "Allah and His Messenger know best." The Prophet (pbuh) said,

*"The worst form of excessiveness is to violate the personal honor of a Muslim."*

He then recited,

﴿Those who harm believing men and believing women undeservedly have laid upon themselves a calumny and a manifest sin.﴾

(Al-Ahzab: 58)<sup>(3)</sup>

The vilest kind of attack on personal honor is that of accusing a virtuous believing woman of immorality. Such an accusation not only ruins her reputation and that of her family and destroys her future but also broadcasts scandals within the Muslim society. This is why the Prophet Muhammad (pbuh) listed it among the seven destructive sins and the Qur'an threatened its perpetrators with dire punishments:

﴿Those who accuse chaste, indiscreet, and believing women shall be accursed in this world and in the Hereafter, and theirs will be a grievous punishment of the Day when their tongues, their hands, and their feet

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1. Narrated by Muslim.

2. Narrated by At-Tabarani.

3. Narrated by Ibn Hatim, Ibn Mardawayh, and Al-Bayhaqi.

*will bear witness against them concerning what they did. On that Day Allah will pay them in full their just due, and they will realize that Allah is indeed the manifest Truth. ﴿*

(An-Nur: 23-25)

*﴿Indeed, those who love that a scandal should be spread concerning those who believe will have a painful punishment in this world and in the Hereafter; and Allah knows and you do not know. ﴾*

(An-Nur: 19)

## **Life Is Sacred**

Islam has made human life sacred and has safeguarded its preservation. According to its teachings, aggression against human life is the second greatest sin in the sight of Allah, second only to denial of Him. The Qur'an declares,

*﴿... If anyone kills a person for any reason other than for (the killing of) a person or for sowing corruption in the land, it will be as if he had killed the whole of mankind... ﴾*

(Al-Ma'idah: 32)

Because the human race constitutes a single family, an offense against one of its members is in fact an offense against the whole of humanity. The crime is more serious if the slain is a believer in Allah.

*﴿And for the one who kills a Believer intentionally, his recompense is Hell, to abide therein; and the wrath of Allah is upon him and His curse, and a tremendous punishment has been prepared for him. ﴾*

(An-Nisa': 93)

The Prophet (pbuh) said,

*"The passing away of the world would mean less to Allah than the murder of a Muslim man."<sup>(1)</sup>*

He also said,

*"A believer remains within the scope of his religion as long as he does not kill anyone unlawfully."<sup>(2)</sup>*

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1. Narrated by Muslim, An-Nasa'i, and At-Tirmidhi.

2. Narrated by Al-Bukhari.

And again,

*"Allah may forgive every sin except in the case of one who dies as a mushrik (polytheist) or one who kills a believer intentionally."<sup>(1)</sup>*

On the basis of these verses and *hadiths*, Ibn `Abbas deduced that the repentance of the murderer will not be accepted by Allah. For, he argued, since in the case of an offense against another individual, the wrongdoer's repentance is not accepted unless the wrong done to others is righted or their satisfaction secured, the question is how, in the case of murder, one can restore the murdered person to life or secure his satisfaction. Others say that sincere repentance is accepted by Allah; if it erases even the greatest sin, that of shirk or ascribing partners to Allah, why not lesser sins? Allah (Glorified be He) says,

*﴿... Those who do not invoke, together with Allah, any other deity, nor take the life which Allah has made sacred except in (the course of) justice, nor commit zina. And whoever does that shall pay the price (of his sin). The punishment shall be doubled for him on the Day of Resurrection and he will abide in it in disgrace, except for him who repents and believes and does righteous deeds. As for them, Allah will change their evil deeds to good deeds, and Allah is Ever-Forgiving, Ever-Merciful.﴾*

(Al-Furqan: 68-70)

## **The Murderer and the Murdered will Be in Hell**

The Prophet (pbuh) considered a Muslim's fighting another Muslim to be a door to unbelief and a deed pertaining to pre-Islamic *Jahiliyyah*, during which people used to wage wars and shed blood merely for a camel or a horse. He said,

*"Insulting the Muslim is wickedness and fighting him is unbelief."<sup>(2)</sup>*

*"Do not become unbelievers after I pass away; killing one another."<sup>(3)</sup>*

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1. Narrated by Abu Dawud, Ibn Hibban, and Al-Hakim.

2. Narrated by Al-Bukhari and Muslim.

3. Narrated by Al-Bukhari and Muslim.

He further said,

*"When two Muslims draw weapons against each other, they are at the brink of Hell. If one of them kills the other, they both enter it (Hell) together."*

Someone asked, "O Messenger of Allah, this one was the murderer, but what was the fault of the murdered?" He replied,

*"He was eager to kill the other."*<sup>(1)</sup>

That is why the Prophet (pbuh) forbade any act which might lead to murder or to a fight, even pointing a weapon, saying,

*"None of you should point a weapon at his brother. Perhaps Satan may make his hand slip and then he will fall into the pit of Fire."*<sup>(2)</sup>

He also said,

*"If anyone points a piece of iron at his brother, the angels curse him until he stops doing it, even if he is his real brother."*<sup>(3)</sup>

He even went so far as to say,

*"It is not permissible for the Muslim to frighten his brother."*<sup>(4)</sup>

The sin of murder is not limited to the murderer alone. Each individual who participated in this crime, by deed, or by word, will receive Allah's punishment in proportion to his share in it; even a person who happened to be at the scene of the murder will receive a share of the sin. A *hadith* stated,

*"None of you should remain in a place where a man is being killed unjustly, for the curse (of Allah) descends on anyone who was present and did not defend him."*<sup>(5)</sup>

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1. Narrated by Al-Bukhari and Muslim.

2. Narrated by Al-Bukhari.

3. Narrated by Muslim.

4. Narrated by Abu Dawud as well as by At-Tabarani on reliable authority.

5. Narrated by At-Tabarani and by Al-Bayhaqi on good authority.

## **The Sanctity of the Lives of Allies and Non-Muslim Residents**

Thus far, we have quoted those texts which warn Muslims against killing or fighting fellow Muslims. But let no one get the impression that the life of a non-Muslim is not safe in a Muslim society, for Allah has declared the life of every human being to be sacred, and He has safeguarded it.

This applies as long as the non-Muslim does not fight against the Muslims; if he does so, shedding his blood is permissible. However, if the non-Muslim is of a people with whom there is a treaty or if he is a *dhimmi* (a non-Muslim resident of an Islamic state), his life is sacred, and it is unlawful for the Muslims to attack him. In this regard the Prophet (pbuh) said,

*"Anyone who kills a person from among the people with whom there is a treaty will not smell the fragrance of Paradise, although its fragrance reaches to a walking distance of forty years."<sup>(1)</sup>*

*"Anyone who kills a dhimmi will not smell the fragrance of Paradise."<sup>(2)</sup>*

## **Capital Punishment**

Allah (Glory be to Him) says,

*﴿... Do not take the life which Allah has made sacred except in (the course of) justice... ﴾*

(Al-An`am: 151)

Allah has mentioned three crimes for which the death penalty is justified:

1. Unjust killing; killing which has been proven demands retaliation by taking the life of the murderer - a life for a life, a like return for an evil committed, as the initiator of the killing is the initiator of the wrongdoing. As the Qur'an states,

*﴿In the law of qisas (retaliation) there is life for you, O people of understanding... ﴾*

(Al-Baqarah: 179)

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1. Narrated by Al-Bukhari and others.

2. Narrated by An-Nasa'i.

2. Publicly committing adultery with a person who is not one's spouse if at least four upright people have actually witnessed intercourse taking place and testified before the court that they saw it. The death penalty applies to either of the two who is married. Confession, repeated four times before the court by the adulterer or adulteress, is equivalent to the testimony of four witnesses.
3. Apostasy from Islam after willingly accepting it and subsequently declaring an open revolt against it in such a manner which threatens the solidarity of the Muslim community is a crime punishable by death. No one is compelled to accept Islam, but at the same time no one is permitted to play tricks with it, as some Jews did during the Prophet's time:

﴿A party of the People of the Book say, 'Believe in what has been revealed to the Believers at the beginning of the day and reject it at the end of it, in order that they may turn back (from Islam)'.﴾

(Al `Imran: 72)

The Prophet (pbuh) limited capital punishment to these three crimes only, saying,

"The shedding of the blood of a Muslim is not lawful except for one of three reasons: a life for a life, a married person who commits adultery, and one who turns aside from his religion and abandons the community (of Muslims)."<sup>(1)</sup>

In any of these instances, the death penalty can be implemented only by the proper authority after due process of law prescribed by the *Shari`ah*; individuals cannot take the law into their own hands, becoming judges and executioners, since this would result in absolute chaos and disorder. However, the judge may turn the murderer over to the victim's next-of-kin to be executed in his presence so that their hearts may be eased and the desire for revenge extinguished. This is in obedience to the saying of Allah (Glorified be He),

﴿... And whoever is killed wrongfully, We have given authority to the heir; but let him not go to excess in killing (by way of retaliation), for indeed he will be helped.﴾

(Al-Isra': 33)

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1. Narrated by Al-Bukhari and Muslim.

## **Suicide**

Whatever applies to the crime of murder likewise applies to committing suicide. Whoever takes his life by any means whatsoever has unjustly taken a life which Allah has made sacred. For, since he did not create himself, nor even so much as a single cell of his body, the life of an individual does not belong to him; it is a trust given to him by Allah (Glory be to Him). He is not allowed to diminish it, let alone to harm or destroy it. Allah (Glorified be He) says,

*﴿... Do not kill yourselves; indeed, Allah is merciful to you. ﴾*

(An-Nisa': 29)

The Islamic teachings require the Muslim to be resolute in facing hardships; he is not permitted to give up and to run away from the vicissitudes of life when a tragedy befalls or some of his hopes are dashed. Indeed, the believer is created for striving, not for sitting idle; for combat, not for escape. His faith and character do not permit him to run away from the battlefield of life, and he possesses a weapon which never fails and ammunition which is never exhausted: the weapon of his unshakable faith and the ammunition of his moral steadfastness.

The Prophet (pbuh) warned that anyone who commits the crime of suicide will be deprived of the mercy of Allah and will not enter Paradise; he will deserve Allah's wrath and be cast into the Fire. The Prophet (pbuh) said,

*"In the time before you, a man was wounded. His wounds troubled him so much that he took a knife and cut his wrist and bled himself to death. Thereupon Allah said, 'My servant has hurried in the matter of his life. Therefore, I have deprived him of Paradise.' "<sup>(1)</sup>*

If a person is deprived of Paradise because he cannot bear the pain of his wounds and so kills himself, what about the one who takes his life because he has suffered a loss, whether great or small, in his business, has failed an examination, or has been rejected by a woman. Let those people who are of weak will pay careful attention to the following *hadith*:

*"He who throws himself down from a rock and commits suicide will be throwing himself into the fire of Hell where he will remain forever; he*

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1. Narrated by Al-Bukhari and Muslim.

*who drinks poison and kills himself will have the poison in his hand, drinking it forever in the fire of Hell; and he who kills himself with a weapon will have that weapon in his hand, stabbing himself forever in the fire of Hell.*"<sup>(1)</sup>

## **Property Is Sacred**

The Muslim is permitted to acquire wealth, as much as he desires, as long as he acquires it through lawful means and increases it through lawful investments. While in another religion it is said, "It is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of God,"<sup>(2)</sup> in Islam it is said,

*"What an excellent thing is lawfully earned wealth in the hands of a good man."*<sup>(3)</sup>

Since the Islamic *Shari`ah* sanctions the right to personal property, it protects it, both by means of moral exhortation and legislation, from robbery, theft, and fraud. The Prophet (pbuh) mentioned the sanctity of property in the same sentence with the sanctity of life and honor and considered stealing contradictory to belief. He said,

*"A thief is not a believer while he is engaged in stealing."*<sup>(4)</sup>

Allah (Glorified be He) says,

﴿As for the male and female thief, cut off their hands, a recompense for what they earned, punishment from Allah; and Allah is Ever-Mighty, Ever-Wise.﴾

(Al-Ma'idah: 38)

And the Prophet (pbuh) said,

*"It is unlawful for the Muslim to take (so much as) a stick without the consent of its owner."*<sup>(5)</sup>

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1. Narrated by Al-Bukhari and Muslim.
2. The author refers here to a quotation that the New Testament attributes to Prophet `Isa (peace be upon him). This does not imply that there is sufficient proof that he actually said it. (Translator)
3. Narrated by Ahmad.
4. Narrated by Al-Bukhari and Muslim.
5. Narrated by Ibn Hibban in his *Sahih*.

thus emphasizing what Allah has prohibited to the Muslim in respect of other people's property. Allah the Great and Glorious says,

*﴿O you who believe, do not consume your property among yourselves wrongfully, but let there be trade by mutual consent... ﴾*

(An-Nisa': 29)

## **Bribery Is Prohibited**

Taking a bribe is one way of consuming someone else's wealth wrongfully. A bribe refers to any kind of property which is offered to a judge or public servant in order to obtain a decision in favor of oneself or against a rival, to expedite one's own affair, or to delay that of one's competition, and so on.

Islam has prohibited the Muslim to approach the officials of a government or their subordinates for the purpose of offering them a bribe; it has prohibited the latter to accept it; and it has prohibited that any third person should arrange matters between the givers and the takers of the bribe. Allah (Glorified be He) says,

*﴿And do not consume your property among yourselves wrongfully, nor seek access to judges by means of it in order that you may sinfully consume a portion of peoples' wealth, while you know (what you do). ﴾*

(Al-Baqarah: 188)

The Prophet (pbuh) said,

*"Allah's curse is on the one who offers a bribe and on the judge who accepts it."<sup>(1)</sup>*

Thawban said, "The Messenger of Allah (pbuh) cursed the one who offers a bribe, the one who receives it, and the one who arranges it."<sup>(2)</sup>

If the recipient of the bribe accepts it in order to do injustice, his sin is much greater, while if he intended to do justice, it was simply his duty for which no payment was needed.

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1. Narrated by Ahmad, At-Tirmidhi, and Ibn Hibban in his *Sahih*.

2. Narrated by Ahmad and Al-Hakim

The Prophet (pbuh) sent `Abdullah ibn Rawahah to the Jews to estimate what they owed as taxes on their palm trees. The Jews offered him some money as a gift. He said to them, "What you have offered as a bribe is unlawful and we do not accept it."<sup>(1)</sup>

It is not surprising that Islam has prohibited bribery and that it is severe against all those who participate in it. The proliferation of bribery in a society leads to corruption and oppression: unjust decisions are made and just ones are blocked, undeserving persons are given chances and deserving ones are passed over, and the spirit of greed permeates the society in place of the spirit of dutifulness.

## **Gifts to Officials**

The Islamic *Shari`ah* prohibits bribery in any shape or form. Thus, referring to a bribe as a "present" or a "gift" does not transfer it from the realm of the *haram* to that of the *halal*. A *hadith* stated,

*"When we (the Prophet) appoint a person to a position, we take care of his provision. If he takes anything beyond that, it is an illegal gain."<sup>(2)</sup>*

Caliph `Umar ibn `Abd al-`Aziz was given a present which he refused. On being told that the Prophet (pbuh) accepted presents, he said, "To him it was a present, but to us it is a bribe."

The Prophet (pbuh) sent a man to collect *Zakah* from the Azd tribe. On returning to the Prophet (pbuh) he kept something for himself, telling the Prophet (pbuh), "That is for you and this is for me as a gift." Thereupon the Prophet (pbuh) became angry and said,

*"If what you say is right, would these gifts have reached you if you had remained in your father's or your mother's house?"*

He then continued,

*"Why should a person employed by me say, 'That is for you and this is for me as a gift?' Did gifts reach him while he lived in his mother's house? By Him in Whose hand is my soul, no one takes something wrongfully without Allah's making him carry it (on the Day of*

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1. Narrated by Malik.

2. Narrated by Abu Dawud.

*Resurrection). So let none of you come on the Day of Resurrection carrying a braying camel, a mooing cow, or a bleating goat (which he received in this manner).*"

He then raised his hands high in supplication and said,

*"O Allah, have I conveyed the message?"*<sup>(1)</sup>

Imam Al-Ghazali said,

"In view of these admonitions, the judge or the governor or anyone in a position of authority should imagine himself sitting in his father's or mother's house. If he thinks that even after leaving the job he will still have received this gift while sitting in his mother's house, he may accept the gift offered to him. If, on the other hand, this gift is offered to him because of his position of authority, he must not accept it. If he finds it difficult to decide, concerning gifts from his friends, whether they would still have given them to him if he were not in that position, it is a doubtful situation and it is thus preferable to avoid accepting them."<sup>(2)</sup>

### **Bribery to Redress a Wrong**

If someone finds himself in a situation in which all avenues of redressing a wrong done him, or recovering a right which has been forfeited, are blocked except through the payment of a bribe, it is preferable that he waits patiently until Allah opens to him a better way of redressing the wrong or recovering his rights. Still, should he resort to bribery, the sin of it will not be on him provided he has tried all lawful avenues and that in so doing he regains his own rights without infringing upon the rights of others; in such a case the burden of the sin will fall entirely on the recipient of the bribe.

Some scholars have deduced this from *hadiths* reporting that the Prophet (pbuh) gave charity to some people who were persistent in begging although, in fact, they did not deserve to receive charity.

‘Umar reported that the Prophet (pbuh) said, *"One of you takes charity from me and carries it away under his arm, and it is (Hell)-fire for him."* ‘Umar asked, "O Messenger of Allah, how can you give it to him, knowing that it

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1. Narrated by Al-Bukhari and Muslim.

2. *Ihya' 'Ulum ad-Din*, the book of "The Lawful and the Prohibited," in the section entitled "Customs," p. 137.

is fire for him?" The Prophet (pbuh) replied, "What am I to do? They ask from me persistently, and Allah, Glorified and Exalted be He, forbids me to be close-handed."<sup>(1)</sup>

If the pressure of insistent begging induced the Prophet (pbuh) to give a beggar what he knew to be fire for him, what can we say about the pressure of the need to defend oneself against injustice or to regain one's right?

## **Wasteful Spending**

Just as the wealth of others is inviolable and any violation of it, whether secret or open, is prohibited, in like manner a person's own wealth is inviolable with respect to himself; he should not waste it by extravagant spending, scattering it everywhere. This is because the Muslim *Ummah*, which constitutes an owner in addition to every other owner, has a right to the wealth of individuals. For this reason Islam has given the *Ummah* the right to manage the property of the weak-minded who squander their wealth. The Qur'an says,

*﴿Do not give your wealth, which Allah has made a means of support for you, to the weak-minded, but feed and clothe them from it and speak to them words of kindness.﴾*

(An-Nisa': 5)

In this verse Allah (Glory be to Him) refers to the wealth of the weak-minded as "your wealth," since the wealth of the individual is also the wealth of the *Ummah*.

Islam is the religion of justice and moderation, and the *Ummah* of Islam is a "just (and moderate) nation". The Muslim must be just in all his affairs. This is why Allah has prohibited to the believers wastefulness and extravagant spending, as He has likewise prohibited them from greed and miserliness. Allah (Glorified be He) says,

*﴿O children of Adam, wear your beautiful apparel at every place of worship, and eat and drink but do not be wasteful; indeed, He does not like the wasteful.﴾*

(Al-A`raf: 31)

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1. Narrated by Abu Ya`la on good authority; Ahmad narrated something similar on sound authority.

Wasting wealth means to spend it, in large or small amounts, on what Allah has prohibited, for example, alcoholic beverages, drugs, gold and silver utensils, and the like, or to squander it on things which are of no benefit either to oneself or others, since the Prophet (pbuh) prohibited the squandering of wealth.<sup>(1)</sup> Giving away so much in charity that one has nothing left for the necessities of life also constitutes wasting of wealth.

In explaining the verse,

﴿... They ask thee what they should spend (in charity). Say (Spend) what is beyond your needs... ﴾

(Al-Baqarah: 219)

Imam Ar-Razi said,

"Allah (Glorified be He) taught people how to spend their wealth. He said to His Prophet (pbuh), ﴿Give to the relative his right, and to the needy and the wayfarer, but do not squander (your wealth) wantonly; truly, the squanderers are brothers of the evil ones.﴾ (Al-Isra': 26) He also says, ﴿Let not thy hand be tied to thy neck (in miserliness), nor extend it to its utmost reach,﴾ (Al-Isra': 29) and He says, ﴿And those who, when they spend, are neither extravagant nor miserly﴾ (Al-Furqan: 67). The Prophet (pbuh) said, 'If one of you has something to spend, he should start with himself, then with those whom he supports, and so on.'<sup>(2)</sup> He also said, 'The best charity is that which leaves you self-sufficient.'<sup>(3)</sup>

Jabir ibn `Abdullah reported, 'Once when we were with the Messenger of Allah (pbuh), a man came with a lump of gold as large as an egg and said, 'O Messenger of Allah, take it as charity; by Allah, this is all I possess.' The Prophet (pbuh) turned away from him. The man came around in front of the Prophet (pbuh), whereupon the Prophet (pbuh) said angrily, 'Give it to me,' and taking the piece of gold from him he threw it toward him in such a way that, had it hit him, it would have been painful to him. He then said, 'One of you brings me his wealth that he possesses nothing in addition to, and then he sits down and begs from people. Charity is that which leaves you independent. Take this back; we have no need of it.'<sup>(4)</sup>

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1. Narrated by Al-Bukhari.

2. Narrated by Muslim.

3. Narrated by At-Tabarani on good authority.

4. Narrated by Abu Dawud and Al-Hakim.

It was narrated that the Prophet (pbuh) used to store food for his family sufficient for one year.<sup>(1)</sup> A wise man said, 'The optimum course is between the two extremes. Spending much is squandering, while spending little is greed, and moderation is best.' This is the meaning of the words of Allah, ﴿Say: (Spend) What is beyond your needs﴾ (Al-Baqarah: 219). And moderation is the foundation of the *Shari`ah* brought by Muhammad (pbuh). The foundation of the Jewish law is extreme harshness and that of Christian law extreme laxity, while the *Shari`ah* of Muhammad (pbuh) is in the middle of all such matters. That is why it is the most perfect of all systems of law."<sup>(2)</sup>

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1. Narrated by Al-Bukhari.

2. *Tafsir* of Fakhr ad-Din ar-Razi, vol. 6, p. 51, with some condensation.

## 5. The Relationship of the Muslim with Non-Muslims

When we contemplate summarizing the Islamic teachings concerning dealings with non-Muslims in relation to the *halal* and the *haram*, we find that the following two verses of the Qur'an are sufficient, for they provide comprehensive guidelines in this matter. Allah (Glory be to Him) says,

*﴿Allah does not forbid you, with regard to those who do not fight you on account of your religion nor drive you out of your homes, to treat them with goodness and to be just to them; truly, Allah loves those who are just. Indeed, Allah forbids you (only) with regard to those who fight you on account of religion and drive you out of your homes, and assist (others) in driving you out, that you turn to them (in friendship); and whoever turns to them (in friendship), they are wrongdoers.﴾*

(Al-Mumtahanah: 8-9)

The first of these two verses not only calls for justice and fairness in dealing with non-Muslims who neither fight Muslims on religious grounds nor drive them out of their homes - that is, those who are neither at war with nor hostile to Muslims - but also urges Muslims to be kind to them. The word *birr* or "goodness" which is used in this verse is a very comprehensive term signifying that kindness and generosity which is over and above justice; it is the same word which is used to describe the Muslim's duty to his parents.

We have said that this verse calls for justice; as Allah says, *﴿Allah loves those who are just,﴾* (Al-Mumtahanah: 8) and the believer always tries his best to do what Allah loves. Now, there is no contradiction between Allah's saying, *﴿Allah does not forbid you,﴾* (Al-Mumtahanah: 8) which is rather mild, and our interpretation to "calling for" and "urging" justice above. By the use of this expression, Allah (Glorified be He) wanted to remove from peoples' minds the erroneous ideas that all non-Muslims are alike and that

they do not deserve good treatment and kindness from Muslims. Thus Allah made clear the fact that He did not prohibit kindness to non-Muslims in general but only to those who are at war with and hostile to Muslims. This is similar to what Allah said concerning As-Safa and Al-Marwah<sup>(1)</sup> when some people refrained from going between them due to some customs of *Jahiliyyah*:

﴿... For one who makes Hajj or 'Umrah to the (Sacred) House, there is no fault in going between them...﴾

(Al-Baqarah: 158)

Since going between the two hills - the rite of *sa`y* - is actually obligatory as it is a part of *Hajj* and *'Umrah*, the denial of fault occurs in order to remove the misconception of *Jahiliyyah*.

### **Special Consideration for the People of the Book**

While Islam does not prohibit Muslims to be kind and generous to peoples of other religions, even if they are idolaters and polytheists, as for example, the polytheists of Arabia, concerning whom the above verses were revealed, it looks upon the People of the Book, that is, Jews and Christians, with special regard, whether they reside in a Muslim society or outside it.

The Qur'an never addresses them without saying, "*O people of the Book*" or "*O You who have been given the Book*," indicating that they were originally people of a revealed religion. For this reason there exists a relationship of mercy and spiritual kinship between them and the Muslims, all having in common the principles of the one true religion sent by Allah through his prophets (peace be on them all):

﴿He has ordained for (the Muslims) the same religion which He enjoined on Nuh, and that which We have revealed to you (Muhammad) and that which We enjoined on Ibrahim, Musa, and 'Isa: that you should establish the faith and make no division in it...﴾

(Ash-Shura: 13)

Muslims are required to believe in all the Books revealed by Allah and in all the prophets sent by Him; otherwise they are not believers.

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1. The two small hills in Makkah, adjacent to the Sacred Mosque containing the Ka`bah, between which Muslims walk seven times as a part of the rites of *Hajj* and *'Umrah*. (Translator)

﴿ Say: We (Muslims) believe in Allah and in what He has revealed to us, and in what He revealed to Ibrahim and Isma`il and Ishaq and Ya`qub and the tribes (of Israel), and in what was given to Musa and `Isa, and in what was given to (all) the prophets by their Lord. We make no distinction between any of them, and to Him do we submit. ﴾

(Al-Baqarah: 136)

Consequently, if the People of the Book read the Qur'an, they will find in it praise for their Books, messengers, and prophets.

If Muslims hold discussions with the People of the Book, they should avoid such approaches as cause bitterness or arouse hostility:

﴿ And do not dispute with the People of the Book except by (the way) which is best, unless it be with such of them as transgress, and say, 'We believe in what has been sent down to us and sent down to you, and our God and your God is one, and to Him do we submit. ﴾

(Al-'Ankabut: 46)

We have already seen how Islam permits eating with the People of the Book, sharing the meat they slaughter, and marrying their women, marriage being a relationship of mutual love and mercy. Allah (Glorified be He) says,

﴿ ... The food of those who were given the Scripture (before you) is permitted to you and your food is permitted to them. And (lawful to you in marriage are) chaste women from among the Believers and chaste women from among those who were given the Scripture before you... ﴾

(Al-Ma'idah: 5)

This relates to the People of the Book in general. However, Christians in particular have been given special status by the Qur'an and are considered closer to the believers. The Qur'an states,

﴿ ... and indeed you will definitely find the nearest of them in affection to the ones who have believed are the ones who say, 'we are Nasara'. That is because among them are priests and monks, and they do not wax proud. ﴾

(Al-Ma'idah: 82)

## **Non-Muslim Residents of an Islamic State**

The above injunctions include all People of the Book wherever they may be. However, those people who live under the protection of an Islamic government enjoy special privileges. They are referred to as "the Protected People" (*Ahl adh-Dhimmah* or *Dhimmis*), meaning that Allah, His Messenger (pbuh), and the community of Muslims have made a covenant with them that they may live in safety and security under the Islamic government.

In modern terminology, *dhimmis* are "citizens" of the Islamic state. From the earliest period of Islam to the present day, Muslims are in unanimous agreement that they enjoy the same rights and carry the same responsibilities as Muslims themselves, while being free to practice their own faiths.

The Prophet (pbuh) emphasized the duties of Muslims toward *dhimmis*, threatening anyone who violates them with the wrath and punishment of Allah. He said,

*"He who hurts a dhimmi hurts me, and he who hurts me annoys Allah."*<sup>(1)</sup>

*"Whoever hurts a dhimmi, I am his adversary, and I shall be an adversary to him on the Day of Resurrection."*<sup>(2)</sup>

*"On the Day of Resurrection I shall prove to be wrong anyone who oppresses a person from among the People of the Covenant, or infringes on his right, or puts a responsibility on him which is beyond his strength, or takes something from him against his will."*<sup>(3)</sup>

The Caliphs who succeeded the Prophet (pbuh) safeguarded these rights and sanctities of non-Muslim citizens, and the jurists of Islam, in spite of the variation in their opinions regarding many other matters, are unanimous in emphasizing these rights and sanctities.

The Maliki jurist, Shihab ad-Din al-Qarafi said,

*"The covenant of protection imposes upon us certain obligations toward *ahl adh-dhimmah*. They are our neighbors, under our shelter and protection*

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1. Narrated by At-Tabarani in *Al-Awsat* on good authority.

2. Narrated by Al-Khatib on good authority.

3. Narrated by Abu Dawud.

upon the guarantee of Allah, His Messenger (pbuh), and the religion of Islam. Whoever violates these obligations against any one of them by so much as an abusive word, by slandering his reputation, or by doing him some injury or assisting in it, has breached the guarantee of Allah, His Messenger (pbuh), and the religion of Islam."<sup>(1)</sup>

And Ibn Hazm said,

"If the enemy of a *dhimmi* comes with his forces to take him, it is our obligation to fight this enemy with soldiers and weapons and to give our lives for him, thus honoring the guarantee of Allah and His Messenger (pbuh). To hand him over to the enemy would mean to dishonor this guarantee."<sup>(2)</sup>

### **Friendship with Non-Muslims**

A question which troubles some people and which is sometimes discussed openly is the following: How can we show kindness, affection, and good treatment to non-Muslims when Allah (Glorified be He) Himself prohibits Muslims to take non-believers as friends, allies, or supporters in such verses as the following:

*﴿O you who believe, do not take the Jews and Christians as friends; they are the friends (only) of each other. And whoever among you turns to them (for friendship) is certainly one of them; indeed, Allah does not guide the people who do wrong. Yet thou seest those in whose hearts is a disease racing toward them...﴾*

(Al-Ma'idah: 51-52)

The answer to this is that these verses are not unconditional, to be applied to every Jew, Christian, or non-Muslim. Interpreting them in this manner contradicts the injunctions of the Qur'an which enjoin affection and kindness to the good and peace-loving peoples of every religion and permit marriage to the women of the People of the Book, with all that Allah says concerning marriage *﴿... and He has put love and mercy between you﴾* (Ar-Rum: 21). Besides, Allah says concerning the Christians,

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1. Al-Qarañi, *Al-Furuq*.

2. Ibn Hazm, *Maratib al-Ijma'*.

﴿... And thou wilt find those who say, 'Surely we are Christians' to be nearest to them (the Muslims) in affection... ﴾

(Al-Ma'idah: 82)<sup>(1)</sup>

The verses cited above were revealed in connection with those people who were hostile to Islam and made war upon the Muslims. Accordingly, it is not permissible for the Muslim to support or assist them - that is, to be their ally - nor to entrust them with secrets at the expense of his own religion and community. This point is explained in other verses, in which Allah (Glorified be He) says,

﴿O ye who believe! Take not into your intimacy those outside your ranks: they will not fail to corrupt you. They only desire your ruin: rank hatred has already appeared from their mouths: what their hearts conceal is far worse. We have made plain to you the signs, if ye have wisdom. Ah! ye are those who love them, but they love you not... ﴾

(Al `Imran: 118-119)

These two verses throw light on the character of such people, who conceal great enmity and hatred against the Muslims in their hearts and whose tongues express some of the effects of such hostility.

Allah (Glorified be He) also says,

﴿Thou wilt not find a people who believe in Allah and the Last Day loving those who oppose Allah and His Messenger, even though they may be their fathers or their sons or their brothers or their kin... ﴾

(Al-Mujadalah: 22)

Opposition to Allah is not merely disbelief but includes hostility toward Islam and Muslims.

Allah also says,

﴿O you who believe, do not take My enemy and your enemy as friends, offering them affection, even though they have disbelieved in what has come to you of the truth, driving out the Messenger and yourselves because you believe in Allah, your Lord... ﴾

(Al-Mumtahanah: 1)

1. The terms "Masihi" (Christian) and "Masihiyyah" (Christianity) do not appear in the Christian scriptures nor can they be attributed to Prophet 'Isa (peace be upon him). The followers of Prophet 'Isa were known as *Nasara* (helpers) and this is the word used in the Arabic text of the Qur'an. The name "Masihi" (Christian) was originally used by those who held the followers in contempt.

This verse was revealed in connection with the pagans of Makkah, who declared war on Allah and His Messenger (pbuh), driving the Muslims out of their homes simply because they said, "Our Lord is Allah". With this type of people, friendship and alliance cannot be permitted. Yet in spite of this, the Qur'an did not dismiss the hope that one day there might be a reconciliation; it did not declare utter disappointment in them but encouraged the Muslims to entertain the hope of better circumstances and improved relationship, for in the same *surah* Allah says,

﴿It may be that Allah will bring about affection between you and those who are your enemies from among them. And Allah is All-Powerful, and Allah is Ever-Forgiving, Ever-Merciful.﴾

(Al-Mumtahanah: 7)

This Qur'anic statement gives the assurance that this bitter hostility and deep hatred will pass away, as it is also stated in the *hadith*,

*"Hate your enemy mildly; he may become your friend some day."*<sup>(1)</sup>

The Prohibition against befriending the enemies of Islam is even more emphatic when they are stronger than the Muslims, crushing hopes and generating fear in the minds of people. In such a situation, only hypocrites and those in whose hearts there is a disease hasten to befriend them, giving them help today in order to benefit from them tomorrow. Allah (Glorified be He) describes this situation as follows:

﴿Yet thou seest those in whose hearts is a disease racing toward them (the enemies of Islam), saying, 'We are afraid that a change of fortune may befall us.' But it may be that Allah will give (thee) the victory or some decision from Himself, and then they will become regretful for what they thought secretly within themselves.﴾

(Al-Ma'idah: 52)

And again,

﴿Give to the hypocrites the tidings that they will have a grievous punishment. Do those who take the unbelievers as friends instead of

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1. Narrated by At-Tirmidhi and Al-Bukhari. Al-Bayhaqi narrated it in *Shu'ab al-Iman* on the authority of Abu Hurayrah. As-Suyuti called it *hasan* transmitting the first part as "*Love your friend mildly; he may be your enemy some day*".

*believers seek honor among them? For indeed all honor belongs to Allah alone. ﴿*

(An-Nisa': 138-139)

## **Seeking Help from Non-Muslims**

There is no harm done if Muslims, at either the private or governmental level, seek help from non-Muslims in technical matters which have no connection with the religion - for example, in medicine, industry, or agriculture. At the same time it is of course extremely desirable that Muslims become self-sufficient in all such fields.

We see from the life of the Prophet (pbuh) that he employed `Abdullah ibn Urayqit, a polytheist, to be his guide on his emigration from Makkah to Madinah. Scholars have concluded from this that a person's unbelief does not mean that he is basically untrustworthy, for what could be more risky than depending on a guide to show the route, particularly in emigrating from Makkah to Madinah?

Going considerably beyond this, scholars say that it is permissible for the leader of the Muslims to seek help from non-Muslims, especially the People of the Book, in military matters, and to give them an equal share of spoils with the Muslims. Az-Zuhri reported that the Messenger of Allah (pbuh) sought help from some of the Jews in a war and gave them a share of the spoils, and that Safwan ibn Umayyah fought on the side of the Prophet (pbuh) while still an idolater.<sup>(1)</sup> The condition for seeking help from a non-Muslim is that he be trusted by the Muslims; otherwise, help may not be sought from him. Since it is prohibited to seek help from unreliable Muslims, such as those who spread rumors and anxieties, this is the more true in the case of non-believers.<sup>(2)</sup>

The Muslim is permitted to give gifts to non-Muslims and to accept gifts from them. It is sufficient here to mention that the Prophet (pbuh) accepted gifts from non-Muslim kings.<sup>(3)</sup> Scholars of *Hadith* state that there are many *hadiths* which report that the Prophet (pbuh) accepted gifts from

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1. Narrated by Sa`id in his *Sunan*.

2. *Al-Mughni*, vol. 8, p. 41.

3. Narrated by Muslim and At-Tirmidhi.

non-Muslims, and Umm Salamah, a wife of the Prophet, reported that the Prophet (pbuh) said to her, *"I have sent An-Najashi<sup>(1)</sup> a robe and some silk."*<sup>(2)</sup>

Indeed, Islam respects a human being in general because he is human; how much the more then, if he is from the People of the Book or if he is a *dhimmi*? Once a funeral procession passed by the Prophet (pbuh) and he stood up. Thereupon someone remarked, "O Messenger of Allah, it is the funeral of a Jew." The Prophet (pbuh) replied, *"Was he not a soul?"*<sup>(3)</sup>

Thus, truly, in Islam every human being has a dignity and a place.

### **The Extension of Islam's Universal Mercy Even to Animals**

The universal mercy of Islam embraces not only human beings, whether Muslims, People of the Book, or unbelievers, but all other living creatures of Allah as well. Accordingly, Islam prohibits cruelty against animals. Thirteen hundred years before any societies for the prevention of cruelty against animals were established, Islam made kindness towards animals a part of its faith and cruelty against them a sufficient reason for a person to be thrown into the Fire.

The Prophet (pbuh) related to his Companions the story of a man who found a dog panting with thirst. The man went down into a well, filled his shoes with water which he gave to the dog, and continued to do so until the dog's thirst was quenched. The Prophet (pbuh) said, *"Then Allah praised his (deed) by forgiving him (his sins)."* The Companions asked, "Is there a reward for us in relation to animals, O Messenger of Allah?" He replied *"There is a reward in (relation to) every living creature."*<sup>(4)</sup>

Side by side with this radiant picture of Allah's forgiveness and pleasure, the Prophet (pbuh) drew another picture depicting Allah's anger and punishment. He said,

*"A woman was sent to the Fire because of a cat. She imprisoned it and neither fed it nor set it free to feed upon the rodents of the earth."*<sup>(5)</sup>

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1. The then ruler of Abyssinia who was Christian but secretly embraced Islam. (Translator)
2. Narrated by Ahmad and At-Tabarani.
3. Narrated by Al-Bukhari.
4. Narrated by Al-Bukhari.
5. Narrated by Al-Bukhari.

Respect for Allah's living creature reached such an extent that when the Prophet (pbuh) saw a donkey with a branded face, he denounced such a practice saying,

*"By Allah! I would not brand (an animal) except on the part of its body farthest from its face."<sup>(1)</sup>*

In another report, someone passed by the Prophet (pbuh) with a donkey with a branded face, so he said,

*"Have you not heard that I have cursed anyone who brands an animal on its face or who hits it on its face?"<sup>(2)</sup>*

We have already mentioned that when Ibn `Umar saw some people practicing archery using a hen as a target, he said, "The Prophet (pbuh) cursed anyone who makes a living thing into a target."

And Ibn `Abbas said the Prophet (pbuh) forbade that animals be made to fight each other, since people would goad animals into fighting each other until one of them was pecked or gored to death, or close to it. Ibn `Abbas also reported that the Prophet (pbuh) strongly condemned the castration of animals.<sup>(3)</sup>

The Qur'an condemned the Arabs of *Jahiliyyah* for their slitting the ears of cattle, calling this a practice inspired by Satan. (An-Nisa': 119)

In relation to the method of slaughtering an animal, we have already pointed out that Islam insists that the manner of slaughter should be that which is least painful to the animal and its requiring that the knife be sharpened but not in front of the animal. Islam also prohibits the slaughtering of one animal in front of another. Never, prior to Islam, had the world witnessed such concern for animals, a concern which is beyond its imagination.

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1. Narrated by Muslim.

2. Narrated by Abu Dawud.

3. Narrated by Al-Bazzar on sound authority.

## Concluding Remarks

The purpose of writing this book did not extend beyond discussing what is *halal* and what is *haram* in actions and outward behavior. As for the *halal* and the *haram* in the actions of the mind and the movements of the soul, it was not our intention to deal with them in this volume, even though such diseases of the soul as envy and covetousness, pride and arrogance, hypocrisy and ostentation, greed and lust, are among the major sins. Islam declares unrelenting war on them, and the Prophet (pbuh) warned of their evil consequences, characterizing some of them as "the disease of earlier nations" and calling them "the razor" which shaves not hair but religiosity.

Anyone who studies the Qur'an and the *Sunnah* of the Prophet (pbuh) knows that soundness of the heart and integrity of the soul are considered the basis of success, both for the individual and for the society, in this world and in the Hereafter:

﴿Indeed, Allah does not change the condition of a people until they change what is in themselves...﴾

(Ar-Ra`d: 11)

﴿The Day on which (neither) wealth nor sons will be of no avail except to the one who brings to Allah a sound heart.﴾

(Ash-Shu`ara': 88-89)

Hence, the Prophet (pbuh) said,

*"The halal is clear and the haram is clear. Between the two there are doubtful matters. Whoever avoids them in order to safeguard his religion and honor is safe, while whoever engages in a part of them may be doing something haram, like one who grazes his animals near the hima<sup>(1)</sup>; it is thus quite likely that some of his animals will stray into it.*

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1. *Hima* refers to the grounds reserved for animals belonging to a king and which are out of bounds for others' animals.

*Truly, every king has a hima, and the hima of Allah is what He has prohibited..."*<sup>(1)</sup>

He then explained the value of the heart, the source of the emotions, inclinations, and intentions which are the basis of all human behavior, saying,

*"In the body there is a piece of flesh such that if it is sound the whole body is sound, while if it is corrupted the whole body is corrupted, and that is the heart."*

For, the heart is the chief organ of the body and rules it. If the ruler is good, the subjects are good, but if the ruler becomes corrupt, the subjects become corrupt.

In the scale of Allah it is the heart and the intentions which have weight, not the face and the tongue:

*"Allah does not look at your (physical) features, but He looks at your hearts."*

*"Deeds are judged by intentions, and everyone will be judged according to what he intends."*

Such is the place of the actions of the heart and the affairs of the soul in Islam. However, because they relate to the character of the individual rather than to what is lawful and what is prohibited, we have not dealt with them in this volume. These inner aspects of Islam have been discussed by other scholars and by Muslim Sufis in great depth and detail. They have referred to the moral and spiritual sins as "diseases of the heart," have diagnosed their causes, and have prescribed remedies for them in the light of the Book of Allah and the noble *Sunnah* of the Prophet (pbuh). Imam Al-Ghazali devoted one-fourth of his encyclopedic work about Islam, *Ihya' 'Ulum ad-Din*, to this topic, terming them "fatal diseases," since they lead a person to degradation in this world and to the Fire in the Hereafter.

Another point to be noted is that we have dealt here only with sins of "commission" and not those of "omission," although sins are of two kinds: doing something which is forbidden and not doing something which is obligatory. The second type of sin was not the subject matter of this book, although we have touched upon it here and there in the course of discussion.

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1. Narrated by Al-Bukhari, Muslim, and others; the narration is taken from At-Tirmidhi.

Had we aimed at describing the sins of omission, we would have been discussing an entirely different subject; we would then have been describing all the obligations which Allah has laid upon the Muslim, for unquestionably not doing them or neglecting them is *haram*. For example, seeking knowledge is an obligation on every Muslim, man and woman. If the Muslim keeps himself in the darkness of ignorance, he will commit sins through lack of knowledge and consequently will not carry out his religious obligations such as Prayer, *Zakah*, Fasting, and *Hajj*, which are pillars of Islam. It is not permissible for the Muslim to abandon them without a legitimate excuse since not to carry them out is a major sin, while to downgrade their value and deny them is to abandon Islam.

To give another example, it is an obligation on the Muslim *Ummah* to muster military power to the utmost extent of its capacity in order to defend itself and to keep the enemy of Allah and Islam at bay. This is a general obligation on the entire community of Islam and, in particular, on those who are at the helm of affairs; accordingly, the neglect of such an important obligation is a major sin and great shame. We could go on multiplying example, since the case of all the other obligations, whether individual or collective, is similar.

We do not claim to have covered the whole range of what is *halal* and what is *haram*. In these pages we have only highlighted the most important matters which are permissible or prohibited in the personal, family and social life of the Muslim, especially those matters which people neglect or consider insignificant due to their ignorance of the reasons behind a prohibition or permission. We have attempted to show the deep wisdom of the Islamic *Shari`ah* in its legislations concerning the *halal* and the *haram*, so that anyone, who possesses two eyes can observe that Allah (Glorified be He) is not arbitrary in His commandments, neither permitting things in order to be indulgent to people nor prohibiting them in order to make their lives miserable. Rather, He has legislated for them what is in their own best interest, safeguarding their lives, intellect, property, morals and honor, and guiding them toward success in this world and in the Hereafter.

All man-made laws are inherently defective and incomplete, since the lawmakers, whether they be individuals, governments, or legislatures, limit themselves to dealing with material considerations, neglecting the demands

of religion and morality. They are forever confined within the narrow bounds of nationalism and the interests of a sector of mankind, paying little attention to the world at large and to the wider concerns of humanity; they legislate for the present, not knowing what lies in their future, nor what the effects of their laws will be. Over and above all this, legislators are human beings who are subject to their own weaknesses, desires, and prejudices (﴿Indeed, he (man) is unjust, ignorant.﴾ (Al-Ahzab: 72)) It is therefore not strange that man-made laws are short-sighted, shallow, and biased toward the material interests of the society, and that they provide only temporary remedies. It should not be surprising if human legislation concerning what is legal or illegal is to a great extent influenced by public opinion, by lobbyists, and by what is popular or unpopular; accordingly, things are often made legal even if it is known that they are extremely dangerous and evil in their consequences.

One example of this may be sufficient. The government of the United States legalized drinking intoxicants, repealing the earlier legislation which had banned it. The repeal of prohibition was enacted despite full knowledge of the evil and harm which the consumption of intoxicants causes to individuals, families, and society. In contrast to this, the *Shari`ah* of Islam is free of all such defects. How could it be otherwise when it was legislated by the All-Knowing Creator Who is aware of His creatures, what is suitable for them, and what they are capable of?

﴿... Allah knows the one who makes corruption from him who sets things right...﴾

(Al-Baqarah: 220)

﴿Should He not know Who created (all things)? And He is the Subtle, the Aware.﴾

(Al-Mulk: 14)

This is the legislation of the All-Wise God. He did not prohibit anything unnecessarily nor did He permit anything randomly. His creation is measured and His laws are harmonious.

It is the legislation of the All-Merciful Lord. He desires ease for human beings and does not desire hardship for them. How could it be otherwise, when He is more Compassionate to His servants than the mothers who bore them?

It is the legislation of the All-Powerful King. He is Independent of His servants and is not partial to one race or one generation, permitting to some what He prohibits to others. How could this be, when He is the Lord of all beings?

This is what the Muslim believes concerning what Allah has made *halal* or *haram* and what He has legislated in relation to other aspects. He therefore accepts it with a convinced mind, a contented heart, and with a strong determination to implement it. Indeed, he believes that his happiness in this world and his success in the Hereafter depend entirely upon his observing the limits set by Allah, following His injunctions, and observing His prohibitions. In order to secure his happiness and success in both worlds, therefore, he must restrain himself from transgressing these limits.

In order to illustrate how observant the first generation of Muslims was with regard to the limits set by Allah and how hard they strove to implement His commands, we cite two examples from their lives.

### **The First Example**

In our discussion concerning the prohibition of *khamr*, we mentioned how deeply the Arabs loved drinking intoxicants and how greatly they enjoyed drinking parties. Then Allah (Glorified be He) gradually turned them away from drinking until He revealed the decisive verse prohibiting *khamr* totally and forever, calling it "*an abomination of Satan's doing*" (Al-Ma'idah: 90). Thereupon the Prophet (pbuh) forbade Muslims to drink *khamr*, to sell it, or to give it as a gift to non-Muslims.

When the Muslims heard about the prohibition of *khamr*, they at once brought out their stocks of intoxicants and poured them into the streets of Madinah as a declaration that they had abandoned drinking. Even more remarkable in expressing their total submission to what Allah had legislated was the action of those who were engaged in drinking *khamr* when the verse, "... *Will you not then desist?*" (Al-Ma'idah: 91) reached them. Without hesitating for a moment, they threw whatever drinks were left in their glasses upon the ground, exclaiming, "O Lord, we have desisted!"

When we compare this manifest success in combating and eradicating intoxicants from the Islamic society with the disastrous failure of the

government of the United States,<sup>(1)</sup> which decided one day to combat this evil by means of laws and force, we cannot escape the obvious conclusion that human beings do not reform themselves except by means of the *Shari'ah* of Allah, which relies on the faith and the consciences of the people before endeavoring to apply authority and force.

## **The Second Example**

This concerns the response of the first generation of Muslim women to Allah's prohibiting women the display of their adornment and enjoining modesty and the covering of their `awrah. During the period of *Jahiliyyah* women used to go about with their hair, neck, and breasts uncovered, displaying the ornaments they wore such as earrings and necklaces. Allah (Glorified be He) then prohibited Muslim women this wanton display of the period of ignorance, commanding them to be different and distinguishable from the women of *Jahiliyyah* by observing modesty and by drawing their head-coverings over their hair, neck, and bosoms in order to conceal them.

The following are narrations from the Mother of the Believers, `A'ishah (may Allah be pleased with her), concerning the manner in which the women of the *Muhajirun* and the *Ansar* received the divine injunction which required a major change in their life-styles, affecting their appearance, dress, and ornamentation. She said, "May Allah shower His mercy on the early women of the *Muhajirun*. When the verse, *... that they should draw their head-coverings over their bosoms...* (An-Nur: 31) was revealed, they tore up their garments to cover themselves."<sup>(2)</sup>

Once when some women were in the company of `A'ishah, they mentioned the women of the Quraysh and their merits. `A'ishah remarked,

"The Qurayshi women were indeed good, but, by Allah, I have seen no one better than the women of the *Ansar* in applying the Book of Allah and believing in the revelation. When the verse of *Surat an-Nur*, *... that they should draw their head-coverings over their bosoms...* was revealed, their men returned to their homes and recited it to their women. No sooner did the

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1. A more detailed discussion of this comparison is available in our book *Al-'Aqidah Darurah lil-Hayah*, in the section on belief and morals.

2. Narrated by Al-Bukhari.

man recite it to his wife, his daughter, his sister, or any other female relative, then she tied any piece of cloth (available to her, perhaps) from a curtain having pictures on it on her head, so that when they came to offer prayer behind the Prophet (pbuh), it looked as if crows were sitting on their heads."<sup>(1)</sup>

This was the response of the believing women to what Allah had legislated for them. They hastened to implement what He had commanded and to abandon what He had prohibited without hesitating, stopping to think about it, or waiting. They did not even delay a day or two so that they could get a suitable, soft piece of cloth and sew it to fit their heads and cover their bosoms; rather, any cloth which was available, whether rough, brightly-colored, or having pictures on it, was sufficiently soft and befitting. If no other cloth was found, they simply tore up the garments they were wearing and tied the strips to their heads, not caring about their appearance, which, as the Mother of the Believers described it, resembled that of crows sitting on their heads.

The point we wish to stress here is that mere academic knowledge of the *halal* and the *haram*, and of the limits of these is not sufficient. Although the major sins and principal obligations are generally known to every Muslim, nonetheless we find a great many of them indulging in these sins and neglecting those obligations, and rushing toward the fire with their eyes wide open.

If the Muslim is well-versed in the knowledge of his religion and its *Shari`ah*, and at the same time possesses a fully alert conscience which safeguards the limits so that they cannot be overstepped, he is indeed rich in all goodness. The Prophet (pbuh) spoke the truth when he said,

*"When Allah intends good for a person, He makes his own soul a watcher over him."*<sup>(2)</sup>

We end our book with the following supplication which has come to us from the early Muslims:

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1. Ibn Kathir mentioned this in his discussion concerning this verse, on the authority of Ibn Abi Hatim.
2. Al-`Iraqi said, "Ad-Daylami narrated it in *Musnad al-Firdaws* on good authority."

*"O Allah, make us independent of Your haram with Your halal, of disobedience to You with obedience to You, and of any other than You with Your bounty!"*

All praise is due to Allah (Glorified and Exalted be He), Who has guided us to this; had He not given us guidance, we would not have been guided!

# Glossary

**‘Awrah:** A part of one's body, which is illegal to keep naked before others.

**Ansar:** The Companions of the Prophet (pbuh) from the inhabitants of Madinah who embraced and supported Islam and who received and entertained the Muslim emigrants who had emigrated from Makkah and other places.

**Dhimmi:** A non-Muslim living under the protection of an Islamic government.

**‘Id:** It signifies any of the ‘Id al-Fitr (Lesser Bairam or Minor Feast) or the ‘Id al-Adhha (Greater Bairam or Major Feast).

**Fatwa** (pl. *fatawa*): A legal judgment generally issued by a scholar of *Fiqh* (Islamic Jurisprudence).

**Fiqh:** The science dealing with Islamic jurisprudence in all aspects, worship, marital affairs, and transactions, etc.

**Fiqhi** (sometimes *fiqhiyah*): Pertaining to *Fiqh*:

**Ghusl:** Washing the whole body in ceremonial way. This is obligatory for one who is in a state of *Janabah* (the state of a person after having sexual intercourse with his wife or after having a seminal discharge in a wet dream), and also on other occasions.

**Hadd:** A punishment specified by the *Shari`ah*, such as the punishments of adultery, fornication, theft, and wine-drinking.

**Hadith:** Any of the traditions of the Prophet (pbuh), which contain his sayings and practices. It also refers to the science concerned with these traditions; this is always used with capital initial (*Hadith*).

**Hadith Qudsi:** *Hadith* in which the Prophet (pbuh) told something from Allah the Almighty. In the Prophetic *hadith*, the chain of authorities ends with the Prophet (pbuh), while in the *Hadith Qudsi*, the final attribution is to Allah the Almighty.

**Hajj:** Pilgrimage to Makkah.

**Halal:** That which is permitted, with respect to which no restriction exists, and the doing of which the Law-Giver, Allah, has allowed.

**Haram:** That which the Law-Giver has absolutely prohibited.

**Hasan:** When a *hadith* is classified as *hasan* it means that this *hadith* has the requirements of the *hadith* which is classified as *sahih*, except that one of its narrators was weak in memorization and inaccurate.

**Iddah:** A woman's waiting period after divorce or after her husband's death.

**Ihram:** *Ihram* refers to the state of consecration, physical and spiritual, of the Muslim who is performing *Hajj* or *'Umrah*.

**Ijtihad:** Personal Reasoning: a secondary source of Islamic Law.

**Imam:** A term with numerous connotations, all revolving about the idea of "leadership".

**Injil:** The (undistorted) Gospel that was revealed to Prophet 'Isa (Jesus), peace be upon him.

**Istikharah:** A prayer consisting of two *raka`at* in which the praying person appeals to Allah to guide him on the right way, regarding a certain deed or situation with which one is confronted. (See *Hadith* No. 263, Vol. 2, *Hadith* No.391, Vol. 8, *Hadith* No. 487, Vol. 9, *Sahih al-Bukhari*).

**Jahili:** Pertaining to *Jahiliyyah*.

**Jahiliyyah:** This term is used to signify the pre-Islamic period. Literally, it means ignorance. It may also be used to denote a perpetual state of ignorance as compared with the ignorance that prevailed during the pre-Islamic period.

**Jihad:** Fighting in the cause of Allah or any kind of effort to keep Allah's word superior, which is regarded as one of the principles of Islam.

**Jizyah:** Head-tax imposed by Islam on *dhimmis* (non-Muslim living under the protection of an Islamic government).

**Ka`bah:** A square stone building in Al-Masjid-al-Haram (the great mosque at Makkah) towards which all Muslims turn their faces in prayer.

**Khamr:** Anything that intoxicates, such as wine and the like.

**Khalwah:** *Khalwah* denotes a man and woman's being alone together in a place where there is no fear of intrusion by anyone else, so that an opportunity exists for sexual intimacy that may lead to *zina*.

**Mahram:** A *mahram* relationship denotes a relationship either by marriage or by close blood ties of such degree that marriage is permanently prohibited. With reference to a woman, a *mahram* is either her husband or any male relative to whom marriage is permanently prohibited, such as her father, grandfather, son, brother, uncle, or nephew.

**Makruh:** That which is disapproved by the Law-Giver but not very strongly. The *makruh* is less in degree than the *haram* (prohibited), and one who commits it is not punished as he is punished for a *haram* act, except when he does it in excess or in a manner that leads to what is *haram*.

**Mawla:** In Arabic, this word is used for many meanings such as friend, fellow, client, servant, and freed man.

**Muhajirun:** This is the plural of *muhajir*, a term that refers to anyone of the early Muslims who had emigrated from any place to Madinah in the lifetime of the Prophet (pbuh) before the conquest of Makkah and also the one who quits things that Allah has forbidden.

**Mushrik:** Adjective and noun signifying anyone who commits *shirk*.

**Mut`ah Marriage:** A personal contract between a man and a woman to cohabit for a limited period of time at the end of which she becomes automatically divorced, in return for a certain remuneration payable by the man. It may be generally referred to as "temporary marriage".

**Muttafaq `Alayh:** A *hadith* (or a tradition) upon which Al-Bukhari and Muslim are agreed is described as *muttafaq `alayh* (literally meaning "agreed upon").

**Pbuh:** Peace be upon him.

***Quraysh***: One of the greatest tribes in Arabia in the Pre-Islamic Period of Ignorance. Prophet Muhammad belonged to this tribe, which had great powers spiritually and financially both before and after Islam came.

***Rak`ah*** (pl. *raka`at*): The prayer of Muslims consists of *raka`at* (singular-*rak`ah*). A *rak`ah* consists of one standing, one bowing, and two acts of prostration.

***Riba***: In Islam, *riba* (commonly known as usury or interest) is of two major kinds: (a) *Riba an-Nasi`ah*, i.e. interest on lent money; (b) *Riba al-Fadl*, i.e. taking a superior thing of the same kind of goods by giving more of the same kind of goods of inferior quality, e.g., dates of superior quality for dates of inferior quality in greater amount. Islam strictly forbids all kinds of *riba*.

***Sahih***: When a *hadith* is classified as *sahih* it means that this *hadith* was narrated by a purely authentic chain of transmitters from the beginning to the end. Also, the word *sahih* (always with capital initial), when referring to a book, means that the contents of this book are "authentic" collections of *hadiths* and traditions, e.g., *Sahih al-Bukhari*.

***Shari`ah***: Islamic law, which contains all the ordinances that Allah the Almighty has prescribed for Muslims.

***Shirk***: Associating anyone (or anything) with Allah. It may be generally expressed by "polytheism".

***Sunnah***: All the traditions and practices of the Prophet (pbuh) that have become a model to be followed by Muslims.

***Surah***: Any of the chapters of the Qur'an.

***Tawrah***: The (undistorted) Torah that was revealed to Prophet Musa (Moses), peace be upon him.

***Ta`zir***: For crimes concerning which no specified punishment is mentioned in the Qur'an or the *Sunnah*, the Muslim judge (or government) may introduce discretionary punishments, such as fines or imprisonment. This is *ta`zir*.

***Tawhid***: Believing in the Oneness of Allah.

***Ummah***: This word refers to the Muslim nations and communities all over the world, as one entity.

**‘Umrah:** A visit to Makkah at any time of the year during which one performs the circumambulation around the Ka`bah and going for seven times between the mountains of As-Safa and Al-Marwah. It may be called "The Lesser Pilgrimage".

**Zakah:** A certain fixed proportion of the wealth and of the each and every kind of the property liable to *Zakah* of a Muslim to be paid yearly for the benefit of the poor in the Muslim community. The payment of *Zakah* is obligatory, as it is one of the five pillars of Islam.

**Zaniyat** (sing. *zaniyah*): An Arabic term in the plural form signifying both adulteresses and fornicatresses.

**Zina:** The Arabic term "zina" signifies adultery or fornication.

