

## THE ISLAMIC PRINCIPLES PERTAINING TO HALAL AND HARAM

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 peoples 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 entering 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 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 made alluring to many of them the killing of their own children, until, suppressing their natural paternal feelings, they obeyed them. As Allah Subhanahu wa Ta'ala says: **Thus have their partners made alluring to many of the idolaters the killing of their children, in order to destroy them and to confuse for them their religion.** (6:137)

These "partners" from among the guardians of the idols had devised many impressive arguments to persuade fathers to kill their children; among them were the fear of actual or anticipated poverty, the impending shame in case of a daughter, and the closeness 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 children by cutting their throats or burying them alive had prohibited to themselves the eating of certain agricultural produce and the flesh of cattle. Stranger still is that they considered such prohibitions as part of their religion, attributing them to Allah's command. *(It should be noted that while worshipping and ascribing powers to numerous male and female deities the pagan Arabs of the pre-Islamic era possessed the concept of a supreme Deity, Allah, ascribing to Him many false attributes and laws. (Trans.))* 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' a forgery against Him. He will assuredly recompense them for what they have forged.** (6:138)

Moreover, the Qur'an exposed the error of those who made *halal* what should have been prohibited and made *haram* what should have been 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.** (6:140)

When Islam came, the errors, confusions, and deviations with respect to the question of *halal* and *haram* were very widespread. One of Islam's initial accomplishments was,

therefore, to establish certain legal principles and measures for rectifying this important matter; 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 established on the basis of principles of justice. The *ummah* (nation) of Islam thus became an *ummah* occupying a position between the extremist deviations to the right and left, which Allah Ta'ala describes as a "middle *ummah*, the best *ummah* that has ever been brought forth for mankind." (3:110)

## 1. The Basic Asl Refers to the Permissibility of Things

The first *asl* (*Asl*, plural *usual*, denotes origin, source, foundation, basis, fundamental or principle. (Trans.)), 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 *nas* (*Nas* denotes either a verse of the Qur'an or a clear, authentic, and explicit *sunnah* (practice or saying) of Prophet Muhammad. These are the two main sources of Islamic law, i.e., its *Shari'ah*. (Trans.)) from the Law-Giver, Allah Subhanahu wa Ta'ala. If the *nas* 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.

The scholars of Islam have derived this principle of the natural usability 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....** (2:29) **He has subjected to you, from Himself, all that is in the heavens and all that is on the earth....** (45:13) **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?** (31:20)

It cannot be that Allah, may He be glorified, would create all these things, give man control over them, count them as His favors upon him, and subsequently inform him that their use is prohibited; how could this be when He created all this for man's use and benefit? Indeed, He has prohibited only a few things for specific reasons, the wisdom of which will be discussed later.

In Islam the sphere of prohibited things is very small, while that of permissible things is extremely vast. There is only a small number of sound and explicit texts concerning prohibitions, while whatever is not mentioned in a *nas* as being lawful or prohibited falls under the general principle of the permissibility of things and within the domain of Allah's favor. In this regard the Prophet (peace be on him) said: **What Allah has made lawful in His Book is *halal* and what He has forbidden 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."** (19:64) (*This hadith was reported by al-Hakim, classified as sahih (sound), and quoted by al-Bazzar.*)

Salman al-Farsi reported that when the Messenger of Allah (peace be on him) was asked about animal fat, cheese, and fur, he replied, **"The *halal* is that which Allah has made lawful in His Book and the *haram* is that which He has forbidden, and that concerning which He is silent He has permitted as a favor to you."** (Reported by al-Tirmidhi and Ibn Majah.)

Thus, rather than giving specific answers to what the questioner had asked, the Prophet (peace be on him) 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 pure and permissible. The Prophet (peace be on him) 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.** (Reported by al-Darqutni and classified as *hasan* (good) by al-Nawawi.)

I would like to emphasize here that the principle of natural permissibility is not only 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 Subhanahu wa Ta'ala, Who says: **...He (Allah) has explained to you what He has made *haram* for you....** (6:119) 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 (worship) which is not a part of it must be rejected."** (This *hadith* is classified as *muttafaq'alayh* ("agreed upon" by the two great scholars al-Bukhari and Muslim).)

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, to moderate, or to refine them, and occasionally to identify some practices which are harmful or which may lead to strife.

The great Islamic scholar Ibn Taymiyyah states, 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 Subhanahu wa Ta'ala has restricted. 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 (bin Hanbal) and other jurists, who base their judgements on *ahadith*, (Plural of *hadith*. (Trans.)) say: In relation to acts of worship, the principle is limitation (*tawqeef*); 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 *ayah*: **'Do they have partners (with Allah) who have prescribed for them in religion that concerning which Allah has given no permission?'** (42:21) 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 *halal* and some part *haram*.'** (10:59)

This is a great and beneficent principle, on the basis of which we can say that buying, selling, leasing, giving gifts, and other such matters are necessary activities for people, as are 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. (*Al-Qawa'id al-Nuraniyah al-Fiqhiyah* by Ibn Taymiyyah, pp. 112-113. In accordance with this principle, Ibn Taymiyyah, his pupil, 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 not involving any matter which is textually established as *haram* is valid.)

This principle is also supported by what is reported in a sound *hadith* by the Prophet's Companion, Jabir bin '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 legislated except by the command of Allah, and no practice can be prohibited except by His prohibition—is firmly established.

## 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 Subhanahu wa Ta'ala alone. Others who acquiesce with 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 partners (with Allah) who have prescribed for them in religion that concerning which Allah has given no permission?** (42:21)

**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!** (9:31)

The Qur'an took to task 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.

'Adi bin Hatim, who had been a Christian before accepting Islam, once came to the Prophet (peace be on him). When he heard him reciting the above *ayah* he said, "O Messenger of Allah, but they do not worship them." The Prophet (peace be on him) replied, **Yes, but they prohibit to the people what is *halal* and permit them what is *haram*, and the people obey them. This is indeed their worship of them.** (Reported and classified as *hasan* by al-Tirmidhi and

others.)

Christians still claim that Jesus (peace be on 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 this: whatever you forbid on earth shall be forbidden in heaven, and whatever you allow on earth shall be allowed in heaven.

The Qur'an also took the pto task for legislating 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 *halal* and some part *haram*?** (10:59)

**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.** (16:116)

From these explicit verses of the Qur'an and from clear *ahadith* of the Prophet (peace be on him), the jurists of Islam grasped with certainty that it is Allah Subhanahu wa Ta'ala alone Who has the right to make lawful or to prohibit a matter, either through His Book or through the tongue of His Messenger (peace be on him). The jurists' task does not go beyond explaining what Allah has decreed to be *halal* or *haram* **"when He has explained to you in detail what He has made *haram* for you."** (6:119) 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* (deduction from analogy), shied away 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:

I know 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 al-Saib that al-Rabi' bin Khaytham, one of the greatest of the second generation Muslims, said, 'Beware that none of you says, "Allah has made this lawful or approves of it," and that Allah may then say that He did not make it lawful nor approve it, or that you say, "Allah has prohibited this," and that Allah may then say, "You lie! I did not prohibit it nor disapprove of it." Some companions of Ibrahim alNakh'i, a great jurist of Kufah among the second generation 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. (AI-Umm, vol. 7, p. 317.)

This is what Abu Yusuf has reported concerning our righteous forebearers and what al-Shafi'i has quoted from him, in agreement with his position. Similarly, Ibn Muflih reported the great scholar Ibn Taymiyyah, as saying that the jurists of the early days of Islam did not term anything *haram* unless it was definitely known to be so. (This is further supported by the fact that the companions did not give up the drinking of alcohol after the revelation of the Qur'anic verse, "They ask thee concerning wine and gambling. Say: In them is great sin and some benefit," (2:219) since this verse did not definitely prohibit drinking prior to the revelation of the verses in *Surah al-Maida*. (5:93-94 (90-91)) 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). (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 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 set 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 must be checked. The Prophet (peace be on him) fought against this pseudo-pietism and zealotry by every means, warning those who indulged in it with the words, **"The zealots will perish," repeated three times.** (Reported by Muslim, Ahmad, and Abu Daoud.)

The Prophet (peace be on him) characterized his Message by saying, **"I have been sent with what is straight and easy".** (Reported by Ahmad)

The straightness of his Message consists of belief in *tawheed* (the unity of Allah) and its ease in practice and legislation, in contrast to *shirk* (Ascribing partners, or associating others, with Allah. (Trans.)) and to the prohibiting of good things of this life. The Prophet (peace be on him) has mentioned all this in a *hadith qudsi* (A *hadith* in which the Prophet (peace be on him) refers a saying to Allah, the Prophet himself being merely the narrator. Unlike the Qur'an, one cannot say of a *hadith quasi* that "Allah said it." In the case of a *hadith quasi*, the meaning is from Allah but the words are the Prophet's, transmitted to him either through a vision or revelation. (Trans.)), reporting the saying of Allah Ta'ala: **They prohibited to people what I had made lawful for I created people upright (*hunafah*). Then the evil ones came to them and led them astray from their religion them and commanded them to associate with Me that for which I had not sent down any authority.** (Reported by Muslim.)

Prohibiting something which is *halal* is similar to committing *shirk*, and this is why the Qur'an censures the idolaters of Arabia for their polytheism, their idols, and for prohibiting to themselves, without any authority from Allah, the eating and the use of certain kinds of produce and cattle. Among these prohibited animals were those which were called *bahirah*, *saibah*, *wasilah*, and *ham* during the pre-Islamic period of *jahiliyyah*. (The state of mind and conditions of life prior to the advent of Islam, characterized by deviation from the guidance of Allah and the adoption of ungodly systems and ways of life. (Trans.)) *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. *Saibah* 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 male, the polytheists would sacrifice him to their gods, while if it were a female they would keep her for themselves. In the 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 *al-ham*.

While there are other interpretations of 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 institute *bahirah* or *saibah* or *wasilah* or *ham*; but those who disbelieve forge a lie against Allah, and most of them do not use their reason. 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?** (5:103-104)

In *Surah 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 sheep and two of goats. Say: Has He forbidden the two males or the two females or that which the wombs of the two 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?** (6:143-144)

In another discussion contained in *Surah al-A'raf*, Allah Subhanahu wa Ta'ala 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.** (7:32-33)

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 Ta'ala, 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.** (5:87-88)

#### 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 legalize 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 Subhanahu wa Ta'ala is not arbitrary in what He commands. Because He is merciful to His servants, He makes things *halal* and *haram* for a reason, with peoples' well-being 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 Ta'ala 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 cattle 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.**

(6:146)

Elsewhere in the Qur'an Allah has described other manifestations of this rebellious attitude: **Because of the wrongdoing 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...** (4:160-161)

When Allah sent His final Messenger (peace be on him) 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. (See, for example, Exodus 32:9. (Trans.)) And the coming of the Prophet (peace be on him) who would relieve them of this burden was foretold to the Jews and Christians, who, as the Qur'an states: **...they find described in their own scriptures, in the Taurat and the Injeel. 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...** (7:157) (*Taurat* refers to the original scripture revealed to the Prophet Moses by God, and *Injeel* to what He revealed to the Prophet Jesus. These are not to be confused either with the existing Torah or Old Testament, or the four Gospels of the New Testament. (Trans.))

In Islam, ways other than prohibiting the good things were prescribed by Allah Ta'ala for the eradication of sins: sincere repentance' which cleanses sins as water cleanses dirt; good deeds, which compensate for evil ones; spending in charity, which extinguishes 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....** (2:219)

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 Ta'ala says: **They ask thee what is lawful to them (as food). Say: Whatever is good is lawful to you....** (5:4)

He also says: **Today whatever is good is made lawful to you....**(5:5)

The 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." (Reported by Abu Daoud, Ibn Majah and al-Hakim, and classified as *sahih* by Baihaqi.)

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 (ankylostoma) and bilharzia (schistosomiasis).

Thus, as the light of knowledge penetrates more deeply and new discoveries are made, the beneficial aspects of the Islamic legislation 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 mischief-monger from the one who puts things aright. And if Allah had willed, He could have put you into difficulties; indeed, Allah is Mighty, Wise...**and Allah knows the mischief-monger from the one who puts things aright. And if Allah had willed, He could have put you into difficulties; indeed, Allah is Mighty, Wise. (2:220)

## 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 as are unnecessary and dispersible, 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 *istikhara* (Islam teaches that if the Muslim faces a problem he should consult with others and seek guidance fAllah. The meaning of *istikhara* is to ask guidance from Allah in making a choice between two conflicting decisions. For this there is a *salat* and a *du'a* (supplication).) 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 on forms of competition which are useful for their (the Muslims) 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 provides alternative wholesome food. (*Rawdah al-Muhibbeen*, p. 10, and *A'alam al-Muwaqq'in*, vol. 2, p.111.)

Thus, when 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 assuredly Allah has no desire to make peoples' lives difficult, narrow, and circumscribed; on the contrary; 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 lighten your burden, for man was created weak.** (4:26-28)

## 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 the *haram* is itself *haram*. A similar principle is that the sin of the *haram* is not limited only to the person who engages in it but extends to others who have supported him in this, materially or morally; each is held accountable according to his share. For example, in the case of intoxicating drinks, the Prophet (peace be on him) 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 of them is paid, etc. This point will be discussed again later. Again, in the matter of usury, the Prophet (peace be on him) 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 in the sin of it.

## 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 (peace be on him) said: **"Do not do what the Jews did in order to (technically) legalize Allah's prohibitions by flimsy excuses."** (This *hadith* is in *Ighathat al-Lahfan* by Ibn al-Qayyim, vol. 1, p. 308. The author says: "This was reported by 'Abdullah bin Battah on good authority, and al-Tirmidhi classifies a similar *hadith* as *sahih*.")

This is a reference to the fact that Allah had prohibited the Jews to hunt on the Sabbath (Saturday). To get around 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 a devious tactic, since obviously a change of name or of form is of no consequence as long as the thing and its essence remain unchanged. 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 *ahadith*, **A group of people will make peoples' intoxication halal by giving it other names.** (Reported by Ahmad.) **A time will come when people will devour usury, calling it "trade."** (Reported by al-Bukhari and Muslim )

And among the strange phenomena of our time is that people term obscene dance "art," liquor "spirits," and usury "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 (peace be on him) said, **"Actions will be judged by intentions, and everyone will be recompensed according to what he intended."** (Reported by al-Bukhari.) 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 Ta'ala. 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 (peace be on him) 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: Messenger of Allah, how can it be that one of us satisfies his desire and will then be rewarded for it? The Prophet (peace be on him) replied: Would he 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.** (Reported by al-Bukhari and Muslim. )

He also said: **Anyone who desires 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.** (The text of the *hadith* was narrated by al-Tabarani. )

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 the aim be honorable but also that the means chosen to attain it 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, 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 have no effect in lessening the sinfulness of what is *haram*. This is what the Prophet (peace be on him) taught us when he said: **Allah is good and does not accept anything but good, and Allah has commanded the Believers, as He commanded His messengers, saying 'O you messengers! Eat of whatever is good and work righteousness. Indeed, I am aware of what you do.'** (The Qur'an 35:31.) He also said, **'O you who believe! Eat of the good things which We provide for you.** (2:172.) **The Prophet (peace be on him) then said, A man travels far, unkempt and dust-stained (for hajj, umrah, or the like), raising his hands to the sky (and saying), 'O Lord! O Lord!' while eating what was haram, drinking what was haram, wearing what was haram, and nourishing himself through haram means. How then could his prayers be accepted?** (Reported by Muslim and al-Tirmidhi on the authority of Abu Hurairah.)

He also said:

**If anyone amasses wealth through *haram* means and then gives charity from it, there is no regard for him and the burden of sin remains.** (Reported by Ibn Khazimah, Ibn Hibban, and al-Hakim on the authority of Abu Hurairah)

Again he said:

**If a person earns property through *haram* means and then gives charity, it will not be accepted (by Allah); if he spends it there will be no blessing on it; and if he leaves it behind (at his death) it will be his provision in the Fire. Indeed, Allah Ta'ala does not obliterate one bad deed by another bad deed, but He cancels out a bad deed by a good deed. An unclean thing does not wipe away another unclean thing.** (Reported by Ahmad and others on the authority of Ibn Mas'ood.)

## 9. Doubtful Things Are To Be Avoided

It is Allah's mercy to human beings that He did not leave them in ignorance concerning 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....** (6:119)

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 clearly *halal* and the clearly *haram*. This is the area of what is 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 (peace be on him): **The *halal* is clear and the *haram* is clear. Between the two there are doubtful matters concerning which people do not know whether they are *halal* or *haram*. One 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 one who grazes his animals near the *hima* (the grounds reserved for animals belonging to the King 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.** (Reported by al-Bukhari' Muslim, and others; the narration is taken from al Tirmidhi.)

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

In the *Shari'ah* of Islam the *haram* has 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* is lawful for all human beings and whatever He has prohibited is prohibited to all human beings until the

Day of Resurrection.

As an example, stealing is equally *haram* for the Muslim and the non-Muslim; the punishment for it is the same, regardless of the family or the origin of the thief. The Prophet (peace be on him) firmly enforced this rule, proclaiming, **"By Allah, if Fatimah, the daughter of Muhammad, were to steal, I would have her hand cut off."** (Reported by al-Bukhari.)

A case of theft was brought before the Prophet (peace be on him) 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 (peace be on him) 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 (peace be on him) to establish justice without any bias: **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 Forgiving, 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 guardian?** (4:105-109)

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, so that Yahweh your God may bless you in all your giving in the land you are to enter and make your own.

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 among the People of the Book is he who, if entrusted with a single gold coin, would not return it to thee unless thou constantly stood over him. This is because they say: We have no duty toward the gentiles, but they utter a falsehood concerning Allah, and they know it.** (3:75)  
(Gentiles" here refers to the Arabs, who before Islam possessed neither religion nor a divinely revealed scripture.)

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, and insofar as cheating is concerned, Allah has condemned it through 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 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 as 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* writes, 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 applied only to the people of his tribe; with others, except when they were his guests, he might go as far as he dared (Will Durant, *The Story of Civilization*, Simon and Schuster, New York, 1935, vol. I, 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 to 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 a 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 Ta'ala says: **...But if one is compelled by necessity, neither craving (it) nor transgressing, there is no sin on him; indeed, Allah is Forgiving, Merciful.** (2:173)

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 verse of the Qur'an, Islamic jurists formulated an important principle, namely, that "necessity removes restrictions." However, it is to be noted that the individual experiencing the necessity is permitted to eat the *haram* food with the stipulation 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 the (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 to return to it so that he may not 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 laws, is to make life easy and less oppressive for human beings, and to lift the burdens and yokes imposed by earlier systems and religions. True is the saying of Allah, the Almighty: **...Allah desires ease for you, and He does not desire hardship for you....** (2:185)  
**...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.** (5:6)  
**Allah desires to lighten your burden, for man was created weak.** (4:28)