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## Introduction

Among the teaching of Islam is that knowledge that pertains to its legal system known as the Shariah. The purpose of the Shariah is to promote harmony for all of Allah's creation whilst removing what is deleterious and harmful. In doing so it illustrates what is Halaal (lawful), Fard (definite obligation), Wajib (obligatory), Sunnah (prophetic example), Mustahab (recommended), Mubah (permissible), Makruh Tanzihi (slightly offensive), Makruh Tahrimi (severely reprehensible) and Haraam (unlawful) according the decree of Allah (swt). Both the Halaal and the Haraam are made unambiguous and precise in Islam. Hence, there is no need for uncertainties and interpretations. In the Quran, Allah (swt) says, "*He has explained to you in detail what is (Haraam) forbidden for you.*" (6:119). In a Hadith narrated by Hakim, the prophet (saw) said, "*What Allah (swt) has made lawful in His book is Halaal and what He has made prohibited is Haraam and that which He is silent about is excusable and allowed. So accept what is lawful for He (Allah) is not forgetful*" Moreover, in another narration compiled by Imam Daraqutni, he said, "*certainly Allah (swt) has ordained certain obligations, so do not neglect them. He has outlined certain restrictions, so do not violate them. He has made certain things Haraam so do not engage in them. He has kept silent concerning other things as a mercy to you – not out of forgetfulness; so do not enter discussions concerning them.*" In addition, it is reported in Sahih Bukhari and Sahih Muslim that he said, "*That which is lawful is clear and that which is unlawful is clear, and between the two of them are doubtful matters about which many people do not know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters [eventually] falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah's sanctuary is His prohibitions.*"

From the above mentioned traditions the following principles are quite evident:

- That which is Halaal (lawful) is made clear and manifest.
- That which is Haram (prohibited) is made clear and manifest.
- Stipulating something as Halaal or Haraam is the right of Allah (swt) alone (which is conveyed by His Messengers).

Based upon the third principle, it should be understood that none has the right to declare something as either Halaal or Haraam that Allah (swt) did not. In the Holy Quran, this has been classified as tantamount to Shirk (associating partners with Allah). Allah says, "What! Have they partners (in divinity), who have established for them some religion without the permission of Allah?" (42:21). Furthermore, it was upon such actions that the Christians and Jews were rebuked in the holy Quran, "*They take their priests and rabbis to be their lords in derogation of Allah, and (they take as their Lord) Isa the son of Mary; yet they were commanded to worship but One Allah: there is no god but He. Praise and glory to Him: (Far is He) from having the partners they associate (with Him).*" (09:31). When the Prophet (saw) elucidated what was meant in the preceding verse, he (saw) replied, "*They did not tangibly worshipped them, nonetheless, when they made something Halaal, they considered it Halaal; and when they declared something as Haraam, they considered it to be Haraam. This is their worship of them.*" Similarly, while rebuking the Pagans for the same act, the Holy Quran states, "*See ye what things Allah has sent down to you for sustenance? Yet ye hold forbidden some things thereof and (some things) lawful. Say: Has Allah indeed permitted you, or do ye fabricate (things) to attribute to Allah?*" (10:59). Another verse states, "*But say not - for any false thing that your tongues may put forth, - 'This is lawful, and this is forbidden,' so as to ascribe false things to Allah. For those who ascribe false things to Allah, will never prosper.*" (16:116). Consequently, Islam has made it evidently that it is not permissible and condemned for anyone on their own authority to declare what is lawful or not.

The aspect of Halaal and Haraam is not one which is simply a matter of allowances and prohibitions. In fact, there is much wisdom as to the reason they are deemed Halaal or Haraam. Generally, things that are beneficial and advantageous are considered Halaal, while those that are deleterious or detrimental are considered Haraam. Allah alludes to this in the following verses: “*They ask thee what is lawful to them (as food). Say: lawful unto you are (all) things good and pure...*” (05:04); “*This day are (all) things good and pure made lawful unto you.*” (05:05); “*Eat of the things which Allah hath provided for you, lawful and good; but fear Allah, in Whom ye believe.*” (05:88); “*the things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah, for which He hath given no authority; and saying things about Allah of which ye have no knowledge.*” (07:33).

Sometimes certain things are prohibited due to the great amount of harm in them, although, there may be benefit. The Holy Quran alludes to this, “*They ask you concerning wine and gambling. Say: ‘In them is great sin, and some profit, for men; but the sin is greater than the profit.’*” (02:219). Moreover, Islam has prohibited those things which are conducive to or will promote Haraam activities. Allah expresses in the following verses: “*Come not close to shameful deeds. Whether open or secret...*” (06:151); “*And come not nigh to the orphan's property, except to improve it...*” (06:152); “*And come not near unto adultery. Lo! It is an abomination and an evil way.*” (17:33).

Prohibited are all strategies which may be devised in legalizing the unlawful. The Holy Quran mentions about the punitive measures meted out to offenders in the following words, “*Ask them concerning the town standing close by the sea. Behold! They transgressed in the matter of the Sabbath. For on the day of their Sabbath their fish did come to them, openly holding up their heads, but on the day they had no Sabbath, they came not: thus did We make a trial of them, for they were given to transgression.*” “*When some of them said: ‘Why do ye preach to a people whom Allah will destroy or visit with a terrible punishment?’ - said the preachers: ‘To discharge our duty to your Lord, and perchance they may fear Him.’*” “*When they disregarded the warnings that had been given them, We rescued those who forbade Evil; but We visited the wrong-doers with a grievous punishment because they were given to transgression.*” (07:163-165)

The Prophet (saw) is reported to have said, “*Do not do what the Jews did in order to legalize Allah's prohibitions by excuses.*” As such changing the name of something Haraam in order to legalize or change its prohibition is prohibited. The Prophet (saw) said, “*A party of people will make khamr (intoxicants) legal by changing its name to another name.*” (Ahmad). Another Hadith states, “*A time will certainly come upon man when people will make Riba (usury) Halaal, calling it trade.*” (Bukhari, Muslim).

Haraam things must, therefore, be avoided in every manner since it will always remain prohibited. No strategy or change should be brought about that will make the unlawful, lawful. Similarly, having good intentions, will not legalize a prohibited thing nor will it bring reward. The Prophet (saw) said, “*Whosoever accumulated unlawful wealth and gives charity from it, there will be no reward for it and upon him will be the burden of sin.*” (Ibn Khuzaimah). Abdullah ibn Masood (r.) reports that the Messenger (saw) said, “*If a person acquires unlawful wealth and then give it to charity, it will not be accepted from him, if he spends it there will be no reward for him, if he leaves it behind (upon his death) it will be provision towards the fire. Certainly Allah does not remove a bad deed through another bad deed, but removes a bad deed through a good deed. Verily, an impure thing cannot remove another impure thing.*” (Ahmad).

One of the beauties of the Shariah is that it has prohibited only such things as are unnecessary and dispensable, while providing alternatives which are more beneficial comfortable.

## **Food and Drink**

Since ancient times, people have differed in their eating and drink habits with relation to what is allowed and avoided, especially with regard to food of animal origin. Concerning food and drink of plant origin there is negligible divergence as to what should not be eaten.

### **Animals**

All animals will be lawful for consumption save those that have been declared Haraam (unlawful) or considered as Makruh Tahrimi (severely reprehensible). Animals which have been declared Haraam in the Shariah are foul and noxious. What the Quran and the Prophet (saw) has declared as unlawful will be unlawful. Since, the prophet (saw) does not speak out of his own accord.

Animals that have not been declared as unlawful in the Shariah, but are considered as foul by all people, will be termed as Makruh Tahrimi (severely reprehensible) and shall not be eaten. This principle is in context with what Allah (swt) says in the Quran, “*for he (Muhammad) commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure).*” (07:157). In addition, Allah says, “*Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety.*” (05:03). Moreover, He says, “*Say (O Muhammad): ‘I find not in the message received to me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine, - for it is an abomination - or, what is impious, (meat) on which a name has been invoked, other than Allah's’.* But (even so), if a person is forced by necessity, without wilful disobedience, nor transgressing due limits, - thy Lord is Oft-forgiving, Most Merciful.” (06:145)

Among the animals which are prohibited are:

- The flesh of dead animals (animals which have not been slaughtered by man) except fish and locusts.
- The flesh of animals not slaughtered according to the laws of the Shariah.
- The flesh of animals which were strangled or choked until they succumb; the flesh of an animal which was beaten to death or died of a violent blow; the flesh of an animal which died through a headlong fall; and the flesh of an animal which was gored to death by another animal with its horns. The Quran gives an exception by saying, “*Except that which you make lawful by slaughtering.*” In light of this, Ali (r.) said, “*If you can slaughter the beaten, the fallen or the gored animal while it still moves its hoof or leg, you may eat it.*”
- The flesh of an animal over which the name of other than Allah (swt) has been invoked.
- The flesh of animals which were sacrificed to idols.
- Flowing blood.

While delineating the prohibited animals, Allah (swt) has given concession to partake of the unlawful when one is forced by necessity without willful disobedience to Him. However they are given when the followings stipulations are present:

- The person is driven by necessity. This means that a person is helpless and that it is a matter of saving his life or that of his dependents.

- There is no transgression. This entails that there is no intent to transgress the injunctions of Allah (swt), rather, it is due to dire necessity.
- There is no desire and craving for the unlawful. There must be no longing to consume what is unlawful. As such, a person cannot partake of the unlawful more than is necessary.

This concession given by Allah (swt) is mentioned in the following verses of the Quran, “...*But if one is forced by necessity, without wilful disobedience, nor transgressing due limits, - then is he guiltless. For Allah is Oft-forgiving Most Merciful.*” (02:173) and “*But if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-forgiving, Most Merciful.*” (05:03).

### **Land (terrestrial) Mammals**

Among those which are immediately prohibited in Islam are things which intrinsically impure, viz. swine. Furthermore, dog is prohibited due to its impurity. However seeking benefit from dogs for security and hunting is permissible in Islam.

All land mammals that are beasts of prey are Haraam (unlawful) according to Imam Abu Hanifah (r.), Imam Shafi’i (r.) and Imam Ahmad (r.). According to Imam Malik (r.) they are Makruh Tahrimi (severely reprehensible).

Consequently, the following animals are not permissible: lion, leopard, tiger, leopard, tiger, wolf, bear, mongoose, jackal, raccoon, dog, cat etc.

Those animals that are herbivorous (vegetarian) will be considered lawful, i.e. cattle, sheep, goat, bison, horse (domesticated or wild), rabbit, hare, agouti, deer, zebra etc. However, domesticated donkeys and mules are not permissible since a narration from Ibn Umar which is recorded in Sahih Bukhari and Sahih Muslim deemed them prohibited. The three Imams excluding, Imam Al-A’dham Abu Hanifah (r.), declared hyena permissible, albeit, it is a beast of prey, since the Prophet (saw) allowed his companions to eat it. Al-Imam Al-A’dham (r.) contends that it was first allowed but was thereafter made prohibited by the statement of the Prophet (saw) which deemed that all beasts of prey are unlawful.

As precaution, mammals that feed only on insects (insectivorous) should be treated as beasts of prey such as; mole, shrew and hedgehog.

There are a few animals that do not come under the general principles of the four Imams, nevertheless, for precaution, they should be treated as beasts of prey and considered ‘not permissible’. They are; sable, fox and weasel.

Porcupine, though not a beast of prey, has been considered foul and not permissible by Imam Abu Hanifah (r.) and Imam Ahmad (r.).

Imam Shafi’i (r.) considered giraffe as not permissible, albeit, a vegetarian.

Rat is not considered permissible by all of the Imams.

### **Semi-terrestrial Mammals**

There are some land mammals who spend a lot of time in water as a means of livelihood, e.g. seal, sea lion, walrus, otter et cetera. According to the three Imams, excluding Imam Malik (r.), they are considered unlawful since they are carnivorous. To treat these animals as sea animals, considering them as permissible is against precaution according to Imam Shafi’i (r.) and Imam Ahmad (r.). Similarly, this was applied to reptiles, amphibians, land crustaceans, land mollusk etc.

## **Birds**

All birds of prey, viz. eagle and all birds that eat filth or dead meat, e.g. vulture, crow and raven are unlawful according to Al-Imam Al-A'dham Abu Hanifah (r.), Imam Shafi'i (r.) and Imam Ahmad (r.). According Imam Malik (r.) are birds are lawful, however, he contended that bats are Makruh Tahrimi (severely reprehensible). The other Imams agree that bats are Haraam.

Imam Shafi'i opined that the eating of parrot and peacock are impermissible.

All other birds, e.g. chicken (which may eat filth at times, albeit, it is not there standard diet), dove, turkey, pigeon, ducks, sparrow, fowls et cetera.

## **Insects**

The three Imams, excluding Imam Malik (r.), considered insects as foul and unlawful, e.g. bee, wasp, moth, ant, beetle etc. Moreover, they considered arachnids foul, which includes; spiders, mites, tick, scorpions etc.

Locust, however, has been an exception among the insects since the Prophet (saw) allowed its consumption.

Imam Malik (r.) has contended that insects which have been considered foul or harmful are prohibited, while, the rest would be permissible. Nevertheless, many Maliki scholars considered all insects, reptiles and amphibians as foul and not permissible.

## **Reptiles**

The three Imams, excluding Imam Malik (r.), asserted that all reptiles are unsavory and impermissible for consumption. Reptiles includes: turtle, alligator, lizards, snakes and so on.

Coincidentally, Imam Malik (r.) maintained that all reptiles are harmful unless if they are considered revolting or pernicious.

The Prophet (saw) allowed his companions to eat a type of lizard (iguana may fall in this category). Nevertheless, Al-Imam Al-A'dham Abu Hanifa (r.) opined that they are impermissible since this was prior to the revelation of the verse which prohibited foul things. Contrarily, the other three Imams have allowed its ingestion.

## **Amphibians**

Amphibians like frogs, toads and salamanders are, considered unlawful since they are foul by the three Imams, excluding Imam Malik (save if they are considered harmful or foul). The Prophet (saw) has prohibited the killing of frogs as conveyed by Abu Dawud (r.).

## **Terrestrial Shellfishes**

Crustaceans that live on land, viz. crabs (including arthropods) and Land Mollusks, viz. snails and slugs are considered offensive and unlawful according to the principles enacted by Imam Abu Hanifah (r.), Imam Shafi'i (r.) and Imam Ahmad (r.).

## **Marine (Aquatic) Animals**

At this juncture, Marine animals refer to those animals that are that are fully aquatic i.e. they cannot survive out of water, viz. fish, octopus, shrimp, squid etc.

According to Imam Malik (r.), Imam Shafi'i (r.) and Imam Ahmad (r.), all animals that are fully aquatic (cannot survive out of water) is lawful. This includes: Fish; Shellfish; Crustaceans, viz. marine crab, lobster, crayfish, shrimp and Mollusks, viz. sea snail, oyster, octopus, squid, clam, sea slug etc. Nevertheless, Imam Malik (r.) maintained sea hog as unlawful as it is called a 'hog'. These three Imams based their views on the subsequent verse of the Quran, "*Lawful to you is the pursuit of water-game and its use for food, - for the benefit of yourselves and those who travel; but forbidden is the pursuit of land-game; - as long as ye are in the sacred precincts or in pilgrim garb. And fear Allah, to Whom ye shall be gathered back.*" (05:96). In addition, they asserted that حوت (fish) has been used in the Hadith to describe all marine animals and not literally fish.

Al-Imam Al-A'dham Abu Hanifa (r.) contended that only fish is permissible. This excludes other marine animals. He considered that the verse of the Quran allows for the 'hunting of' and not necessarily the 'eating of' everything that could be hunted since the Prophet (saw) said, "two types of carrion (dead meat) are permissible for us ... they are حوت (fish) and locust" (Ahmad and Ibn Majah). Therefore, all that could be designated as 'fish' would be rendered permissible.

According to marine scientists, fish has been defined as, 'An aquatic, cold blooded, gill-breathing vertebrate with a two-chambered heart.' So we can see that according to the principles of Imam Abu Hanifah (r.) the following are unlawful since they cannot be defined as fish: whale, shrimp, lobster, sea crab, crayfish, squid, octopus, oyster, sea snail, jellyfish, starfish, shellfish etc.

Some later Hanafi scholars have adopted the view that shrimp, whales, porpoise and dolphin are fishes. Nevertheless the position of the Madhab is that it is Makruh Tahrimi (severely reprehensible). Consequently, one should stay away if there is a substitute, so as to preserve one's Iman.

Shark is considered a fish according to the Hanafi Madhab. Nevertheless. Imam Shafi'i (r.) and Imam Ahmad (r.) considered it foul since it is called 'sea dog' in Arabic.

In addition, any marine or terrestrial (land) animal that may be permissible, but becomes poisonous or deleterious is unlawful for consumption.

## Plants

All forms of flora or vegetation is lawful save those that are poisonous or befog the mind. In addition, derivatives of plants follow the above principle.

## Intoxicants

Anything that befogs, intoxicates or alters the psyche of a person is unlawful. This is based on the fact that 'khamr' refers to that which intoxicates. The Prophet (saw) said, "*Everything which intoxicates is Haraam.*" and "*what intoxicates in a large quantity, a small quantity is forbidden.*" Consuming intoxicants is a despicable debauchery in Islam and warrant a penalty of forty or eighty lashes, accordingly. In numerous traditions the Prophet (saw) have spoken of its ills and vices. The Prophet (saw) has asserted, "*Intoxicants are the mother of all vices.*" and "*wine is an embodiment of all sins.*" In addition, he mentioned that a person who consume intoxicants is a cursed person. Moreover, he avowed that it is not fitting for a believer to utilize intoxicants, since intoxicants and Iman does not adhere together. In another version, he stated, "*intoxicants and Iman can never remain together in the heart of the same person.*" (Bukhari). Furthermore, he declared, "*the man who consumes an intoxicant is not a believer at the time of consumption.*" (Abu Dawud)

Due to its contemptible nature, the Prophet (saw) has prohibited much more than consumption, “*verily, Allah has cursed ‘khamr’ and 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 transports it, the one for whom it is carried, the one who sells it, the one who earns from its sale, the one who purchases it and the one for whom it is bought.*” (Tirmizi).

It is also severely reprehensible to give intoxicants as gifts to unbelievers. The prophet (saw) emphasized, “*The one who has prohibited it has also prohibited that it be given as a gift.*”

Additionally, we are ordered to stay away from places where intoxicants are served. The Prophet (saw) promulgated, “*whoever believes in Allah and the last day must not sit at a table where ‘khamr’ is consumed.*” (Ahmad)

## Alcohol

Alcohol is a compound of carbon and hydrogen that is produced by fermenting plant sugars by means of bacteria, yeast and molds. Alcohol may, moreover, be produced by burning wood in a particular manner. Diluted fermented solutions will carry the same ruling as the concentrate, i.e. unlawful. Note that not all solutions that are called alcohol today (by scientists) are impermissible. Since there is a disparity in the definition of alcohol between the Islamic jurists and Western scientists, we must look at the types of alcohol that satisfy the Shar’i (legal) definition of ‘khamr’. This is due to the fact that other types of alcohol, viz. propanol does not intoxicate. Hence, not all alcohols are impermissible. Methyl and ethyl alcohol (methanol or ethanol) are ‘khamr’ since they fall into the definition of ‘khamr’.

Imam Malik (r.), Imam Shafi’i (r.) and Imam Ahmad (r.) have agreed to the following with respect to alcohol:

- All alcoholic solutions are unlawful, regardless of the flora from which they have been produced.
- Alcohol is impure and anything that had been admixed to it or contains it, whether in small or large quantity, will be impure.

Their evidences are as follow: Allah (swt) says in the Quran, “O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination, - of Satan's handwork: eschew such (abomination), that ye may prosper. Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will ye not then abstain?” (05:90-91). Additionally, the Prophet (saw) said, “*Every intoxicant is ‘khamr’ and every ‘khamr’ is Haraam.*” (Bukhari and Muslim). Likewise, he (saw) proclaimed, “*That which intoxicates in a large amount, a small amount of it is Haraam.*” (Ahmad, Ibn Majah, Abu Dawud and Tirmizi).

Al-Imam Al-A’dham Abu Hanifa (r.) along with Imam Abu Yusuf (r.), one of his students and an authority in the Hanafi Madhab, both decided that the word ‘khamr’ means specifically that alcoholic beverage made from grapes, viz. wine and brandy, as it is used in such context by the Arabs.

Additionally, they have considered alcoholic beverages fermented from dates akin to graves, since the Prophet (saw) proclaimed, “*Khamr is from those two trees, i.e. graves and dates.*” (Sahih Bukhari). Therefore, according to Shaykhayn (Imam Abu Hanifah and Qadi Abu Yusuf), alcoholic beverages produced from grapes or dates are Haraam, whether the amount or they become intoxicated or not.

They are impure and anything that is admixed to it or contains it is also rendered impure. For fermented solutions, prepared from other than grapes or dates, they have agreed on the following:

- Such solutions are not considered as khamr or impure if they do not intoxicate.
- They would be considered as khamr if they intoxicate or befog the psyche, i.e. unlawful.
- To consume such solutions for pleasure and delight is unlawful since such acts lead to intoxication and is contrary to the principle of the prohibition of khamr.
- To consume such solutions admixed with other fluids in small quantities that may be used in medicines or in the preservation of food is lawful - if and only if they are not intoxicating.

More decisively, however, Imam Muhammad Ash-Shaybāī (r.) who is another disciple of Imam Abu Hanifah (r.) and an authority in the Hanafi Madhab, disagreed with Shaykhayn. He acquiesced with Imam Shafī'i (r.), Imam Malik (r.) and Imam Ahmad (r.), that all fermented solutions, whether in small or large quantity, whether one becomes intoxicated or not is khamr and thus unlawful. The position of the Hanafi Madhab is with him and legal verdicts in this issue is given accordingly. One must note that the opinion of Imam Abu Hanifah (r.) is not necessarily the position of the Madhab. The Madhab may take the position of the other Mujtahid Mutlaqs (Qualified to be independent in the derivation of rulings for the agreed sources) who adopted the principles of derivation from Al-Imam Al-A'ḍham Abu Hanifa (r.).

### **Plant derivative drugs**

Various drugs have been developed from flora since the time of the celebrated Imams. Nevertheless, since they befog the psyche or intoxicates, they would be treated as khamr and thus unlawful. These include: marijuana, cocaine, opium, hashish, tobacco etc. and would follow the same principles of alcohol, i.e. they would be forbidden whether in small or large amounts.

They would be unlawful, according to Imam Abu Hanifah (r.) and Imam Abu Yusuf (r.), since they lead to addiction; befog the mind; destroy one's health; and aid corruption and the disintegration of society.

### **Concessions**

It is lawful, to utilize what is unlawful in times of necessity as the principle of the Mujtahids which states, '*Necessity justifies forbidden things and that necessity must be strictly limited to the quantity needed*'. As mentioned before, however, the following stipulations must be present:

- The person is driven by necessity. This means that a person be helpless and that it is a matter of saving his life or that of his dependents.
- There is no transgression. This entails that there is no intent to transgress the injunctions of Allah (swt), rather, it is due to dire necessity.
- There is no desire and craving for the unlawful. There must be no longing to consume what is unlawful. As such, a person cannot partake of the unlawful more than is necessary.

All the scholars have allowed the eating of unlawful food, viz. pork, at the time of severe hunger which may lead to death. The same concession would be applied to foods or drinks containing any impermissible substance or solution. As Allah, the Most Merciful, said, "*if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-forgiving, Most Merciful.*" (05:03). Incidentally, many scholars considered it Wajib (incumbent) to save one's life in such a situation as

Allah (swt) proclaims, “*Do not kill yourselves: for verily Allah is ever Merciful to you.*” (05:29). They have supported their view with the narration in Sahih Bukhari which states that the Prophet (saw) allowed two companions to wear silk for medicinal purposes. This must, nonetheless, follow the above principles.

Some scholars have allowed the use of medicine which contain Haraam substances, if the Subsequent conditions are present:

- The illness may lead to death if not treated.
- Substitute for the unlawful component is not available.
- The medicine must be prescribed by a Muslim doctor, who is aware of the Islamic rulings concerning its application and the prescription must be taken accordingly.

Imam Malik (r.) and Imam Ahmad (r.) along with others, have not allowed the use of what is unlawful for consumption as medicine - even if to save one’s life as there is no certainty that the medicine contains the cure. This was supported by the following statements of the Prophet (saw), “*Assuredly, Allah did not provide a cure for you in what He has prohibited you.*” (Sahih Bukhari); “... take medicine but do not use anything unlawful as medicine.” (Abu Dawud) and “*It (khamr) is not a medicine – but a disease.*” (Muslim, Ahmad, Abu Dawud and Tirmizi).

The latter scholars of the Hanafi and Shafi’i Schools have allowed the used of medicine containing unlawful substances at the time of major sickness that does not lead to death. They considered the reliving of unfathomable pain, and the preserving of limbs and organs to be under the case of necessity. Nonetheless, they have advised that one should avoid for the sake of piety. In addition, the above mentioned principles must be present accordingly.

There is consensus between the four Imams and others, that it is unlawful to use medicine which contain unlawful substances to assuage minor pains and discomforts as well as for maintaining healthiness since such conditions do not fall under necessity. The same rule will apply to the use of perfume, essence and so one, if they contain alcohol.

## Slaughtering

All animals that are lawful for consumption, other than fishes and locusts, must be slaughtered according to the Islamic manner before they may be eaten. If they are not slaughtered accordingly, then they would be rendered as carrion (dead meat) i.e. impure and their ingestion would be impermissible.

Islamic slaughtering would render the flesh, skin, bones, hooves, hair, and feathers of unlawful animals as clean – not permissible for consumption. However, pigs can never be made clean.

The bones, hair, horns, feathers and hooves of (lawful) animals that were not slaughtered according to the rules of the Shariah, are considered clean and may be used for purposes other than eating. However, the gelatin or other byproducts that are made from unlawfully (unislamically) slaughtered (clean) animals, that may be used for consumption is impermissible.

The curd milk that has been obtained from the stomach of pure animals that were not lawfully (Islamically) slaughtered is considered to be pure and lawful for consumption according to Imam Abu Hanifah (r.) and Imam Malik (r.). Hence, the cheese prepared from this milk is lawful according to the aforementioned Imams. Nevertheless, for precaution one may abstain from such cheese.

The hide (skin) of any animal that was impure due to improper slaughtering or death would become pure by the process of tanning.

Pure animals can become lawful for consumption when the following stipulations are present:

- The name of Allah is mentioned at the time of the slaughtering. Allah asserts in the subsequent verses: "*Eat not of (meats) on which Allah's name hath not been pronounced: That would be impiety.*" (06:121); "*then pronounce the name of Allah over them as they line up (for sacrifice)*" (22:36) and "*So eat of (meats) on which Allah's name hath been pronounced, if ye have faith in His signs.*" (06:118). From the above mentioned verses two important principles are extracted:
  1. It is obligatory to pronounce the name of Allah at the time of slaughtering.
  2. It is not permissible to partake of meat on which the name of Allah has not been mentioned.

According to Imam Abu Hanifah (r.), Imam Malik (r.) and Imam Ahmad (r.) it is essential to pronounce the name of Allah at the time of slaughtering and if this has not been done the meat would be rendered unlawful. Nevertheless, Imam Abu Hanifah (r.) and Imam Ahmad (r.) have agreed that in the case of a Muslim who knows and practice the proper slaughtering, if he were to forget, the meat would be lawful, since the Prophet (saw) affirmed, "*Allah has pardoned for me, my people for their mistakes, forgetfulness and what they have done under duress.*" (Ibn Majah, Baihaqi).

Even the people of the Book (Christians and Jews) must recite the name of Allah since this was there practice during the time of the Prophet (saw). However, most scholars forbade the eating of meat from contemporary Christians and Jews since they do not fulfil the conditions of the people of the book. So, even if, the contemporary Jews or Christians were to recite the name of Allah we should out of piety refrain from eating from it.

Imam Shafi'i, nonetheless, contends that the mentioning of Allah's name is desirable and not essential.

- The animal should be slaughtered with a sharp object which would ensure swift and easy flowing of the blood. The area to be cut for domestic animals is between the upper part of the chest and jawbone which includes the jugular and windpipe.
- The blood must be drained from the animal since the consumption of blood is impermissible.
- The slaughter must be a Muslim or from the 'people of the Book'. Nevertheless, many scholars believe that the 'people of the book' does not exists anymore. Imam Malik (r.) affirmed in his time - they no longer exist. One who is drunk or insane cannot perform the slaughtering. A minor who has not reached the age of maturing but knows the rules of slaughtering may slaughter.

Hunting is permissible for the purpose of food or other benefits, otherwise, it is unlawful to hunt for only sport or pleasure. The Prophet (saw) said, "*Whoever kills a sparrow or anything bigger without a just cause, Allah will hold him accountable on the Day of Judgment.*" The companions asked, "*What is a just cause?*" he replied, "*that he kills it to eat, not to simply chop off his head and then throw it away.*" (Nasai)

The animals which are permitted for hunting are untamed animals which cannot be subdued by a person. If the domestic animal is exceedingly untamed or its neck is inaccessible, it would be permissible to slaughter it according to the rules of hunting. Conversely, if an undomesticated animal becomes tame its slaughtering must be like the slaughtering of domestic animals.

The principal requirements for slaughtering undomesticated animals properly are to inflict a wound in the animal wherever possible, by weapons or trained hunting animals to cause bleeding that may result in death and the mentioning of Allah's name while striking with a weapon or sending the animal for the

chase. If the animal is found alive then it must be slaughtered according to the rules of slaughtering domestic animals. It is found dead, its consumption would be permissible. If the hunting animal has eaten from it, its consumption would be unlawful. If along with your hunting animal there is another hunting animal and the animal is found dead, it would be unlawful to consume since ascertaining its killer would be improbable.

It is a requirement that the hunting animal be trained in hunting. This means that it must be under the control of its owner, when he summons it, it responds; when he dispatches it for a hunt, it obeys and when he restrains it, it stops. The animal may be a dog, falcon or any other trained animal.

If, however, a weapon is been used, it must be sharp, viz. arrow or spear. To use objects that cause death to the animal through blows, viz. rocks would be impermissible. If they are used, nevertheless, but the animal is found alive, one may slaughter them according to the rules of slaughtering domestic animals which would render them lawful.

There are differences of opinion concerning bullets shot buy a gun. Some consider that their effects are like a sharp instrument which inflict wounds that cause bleeding; while others contends they are dull blows which kill the animal due to impact. For precaution, one should find the animal alive and kill it like a domestic animal.

When one finds the animal, he should try to drain as much blood from it as possible.

Mechanical or physical stunning prior to proper (Islamic) slaughtering, in case of necessity, will be permissible, provided one performs the slaughter while the animal is still alive.

Electrical or chemical stunning, used to calm the animals (birds) prior to slaughter has been considered unlawful by many scholars since they create doubt in the actual cause of death; whether the animal was killed by slaughter, electrical shock or suffocation of the chemical gas.

According to Hanafi Jurists, there are seven parts of lawful animals which are considered as foul and Makruh Tahrimi (severely reprehensible), they are: flowing blood, penis, testicles, vagina, bladder, gall bladder (bile) and any gland that contains ‘najasa’.

According to the scholars, if a chicken, whose intestines were not removed, were placed in boiling water for such a time that the effects of ‘najasa’ penetrate into the meat, then such meat would be impure and impermissible for consumption. However, the normal procedure in which the chicken is placed in boiling water for a short amount of time so as to aid in the removal of the feathers, will not cause the effect of filth to permeate and defile the chicken.

It is desirable to recite ‘Bismillah Allahu Akbar’ as the act of mentioning the name of Allah (swt) while slaughtering. Nevertheless, ‘Bismillah’ alone would suffice.

## Blood and Carrion

The Holy Quran states, “*Forbidden to you (for food) are: dead meat and blood...*” According to the Shariah, ‘Carrion’ or Maitah refers to those animals which die a natural death without being slaughtered by man or those that have not been slaughtered the Shar’e (proper) way. The exceptions being fish and locust. In the above verse, carrion has been declared Haraam in an absolute sense, consequently, everything that promotes its utilization in an unlawful manner is also Haraam – eating its flesh, buying and selling it. In addition, it is impermissible to feed an animal anything impure. Nevertheless, if the animal eats it of his own accord, it would not be blameworthy. The aforementioned verse, however, is only referring to ingesting. If the animal were clean (its meat may be lawful by

proper slaughtering), any non-edible part is permissible for utilization. For unclean (not lawful for ingestion) animals, their hides (skins) may become clean by tanning. There is difference of opinion concerning the use of edible parts for other than ingestion, viz. fat. Some considers it permissible, while others do not.

The second prohibition mentioned is blood. Blood is impure and utterly impermissible in Islam. The blood which is prohibited is ‘flowing blood’. So, congealed blood, e.g. liver, kidney and spleen, are clean and permissible for ingestion. Similarly the blood which remains in the flesh, after proper slaughtering and washing will be lawful for ingestion.

The prohibition of blood does not extend to ingestion exclusively, it includes its external use. Since, buying, selling and seeking benefit from impurities are forbidden, the same applies to ‘flowing blood’ as it has been used in its absolute sense in the Quran.

## Blood Transfusion and Organ Bequeathing

It is a well-established principle of Shariah that all the organs and parts of a human body whether one is a Muslim or a non-Muslim are sacred and must not be tampered with. To take benefit from any part of a human without a need is Haraam (unlawful).

This also includes blood, for it is an integral part of a human. There are two reasons for the impermissibility of taking benefit from another person’s blood. Firstly, it is sacred like all other parts of a human. Allah (saw) says: “*And verily we have honored the children of Adam.*” (17:70) and secondly, blood (when taken out) is impure and to derive benefit from something that is impure is unlawful.

Allah (swt) says: “*Say: I find not in the message given to me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine, for they are impure.*” (06:145)

Imam Shafi’i (r.) states: “*If one infused blood under the skin and skin grew on it, it will become obligatory to extract that blood and repeat all the prayers that were performed after infusion.*” (Kitab al-Umm).

Due to the above two reasons, under normal circumstances it will be impermissible to transfuse the blood of one person into the body of another. Sanctity of human parts demands this, as well as the impure element in the blood.

However, Islam is a religion of mercy and caters for all the problems faced by humanity. It acknowledges the needs of people, thus gives concessions and dispensations wherever needed. The Quran says: “*On no soul does Allah place a burden greater than it can bear.*” (02:286). The famous maxim of Fiqh states: “*Necessity makes prohibition lawful.*” (Ibn Nujaym, al-Ashbah wa al-Naza’ir). Due to this, classical scholars gave a dispensation in that the milk of a female may be used for the purpose of medication. It is stated in the famous Hanafi Fiqh reference, al-Fatawa al-Hindiyya: “*There is no harm in injecting a woman’s milk in a man or to drink it for medical purposes.*” Additionally stated in the same book: “*It is permissible for a (severely) sick person to drink blood and urine, or consume the meat of a dead animal for the purpose of medication if an experienced Muslim medical expert stipulates that this is the only cure, and that one does not find an alternative. If the medical expert states that by using unlawful substances you will be cured earlier, then there are two opinions of the scholars.*” Imam al-Haskafi (Allah have Mercy on him) says: “*The Scholars differed regarding the usage of haram medication. The apparent opinion in the (Hanafi) school is that it is haram. However it is said that it will be permissible when the medicine is known to be effective and there is no other alternative, just as there is a dispensation in drinking alcohol for a person dying of thirst, and the fatwa is given on this opinion.*” (Radd al-Muhtar ala al-Durr al-Mukhtar)

The Messenger of Allah (Allah bless him & give him peace) advised the people of Urayna to consume the urine and milk of camels due to them being affected by the climate of Madina. (Bukhari)

Moreover, two reasons were mentioned for the impermissibility of using human blood, one the aspect of sanctity and the other, its impurity.

As far as the first reason is concerned, it must be remarked that although blood is a component part of a human body yet the manner of its transfusion does not require any surgical procedures in the body, rather it is drawn and transfused by means of injection, thus it is akin to human milk that is extracted without any surgical procedures.

In appreciation of a child's need, Islam regarded this milk a means of nourishment for it, and the mother is obliged to feed the baby this very milk. Even for adults, women's milk has been made lawful for medical purposes, as stated in the text of al-Fatawa al-Hindiyya quoted earlier.

Hence, it can be said that blood transfusion is lawful as a necessity just as Islamic law has permitted women's milk for infants out of necessity, despite it being part of a human body.

The second reason was the impurity of blood. This has been discussed earlier, in that impure and unlawful things become permissible in cases of need and necessity.

In light of the foregoing, it would be permitted to donate and transfuse blood under the following conditions:

- The donor is mature and sane,
- The donor willingly donates his blood. If he is compelled to do so, it will not be permissible,
- There is no apparent risk to the life or health of the donor,
- There is absolute necessity in donating blood in that there is a definite risk to the life of a patient, and in the opinion of the medical expert, there is no other way of saving his/her life,
- There is a need for it, that is, there is no risk to the life, but in the opinion of the experts, restoration of health may not be possible without it,
- There is no alternative,
- It is not for the sake of beatification or any other additional benefit,
- Transfusion of blood must not be carried out by way of buying and selling, for trading in human parts is never permissible. However, if one is in need of blood desperately and the only means to obtain the blood is to purchase it, then only will it be permissible to pay for the blood. This is discussed subsequently.

As mentioned in the last part of the conditions, that it is unlawful to buy and sell blood for the purpose of transfusion. Classical Hanafi Jurists (fujaha) have explicitly stipulated that to trade in any part of a human is unlawful, and especially blood for the impure element found therein. Imam al-Kasani (Allah have mercy on him) states: "*The sale of a woman's milk put in a bowl is invalid for two reasons: Firstly, milk is not considered wealth, thus it is impermissible to sell it. Secondly, it is part of a human body and all parts of a human are sacred, thus it is contrary to its honor and respect to disgrace it by trading in it.*" (al-Kasani, Bada'i al-Sana'i)

Some classical scholars (from the Shafi'i, Maliki & Hanbali schools) consider purity a pre-requisite for a valid sale (Nawawi, Radhat al-Talibin, Ahmad Darder, Sharh al-Sagir, al-Bahuti, Muntaha al-Iradat). Blood is considered impure with the consensus of all the scholars, thus preventing it from being an article of trade. However, in case of necessity, if one is unable to obtain blood except by purchasing it, then it will be permissible to purchase it, but the provider (seller) will still be sinful. (Durr al-Mukhtar).

This ruling also serves as prevention to the evil of trading in blood found in many places, where for the sake of a small amount of money; poor and desperate people sell their blood. Some go the extent where

they put themselves in danger, and as mentioned earlier, it will only be permissible to donate or give blood if the donor's life or health is not affected.

In principle, there is no difference between the transfusion of a Muslim's and non-Muslim's blood, thus both are permissible. However, scholars recommend that one should abstain from the blood of unbelievers, transgressors and sinners, for there is a risk that the evil effects found in such people may affect the one in whom the blood is transfused. Classical scholars also disliked the breastfeeding of a child by a sinning and transgressing woman.

Blood transfusion cannot be considered in any way to be a cause of creating blood relationship between the two people involved, thus it is perfectly lawful to transfuse the blood of the husband into the wife or vice versa, and this will not affect their marriage in any way. Similarly, there will be no relationship between the one who donated the blood and the one in whom it was transfused, thus marriage between the two will be permissible, for they are regarded as strangers.

The reason for this is that, Islam has restricted relationship and the impermissibility to marry with lineage and fosterage, thus it is inappropriate and not permissible to exceed these two.

From all of the foregoing, we learn that donating and transfusing blood will be permissible in cases of need and necessity (along with the other conditions stipulated above). It will not be permissible to use it for the purpose of beatification or merely gaining strength. It is also impermissible to buy and sell blood. Today we see the establishment of blood banks where the blood of different people is stored and used whenever needed. The advantage of these banks is that it gives them an opportunity to store the different types of blood and then match it with the blood of the one in need. From a Shariah perspective, it will not be permissible for one to sell his/her blood to the bank; rather it must be donated freely. Also, one must determine that his/her blood (and the blood in that particular bank) is only used in cases of need and necessity, and not for beatification purposes.

Many Islamic scholars and Jurists have written on the subject of organ transplant. Over the decades, medicine has improved and advanced dramatically, taking medical technology to extreme heights.

Today, through the vast medical advancement, almost any transplant of the human body can be performed. Owing to the technological medical changes, prominent and renowned jurists of the world have carefully analyzed the process of organ transplant and upon investigation made the following observations:

1. When any person's limb or organ becomes unusable and that limb or organ is needed to function in the future by a suitable replacement then the following conditions must be considered.
  - Use of a non-living component.
  - Use the limb of those animals permissible to eat and slaughtered according to the Islamic rites of slaughter.
  - There is almost certain fear of loss of life or danger of losing the limb/organ and the replacement is only found in Haraam animals or in permissible animals (which can be eaten) but not slaughtered according to Islamic rites, then use of such a component will be permissible. However, if there is no imminent danger of loss of life then it will not be permissible to use anything from the pig.
2. Similarly, a transplant of any nature whatsoever is permissible from one part to another part of the body of the same person when necessary.
3. The sale of any part of the human body is Haraam.
4. If any ill person reaches a stage that a specific organ becomes unusable (to such an extent) that if a human organ is not replaced into the body then there is an immediate danger of loss of life — the

human organ is the only suitable replacement and medical experts are absolutely certain that besides the human organ, there is no other life-saving substitute and the patients' life is in danger, and the human organ is easily available to the patient, then in that dire need a human organ transplant (to save one's life) will be permissible for the sick.

5. When a perfectly healthy person on the advice of an expert physician confirms that the removal of one kidney will not harm nor cause ill-health whatsoever and considering the deteriorating health of his sick immediate family member which may cause death and there is no other alternate or substitute then this will be permissible with the condition that the kidney be donated and not sold.
6. The bequest (Wasiyyat) of a person that after his death, his organs be donated (whether for medical research or to a hospital's organ bank) is forbidden in Shariah.

## Rennet

Rennet is a substance that curdles milk in making cheese and junket. Its primary sources are animals and plants. Cheese making is a relatively simple process that involves the curdling of milk to separate curds and whey (a clear to yellowish, watery fluid used to make whey cheese).

The Islamic law regarding rennet is, 'If the rennet was extracted from the stomach of any animal whose meat is lawful and was slaughtered properly (Islamically), then, such rennet would be permissible for ingestion.'

If, however, the animal was not slaughtered properly (Islamically), there is difference of opinion. Some scholars hold it impermissible for ingestion, albeit, rennet is in itself lawful since it is something without life. The reason they give for its impermissibility is 'the rennet is a fluid from the stomach and it is improbable to separate it from the permeation of impure moisture which may be found in the stomach.'

Other scholars are of the opinion that such rennet would continue to be Halaal since the moisture found in the stomach is not impure. In fact, according to them, the lawfulness of rennet does not depend upon the slaughterer being a Muslim or not. The legal injunction is upon this view. Even so, out of piety, one should abstain from its ingestion.

Moreover, rennet extracted from plants would be permissible for ingestion. Whey would come under the same rule as rennet, since it is a byproduct of cheese manufacturing.

Nonetheless, rennet obtained from pigs are absolutely Haraam.

## **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 (swt) 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...*" (07:26). Whoever neglects either of these two aspects, covering or adornment, has deviated from the way of Islam toward the path of Satan.

Accordingly, Allah (swt) 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 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...*" (07:27) and "*O children of Adam! Wear your beautiful apparel at every place of worship, and eat and drink, but do not be wasteful...*" (07:31)

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, on the authority of his grandfather, reported the latter as saying: '*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 bondwoman."*' 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 (swt) is most deserving of your modesty.*' (Reported by Ahmad, Abu Daoud, al-Tirmidhi, and Ibn Majah.)

Truly the greatest thing for which humans have need after food and drink is clothing, with which man conceals his nakedness, protects himself from the heat and cold, and adorns himself for social settings. Given that Islam is a faith that incorporates injunctions inclusive of all areas of life, it has not overlooked the subject of clothing and has established for it inviolable principles and rulings. Given that humans are disposed to variation in types of clothing and food, Islam did not limit him to one type, excluding others, nor specified for man a particular style or particular form of dress, nor even a particular lifestyle. Rather it established a set of fundamental principles and dictums that every Muslim must abide by in the matter of clothing and then left him free to choose what he prefers from the [different] sorts of dress. Nothing thus prevents a change in the styles of clothing as long as a person upholds these principles and fulfills their necessary conditions.

From the first of these principles is that clothing must conceal the nakedness ('awrah) of a person. Islam requires a man to wear that which conceals what is between his navel and his knees, and that a woman conceal her entire body with the exception of her face, hands and feet. Covering the 'awrah is the most important objective of clothing. Allah, glorified and exalted be He, states: "*O children of Adam! We have indeed sent down to you clothing to cover your shame, and (clothing) for beauty*". Thus Allah, glorified and exalted be He, explains that covering shame, i.e. concealing the 'awrah, is of the greatest objectives of clothing. Clothing that does not fulfil this aim neglects that for which clothes were created, thus making it forbidden for use. All clothes that reveal a portion of the nakedness of a man or woman are not accepted by Islamic law, though they be beautiful or in fashion. Likewise, clothing that is fine and thin or clings to the body, which reveals to the viewer the shape of a portion of the body that must be concealed, would fall under the ruling above in impermissibility and would be

disallowed. Abu Hurairah (r.) narrated that the Prophet (saw) declared, “*I will not be a witness for two types of people who are destined for the fire: ... the 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 reach them. Although its fragrance reaches a phenomenal distance.*” (Muslim)

The second principle is that the purpose of clothing is concealment and beautification, concealment for reasons aforementioned, and as for beautification, because Allah, Glorified and Exalted be He, calls [clothing] adornment when He states: “*Take your adornment at every place of prayer*” and in His statement: “*Say: who forbids the adornment that Allah has brought out for His slaves, and the good, pure things of sustenance?*”. It has been narrated from Ibn ‘Umar (r.) that the Prophet (saw) said: “*Truly Allah loves to see the effect of His bounties upon His slave.*” (Tirmizī)

As for when the purpose of [clothing] is arrogance, pride, sin, vanity and ostentation, then [such clothing] is forbidden. It is narrated from Ibn ‘Abbās that the Prophet (saw) said: “*Eat what you like and wear what you like, provided you do not fall into two things: extravagance and arrogance.*” (Bukhārī)

The third principle is that clothing which a person uses to imitate disbelieving nations are not permissible to wear for a Muslim if his purpose of wearing such clothing was to imitate them. Then know that resembling the people of the book is not disliked in everything and indeed we eat and drink just as they do. That which is impermissible is but imitation in that wherein there is blame and where one intends resemblance by it. Based on this, if one does not intend resemblance then it is not disliked. Hishām states in his Nawādir: “I once saw Abū Yūsuf (r.) wearing sandals bordered by iron nails, so I said to him: ‘Do you see any problem with this iron?’ He replied: ‘No’. I said to him: ‘Verily Sufyān and Thawr ibn Yazīd disliked them because they resemble (the sandals of) monks’. Abū Yūsuf, (r.) responded: ‘The Messenger of Allah (saw) used to wear sandals that had hair on them (leather not stripped of the animal’s hair) and that is from the dress of monks.’” He alluded to the fact that any form of imitation that relates to the interest of (Allah’s) slaves is not harmful. This type of fixture (i.e. fitting iron nails to sandals) involves man’s benefit as there are pieces of earth and land where it is not possible to cross a long distance except with this type of (sandal) fixture. Nevertheless, to wear clothing that the unbelievers wear because are in awe of them and desire to mimic them is prohibited. Ibn Taymiyyah wrote, “*The Quran, the Sunnah, and the consensus of Muslim Scholars all instruct Muslims to be dissimilar from non-believers and generally avoid resembling them. Anything which is likely to cause corruption in a hidden and pervaded manner is related to this issue and likewise prohibited. The imitation of the appearance of the non-believers will lead to impersonation of their decadent comportment and evil qualities – indeed, even of their beliefs and opinions. 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.*”

The fourth principle is that wearing silk and using of gold is forbidden for men but not for women. Likewise, the lowering of the lower garment to [below] the ankles is not desirable for men but is permissible for women.

The fifth principle is that the imitation of the opposite gender’s clothing is prohibited. The prophet (saw) cursed men that imitate women and vice versa. Aspects of such imitation include the manner of speaking, dressing, moving, disposition etc. The evil of such conduct would affect the natural order of society causing it to disintegrate. For this reason the Prophet (saw) forbade men from wearing fabric decorated with large, loud or bold designs. Neither is it desirable for men to wear bright colors, viz. pink, red or yellow.

The sixth principle is that Islam denounces such excesses in beautifying oneself as require altering one's physical features as Allah (swt) created them. The Quran considers such altercations as inspirations from Satan, who "... will command (his devotees) to change what Allah has created." (04:119). Among such excesses are tattooing, shortening the teeth, plucking the eyebrows, hair transplantation, permanent sterilization (tubal ligation and vasectomy), shaving the beard, dyeing the hair black, wearing of wigs, plastic surgery, penal enlargement, breast implants etc. It may happen that a person has an unusual physical defect that attract the attention of other to the point of inflicting physical and psychological pain. In this case he may treat this defect and thus alleviate the mortification; but Allah (swt) knows best. The Prophet (saw) cursed the tattooer and the tattooed (Muslim). Moreover, the prophet (saw) cursed both the women who pluck and who seek to get their eye brows plucked. This practice is particularly frowned upon since it was customarily done by prostitutes. Some Shafi'i and Hanbali scholars, permitted the removal of facial hair and the use of make-up and other beauty aids if the husband finds it attractive and asks his wife to do so. She must not seek permission for it, however. It must come from his origination. Additionally, it is desirable to dye the hair in any color save its original. However, henna is preferable, albeit, the application of henna for mature, unmarried women on her visible skin in public is unacceptable. Moreover, completely shaving the beard is prohibited, as the Prophet (saw) instructed, "*be different from the polytheists: let the beard grow and trim the moustache.*" The Prophet's sanction to be dissimilar to them was envisioned to train the Muslims in developing an independent persona, in substance as well as form. Simultaneously, shaving the beard is an affront to the masculine nature, since it is an attempt to mimic women, while the beard is a fundamental constituent of masculinity and a distinctive feature of the male sex. Additionally, the Prophet (saw) cursed the man who imitates women. It is, conversely, imperative for women to shave their beards.

## **Occupation and Trade**

Allah proclaims, “*It is He who has made the earth submissive to you; so traverse its path and eat of what He provides you...* ” (67:15). The fundamental attitude of Islam is that Allah (swt) made the earth and its resources as benefit for mankind. It is imperative for mankind as a whole to profit from this favor and to exert himself to seek Allah’s bounties throughout the earth.

It is not permitted for a Muslim with dependents to avoid working for a living on the pretext of devoting his life to worship or trust in Allah (swt), as gold does not fall from the sky. Moreover, it is not permissible for him to depend on charity while he is able to earn what is sufficient for him and his family. In this regard, the Prophet (saw) instructed, “Charity is Halaal neither for the rich nor for the able-bodied.” (Tirmizi). There are exceptions when something is of (imperative) need to the community and if someone were to exert himself for this endeavor, he would not have the time to seek his livelihood. This include the seeking of Islamic knowledge since it is a communal obligation that they are sufficient inhabitants versed in the application of the law to instruct the other residents in worship and transaction. Additionally, it is allowable for people seeking knowledge of technical sciences that are necessary for the effectual functioning of society to accept charity to cover his livelihood, viz. engineers, and medical practitioners etc.

The prophet (saw) made it prohibited to beg from others without dire necessity. He (saw) declared, “He who begs without need is like a person holding a burning coal in his hand.” (*Baihaqi, Sahih Ibn Khazimah*)

Some people regard certain kinds of work or professions as contemptible, viz. garbage collector. Despite this, the Prophet (saw) denied the validity of this notion. He taught his companions that a human’s dignity is tied to his work. He (saw) pronounced, “*It is better that a person should take a rope and bring a bundle of wood on his back to sell so that Allah (swt) may protect his honor, than that he should beg of people, (regardless of) whether they give to him or not.*” (Bukhari, Mulim).

In it imperative that someone (before doing anything new) to seek Islamic knowledge with regards to its permissibility and application. Imam Shafi’i (r.) asserted, “*Whoever desires the worldly benefits, should be knowledgeable (of Fiqh), and whoever desires the benefits in the Hereafter, also should be knowledgeable (of Fiqh).*” In religious affairs, doing things without knowledge will sink us into committing innovations. And in worldly affairs, we may perform unlawful things, which will plunge us into doom. Long before that, Umar Ibn Khattab (r.) had given advice to all Muslims, “*None should trade in our markets save those who have sufficient religious knowledge.*” Imam Qurtubi (r.) explained: “*One who’s not knowing about the laws of trading, although his deeds are not prevented, doesn’t deserve to be fully trusted in managing his wealth. That is because he cannot separate the unlawful from lawful trading, a forbidden from a legal transaction. In addition, he is susceptible to do practices of usury and other forbidden transactions. This is also applied for infidels who live in Islamic countries.*”

The original (basic) law for everything is permitted, unless there is indication that shows the forbidden state of it. The above precept is applicable to all occupations or trade. Similarly, any service rendered in support of injustice or in promoting what is prohibited is itself prohibited. Ibn Rushd said, “*If you study about the various causes that make a form of trading become unlawful, you’ll find that those causes are summarized in four things: the traded commodity is an unlawful (forbidden) good; the trading contains usury in it; the trading contains obscurity (gharar) and the trading contains requirements that can cause usury and obscurity to be emerged.*”

## **Physical Appetites**

Allah (swt) 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 worshipping 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 the species. Sex is a strong driving force in the human being which demands satisfaction and fulfillment. Human beings have responded to the demands of the sexual appetite in three different ways:

1. One way is to satisfy ones 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 as we know it.
2. The second approach is to suppress, and try to annihilate, the sexual drive; this approach is advocated by ascetic religions and other-worldly philosophies, approaches which lead toward monasticism and an 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 have 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 of 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; while 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, emotions without which 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 the actualization of these crimes. Islam, the last of the divinely revealed religions, is very strict in prohibiting zina, for it leads to confusion of lineage, child abuse, the breaking-up of families, bitterness in relationships, the spread of venereal 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 (swt), "*And do not come near zina; indeed, it is an abomination and an evil way.*" (17:32), is just and true.

As we know, when Islam prohibits something, it closes all the avenues of approach 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 (Privacy or khalwah denotes a man and woman's being alone together in a place in which there is no fear of intrusion by anyone else, so that an opportunity exists for sexual intimacy such as touching, kissing, embracing or even for intercourse.) between a man and a woman who are outside the degree of a mahram relationship. (Mahram 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 with whom marriage is permanently forbidden, such as her father, grandfather, son, brother, uncle or nephew. For the purposes of this discussion, all other relationships will be referred to as 'non-mahram.') 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 (saw) 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).*" (Ahmad). Allah (swt) tells the Companions of the Prophet (peace be on him), "...*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....*" (33:35). In an explanation of this verse, Imam Qurtabi says, "*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.*"

The Prophet (peace be on him) 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 has easier access than a stranger to a woman's 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 khalwah with her. The Prophet (saw) said: "*Beware of entering where women are.*" A man from the Ansar asked, '*O Messenger of Allah, what about the in-law?*' He replied, "*The in-law is death.*" (Bukhari and Muslim). Imam Nawawi explains, '*The in-law here means a relative of the husband other than his father and sons (who are mahram to his wife), such as his brother, nephew, and cousins, etc., with whom marriage would be permissible for her, if she were to be divorced or widowed.*' He meant that there are inherent dangers and even destruction in such privacy: religion 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 wife by those who cannot keep secrets to themselves and relish talking about others; such talk has ruined many a marriage and destroyed many a home. In explaining the meaning of "*The in-law is death*" Ibn al-Atheer says, '*It is an Arabic figure of speech like, 'The lion is death' or 'The king is fire,' which means that meeting a lion is similar to facing death and a confrontation with a king is like being in the fire. Thus privacy between an in-law and a woman 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. A poet of ancient times has said, '*All affairs begin with the sight; The raging fire a spark can ignite,*' while a contemporary poet declares, '*A look, then a smile, then a nod of the head, Then a talk, then a promise, then the warmth of a bed.*'

This is why Allah (swt) 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 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-coverings over their bosoms, and not display their adornment except to their husbands or their fathers or their husbands' fathers, or their sons or their husbands' 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 children who are not aware of women's nakedness; and that they should not strike their feet in order to make known what they hide of their adornment....*" (24:30-31). 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 expressions, '*lower their gazes*' and '*guard their sexual organs*', signifying 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 some 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*' (31:19), which does not mean sealing the lips. Here '*lowering of 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 (saw) told 'Ali (r.), "*Ali, do not let a second look follow the first. The first look is allowed to you but not the second.*" (Ahmad, Abu Dawud, Tirmidhi)

The Prophet (peace be on him) considered hungry and lustful looks at a person of the opposite sex as '*the zina of the eye*', according to his saying, "*The eyes also commit zina, and their zina is the lustful look.*" (Bukhari and others). He termed the lustful look zina because it gives sexual pleasure and gratification in an unlawful way. This is also what Jesus (peace be on him) is reported to have said in the Gospel of Matthew: "*You have heard that it was said, 'You shall not commit adultery'. But I say to you that everyone who so much as looks at woman with evil desire for her has already committed adultery with her in his heart.*" (Matt. 5:2728).

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 poet says, "*If you let your looks go a-wandering, many charming sights will make your heart pine. The one you see cannot belong to you altogether, nor will your heart remain content with the little you saw.*"

## **The Prohibition of Looking at the 'Awrah of Others**

Looking at the 'awrah [denotes those parts of the body which Islam requires to be covered in front of others whether of the same or the opposite sex] of another person must be avoided. The Prophet (saw) 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.*" (Muslim, Abu Dawud, Tirmidhi) Scholars have inferred from this that two men, or two women, should not lie under the same covering so that parts of their bodies touch.

The 'awrah of a man referred to in this hadith is from his navel to his knee, although some scholars, such as Ibn Hazm and some Maliki jurists, do not include the knee. With respect to a man who is not her mahram, a woman's 'awrah is her entire body excepting only her face, hands and feet; while with respect to a mahram such as her father or brother it is different. This will be discussed later.

What it is haram to look at is also of course haram to touch with the hands or with any other parts 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, as the ways leading to sin must be blocked.

### **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 is from the navel to the knee, provided that her looking is free of lust and that no temptation is feared. The Prophet (saw) let 'Aishah (r.) watch the 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. (Bukhari, Muslim)

Similarly, a man is permitted to look at a woman's face, hands and feet; since they are not part of her 'awrah, provided that the looking is without lust and that no temptation is feared.

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 it is not permissible to see is forgiven. Jarir ibn 'Abdullah (r.) narrated, '*I asked the Messenger of Allah (saw) about the unexpected glance.*' He replied, "*Avert your eyes,*" meaning, do not look back deliberately. (Ahmad, Abu Dawud, Muslim, and Tirmidhi)

### **The Display of Women's Adornment: What Is 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. These verses also contain other divine instructions, "*That they should...not display their adornment, except that which is apparent of it*"

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 ayah Allah (swt) commands women not to show their adornment '*except that which is apparent of it.*'

There is some difference of opinion among scholars 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 accept the latter meaning. Ibn 'Abbas (r.) interprets "*except what is apparent of it*" to mean kohl and a ring, and Anas (r.) 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 (r.), 'Ata (r.) and Awzai (r.) have stated explicitly that the showing of the face and

hands is permissible. 'Aishah (r.), Qatadah (r.), and others have 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 have allowed the exposure of the lower part of the arm up to a length varying between about four inches to one-half of the arm.

On the other hand, others such as 'Abdullah ibn Mas'ud (r.), have restricted the application of "*what is apparent*" to what necessarily appears, such as the outer garment (abaya, jilbab, chaddor, burqa, and the like). The Hanafi's, nevertheless, allows the uncovering of the foot up to the ankles.

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 when non-mahram men are present. Some Shafi'ees also allow the use of make-up for married women outside of the home if her husband finds it attractive and asks her to do it.

However, it is prohibited that she asks her husband for permission. He must of his own whim, desires and asks for it. The aim of women in using these cosmetics when going out of the house is obviously to attract the attention of men, which is haram. At the same time, however, the interpretation of "*what 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 it 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-Qurtabi says, "*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 salat and hajj, the exemption (referred to in the verses of Surah al-Nur) pertains to them.*" One must note, however, that most of the latter scholars deem it Wajib (obligatory) for women to cover their hands because of the widespread immorality and laxity in obeying the Islamic injunctions in our time. The best thing for the Muslim woman is to conceal all her adornments including her face if she can. Obviously, more caution in this regard is necessary for a woman who is beautiful. Allah (swt) also says, "...*That they should draw their head-coverings over their bosoms....*" (24:31) 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 (swt) says, "...*And not display their adornment except to their husbands or their fathers....*" (24:31). This injunction prohibits women to show their concealed adornments, such as the ears, hair, neck, shoulders, or ankles, to men who are outside the mahram relationship, before whom they are permitted to expose only the face, hands and feet (of '*that which is apparent*').

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 states, "*Guard your nakedness ('awrah) except in front of your wife.*"
2. Their fathers: including the grandfathers from both mothers' and fathers' sides.
3. Their husbands' fathers: for these are regarded as fathers to women.
4. Their sons: as likewise the grandsons from both sons and daughters.
5. Their husband's 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.
10. Those whom their right hands possess: refers to slaves, because in Islam they are considered as 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. Children who are not aware of women's nakedness. 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-mahrem men even though they may not have reached puberty.

This verse does not mention maternal and paternal uncles because they customarily occupy the same status as the father. A hadith states, "*The man's uncle is like his father.*" (Muslim.)

### **Women's 'Awrah**

Whatever of the woman's body 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 non-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 (particularly with the rise of lesbianism). We agree with Ar-Razi's argument that Islam has permitted her to expose those parts of the body, the face and hands, which need to be exposed in order to carry out daily business 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 this is in accordance with the flexibility of Islam. Since the showing of the face and hands is necessary, the jurists have agreed that they are not 'awrah, and since the showing of the feet is not necessary, they have differed concerning whether or not they are 'awrah (the Hanafi view is that the feet are not 'awrah).

With respect to the above-mentioned twelve categories of mahram relatives, a woman is permitted to expose her hair, ears, neck, upper part of the chest (above the breasts), arms, and legs (below the knee). Other parts of her body, such as the back, abdomen, thighs and two private parts, are not to be exposed before anyone, man or woman, excepting her husband.

The Shafi'i position with respect to women and other Muslim women, the woman's 'awrah is the area between her navel and knee. Nevertheless, the later scholars (due to fitna) advise that a woman should take the Hanafi position which is with respect to her mahram (including other Muslim women) 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 (above her breasts and below her knees).

That is why Allah (swt) 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 (swt) commanded His Prophet (saw) 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 that is most convenient in order that they may be recognized (as Muslims) and not be molested....*” (33:59).

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 breast and hair, exposed, and the loafers and lechers would follow them about. Accordingly, this noble ayah 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 would make it clear to everyone that she is a chaste, believing woman, no lecher or hypocrite would dare to molest her. It is clear from this verse that the reason for 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)...*” (33:32)

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. Says Allah (swt): “*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 Hearing, Knowing.*” (24:60). “*By the elderly among women*” is meant such post-menopausal women as 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 chaddor, abaya, burqa, jilbab, and the like. However, the Qur'an makes the condition that this should not be for the purpose of displaying the adornment but only for ease and comfort. Despite this concession, it is preferable and better for them to be more perfect in their dignity and far removed from any suspicion.

### **The Prohibition of Displaying Women's Attractions**

The morals and manners of the Muslim woman 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 ornament”, wearing revealing and sexy clothes, and the like.

The variety of ways in which women display their attractions is no secret to people, ancient or modern. In commenting on the verse concerning the women of the Prophet's household, “*And be in your houses, and do not make a display of yourselves in the manner of display of jahiliyyah....,*” (33:33)

Mujahid remarks, “*Women used to walk about among men.*”; Qatadah says, “*They used to walk in a seductive and sensuous manner.*”; while Maqatil says, “*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 pre-Islamic 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. But during the present period of ignorance of the divine guidance the display of feminine attractions has gone to such vulgar extremes that the women of the pre-Islamic era appear in contrast to be models of chastity and 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:

- Lowering the gaze: Indeed, the most precious ornament of a woman is modesty, and the best expression of modesty is in the lowering of the gaze, as Allah (swt) says, “...*And tell the believing women that they should lower their gazes....*” (24:31)
- Not intermingling with men in such way that their bodies come in contact or that men touch women, as happens so often today in movie theaters, university classrooms, auditoriums, buses, streetcars, and the like. Ma'qal ibn Yasar (r.) narrated that the Messenger (saw) 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.*” (Tabarani, Baihaqi)
- Her clothing must conform to the standards laid down by the Islamic Shari‘ah, which are as follows:
  1. Her dress must cover her entire body with the exception of “that which is apparent,” which, refers to the face, hands (up to the wrist) and the feet (up to the ankles).
  2. It must not be transparent, revealing what is underneath it. The Prophet (saw) 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 the Garden, 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 Bani Tamim, who were clad in transparent clothes, came to see 'Aisha (r.), and she remarked, “*If you are Believers, these are not the clothes which befit believing women.*” On another occasion, 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 Surah al-Nur.*” Surah 24, which together with Surah al-Ahzab contains many injunctions concerning purity and propriety, man-woman relations, and dress.
  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 bust line, 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 (peace be on him) cursed women who try to resemble men and men who resemble 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 Jews, Christians, or pagans, 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 attitudes. This is why Muslims have been asked to be different from non-Muslims in many aspects, and why the Prophet (peace be on him) has said, “*Whoever imitates a people is one of them.*”
- The Muslim woman walks and talks in a dignified and business-like manner, avoiding flirtatiousness in her facial expressions and movements. Flirting and seductive behavior are characteristics of wrong-minded women, not of Muslims. Allah (swt) says: “*Then do not be too pleasant of speech, lest one in whose heart there is a disease should feel desire (for you).*” (33:32)

- 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 says: "*They should not strike their feet in order to make known what they hide of their adornment...*" (24:31). 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 might tempt a lecherous man to pursue her and also because it demonstrates the evil intention of the woman in 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 states, "The woman who perfumes herself and passes through a gathering is an adulteress." (Tabarani, Tirmizi). It has also been reported by al-Nisai, Ibn Khazimah, Hakim 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 an adulteress." 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 when there is a need. The Messenger (saw) told his wife Saudah, "*Allah has permitted you to go out for your needs.*" (Bukhari). He also said, "*If someone's wife asks his permission to go to the mosque, he should not deny it to her.*" (Bukhari). Nevertheless, a woman must seek the permission of her father or husband before leaving the home.
- 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. 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 homosexuality. This perverted act is a reversal of the natural order, a corruption of man's sexuality, and a crime against the rights of females. The same applies equally in the case of female homosexuality (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 the 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, lawful relations with women in the pursuit of this unnatural, foul and illicit practice. That is why their prophet, Lut (peace be on him), told 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)!*" (26:165-166)

The jurists of Islam have held differing opinions concerning the punishment for this abominable practice. Nevertheless, they have agreed that it death must ensue. 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.

## **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 judgment 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”* (23:5-7) 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 excrete. However, the Hanbali jurists permit masturbation only under two conditions: first, the fear of committing fornication or adultery, and second, not having the means to marry.

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, teaches control of desires, and strengthens the fear of Allah. The Prophet (saw) said, “*Young men, those of you who can support a wife should marry, for it keeps you from looking at women and preserves your chastity; but those who cannot should fast, for it is a means of cooling sexual passion.*” (Bukhari).

## Eating and Drinking

Eating manners are very important since it is repeated many times every day. It must be done properly whether eating alone, with family, or with friends. To avoid pretenses, you should train yourself in proper eating manners, whether alone or with your family. It will then become a natural part of your behavior. There are certain table manners that are indispensable. Say '*Bismillah*' when starting, to thank Allah and say '*Alhamdulilah*' when finished. Eat what is in front of you. Eat using your right hand. A hypocrite was eating with his left hand when the Prophet saw him and advised him to eat with his right. The man falsely said '*But I cannot*' The Prophet said '*May it be so*' and the hypocrite was not able to lift his right hand again.

If eating with your hand, use three fingers with small bites, lifting it gently with ease to your mouth. Close your mouth while eating to avoid unnecessary noises. To eat on the floor is nearer to what the Prophet (saw) used to do and there will be reward for it. However, there is no problem to eat at a table. Imam Ghazali said, '*To eat at a table is to make eating easier and there is nothing against that.*' However, it is disliked to stand and eat. Do not start eating ahead of the elders or the nobles. If you are the elder, do not commence eating before everyone is at the table.

It is preferred that eating should not be conducted in silence. It is good manners to talk during meals. Topics should be nice stories suitable for eating. At the end of the meal, if hands are to be washed, the elder or the noble should be asked to proceed first.

At the end of a meal, thank Allah (swt) as in the Hadith reported by Abu Dawud and Nasa'i in '*the deeds of day and night.*' Thank Allah who fed us and provided us with drink. It is very appropriate to make a prayer for your hosts as it is reported by Muslim that Al-Migdad ibn Al-Aswad (r.) reported that the Prophet (saw) said, '*May Allah feed those who have fed us, and provide drinks to those who provided us with it.*'

Do not express your disapproval or dislike of certain foods. Either eat it or pass it over quietly. Abu Hurairah (r.) reported that '*the Prophet (saw) never expressed his dislike of a food. If he liked it he will eat it. If he disliked it, he will set aside.*'

Do not put in your plate more than can eat. Leftovers could be thrown out, it shouldn't, and wasted. Put smaller portions twice rather than one large portion that you will not eat. The Prophet did not approve of leaving any food in a plate since as he said ‘You don’t know which portion is blessed’. Food is a blessing of Allah, to misuse it is contrary to Islam. Do not forget the poor and the needy who do not have the portion you are throwing away. Lick your finger and clean your plate as this is the practice of the Prophet (saw) who warned that the wasters are the brothers of the accursed devil.

Drinking manners are no less important. To start in the name of Allah is a must. Use your right hand to drink. Abo Dawud and Tirmizi related that Hafsa (r.) said '*the Prophet used his right hand for eating and drinking. He used his left for other things [such as personal hygiene].*' Do not pour your drink down your throat in one gulp. Drink it in three sips. Ibn Abbas (r.) reported that the Prophet said '*Do not drink like a camel. Drink twice or thrice.*' Say the name of Allah before drinking. Thank Allah after finishing.

Do not exhale in your glass. This will irritate others and will smudge the glass or the cup. Ibn Abbas (r.) reported that the Prophet forbade exhaling in a glass or puffing into it.

Do not drink directly from the jug or the container. Besides being unhygienic, others may want to drink after you who could be irritated. Abu Hurairah (r.) narrated that the Prophet (saw) forbade drinking directly from the mouth of the sheepskin or the flask.

Modesty is the crown (hallmark) of the common people. Keep this crown on your head if invited to a feast or if you are presented with food or drink. Do not be gluttonous devouring food as if you have not eaten for a long time, or as if you have not seen such excellent food before. Do not sample every dish on the table. People, even generous hosts disapprove of greedy eaters. Be reasonable and moderate in enjoying the generosity of your hosts.

Do not eat using golden or silver plates or cutlery. This goes against the spirit of Islamic modesty. Pomposity is not an Islamic trait. Bukhari narrated that Huzaifa said the Prophet said '*Do not drink in golden or silver cups nor eat in such plates.*' If you were a guest, simply ask your host to replace it with another one. Umm Salama (r.) reported that the Messenger (saw), said, "*Anyone who drinks from a silver vessel is gulping down the fire of Hell into his belly.*"(Bukhari, Muslim).

## **Marriage**

The stand of Islam is, on the one hand, against sexual autonomy; 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, denounces renunciation and castration. Renunciation means remaining celibate and renouncing worldly activity for the sake of devoting oneself to the worship of God. Castration denotes suppressing sexual desire by removing the testicles.

The Prophet (saw) 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 (r.) narrated, ‘some of the Companions of the Prophet (peace be on him) decided to relinquish the world, forsake their wives, and become like monks. Abu Qulabah (r.) said the following verse was revealed concerning them: “*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.*” (05:90)

It is reported by al-Bukhari and others that three people came to the Prophet's wives and asked how the Prophet (saw) conducted his worship. When they were told about it, they seemed to consider their worship as insufficient, saying, “*What a difference there is between us and the Messenger of Allah (saw), whose past and future sins have been forgiven him by Allah!*” One of them said, “*As for me, I will always pray during the night.*” The other said, “*I will have nothing to do with women and will never marry.*” and the last one said, “*I will fast every day.*” When the Prophet (saw) heard about this, he explained to them their error and deviation from the straight path, saying, “*I am the one who fears Allah the most among you, yet I fast and I break my fast, I pray and I sleep, and I marry women. He who turns away from my sunnah has nothing to do with me.*”

Addressing the young men of all times, the Prophet (saw) said, “*Young men, those of you who can support a wife should marry, for it keeps you from looking at women and preserves your chastity.*” (Bukhari)

From this statement some scholars have inferred that marriage is obligatory for the Muslim who is able to support a wife and that the avoidance of it is not permissible, while other scholars add the further condition for its obligation 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. Says Allah (swt): “*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.*” (24:33)

And the Messenger of Allah (saw) said, “There are three who have a right to the help of Allah: the one who marries 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. (Ahmad, Nisai, Tirmidhi, Ibn Majah, and Hakim.)

### **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 remarry), 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. Says

Allah (swt): “*And there is no blame on you in what you proclaim or hide in your minds concerning betrothal to women.*” (2:235)

It is likewise forbidden to the Muslim to propose to a woman who is already betrothed to his Muslim brother; 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 no harm in proceeding with it.

Muslim reported that the Messenger of Allah (peace be on him) 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.*”

### **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 (saw) said, “*A woman who has been previously married has more right concerning her person than her guardian, and a virgin's consent must be asked about herself, her consent being her silence.*” (Bukhari and Muslim.)

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 (saw) said, “*Three matters should not be delayed: Salah 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.*” (Tirmidhi.) He further declared, “*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.*” (Tirmidhi)

### **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:

- 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.
- The mother, including the grandmothers on both sides.
- The daughter, including the granddaughters from the son or daughter.
- The sister, including the half, and step-sisters.
- The paternal aunt, whether she is the real, half, or step-sister of the father.
- The maternal aunt, whether she is the real, half, or step-sister of the father.
- The brother's daughter, i.e., his niece.
- The sister's daughter, i.e., his niece.

All these female blood-relatives are a man's muharramat 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.

- 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 aunts is like the respect he has for his mother, and likewise uncles are regarded as fathers.

- 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.
- 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.*" (30:21)
- 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.
- 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.
- 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 women who could defend her became rivals, how would this be possible?

#### The following Marriages are Prohibited by Reason of Fosterage

- The foster mother: It is haram for a Muslim to marry a woman who has suckled him during his infancy, for sucking 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 sucking 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 (the Shafi'i position), however, once is sufficient according to the Hanafi's position. A fill being defined as when the child leaves off sucking of his own accord.
- Foster sisters: Just as a woman becomes a mother to a child by virtue of sucking, likewise her daughters become his sisters, her sisters his aunts, and so on. The Prophet (saw) said: "*What is haram by reason of genealogy is haram by reason of fosterage.*" (Bukhari and Muslim.). Thus the foster-sisters, foster-aunts, and foster-nieces are all muharramat and marriage to them is permanently prohibited.

#### The following In-Law Relationships are perpetually unlawful for marriage:

- 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.
- 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, his wife. However, if a man divorces his wife without having had intercourse with her, it is permissible for him to marry her daughter from a previous marriage.

- 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 legal, 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 (saw) says: “*Nor has He made your sons by adoption your (real) sons. Those are simply words from your mouths.*” (33:4) meaning that it is merely an expression of the language which does not alter reality nor transform an outsider to the family into a blood relative.

These types of female are forbidden in marriage in order that peaceful relationships may be maintained among the in-laws, albeit, temporarily (until the stipulations for their illegitimacy are removed):

- Sisters as Co-Wives: 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 between sisters would be destroyed if one sister became the co-wife of the same husband. While the Qur'an mentioned the two sisters, the Prophet (saw) added, “*A man may not be married to a woman and her paternal aunt (at the same time), nor to a woman and her maternal aunt.*” (Bukhari and Muslim)
- Married Women: 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:
  1. Her marriage tie is broken either because of the death of her husband or because of divorce;
  2. She has completed the period of waiting ('iddah) ordained by Allah (swt). 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 days, 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 (swt) 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.*” (2:228); “*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.*” (65:4) and “*For those of you who die and leave behind widows, they shall wait concerning themselves for four months and ten days.*” (2:234).
- A Mushrik: someone who commits shirk, or ascribes partners to Allah by his polytheistic beliefs or idolatrous practices. Allah (swt) 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 bondsman is better than a Mushrik, even though you may admire him. They (Mushrikeen) invite you to the Fire, but Allah invites you to the Garden and to forgiveness by His grace.*” (2:221). This verse proclaims that a Muslim man may 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 the Garden of Paradise, while shirk (idolatry or polytheism) leads them to the Fire of Hell. While Muslims believe in God, His messengers, and the Hereafter, Mushrikeen associate others with God, 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? Many of the Scholars consider the contemporary Christians and Jews as Mushrikeen since they do not resemble ‘the people of the book’ which are allowable to marry. The position of the Hanafi Madhab is it is admissible, nonetheless, it should

only be used as a last resort. However, the latter Hanafi scholars, deem it annulled since most Christians and Jews today do not believe in one God.

It is haram for a Muslim woman to marry a non-Muslim man, regardless of whether he of the ‘People of the Book’ or not. We have already mentioned the saying of Allah (swt), “*And do not marry (your girls) to idolaters until they believe.*” (2:221) and He says concerning the immigrant Muslim women, “*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).*”

(60:10). 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 from ‘People of the Book’, a Muslim woman is not allowed. 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 wife (from the people of the book) 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 God revealed the Torah to Moses and the Injeel to Jesus, these are not to be confused with either the existing Torah or Old Testament, or the four Gospels of the New Testament, and that both Moses and Jesus (peace be on 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 Prophets (peace be on them). 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.

- A Fornicator: (az-zaniyah) denotes women who earn money through prostitution. It is reported that a companion asked the Prophet's permission to marry a prostitute with whom he had relations during the pre-Islamic period. The Prophet (saw) did not give him an answer until Allah (swt) 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 idolater, and that (marrying them) is haram for the Believers.*” (24:3). The Prophet (saw) then recited this verse to him and said, “*Do not marry her.*” (Abu Dawud, Nisai, Tirmidhi). Allah (swt) has 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.*” (4:24).

## Polygamy

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 man might have. When Ghailan al-Thaqafi accepted Islam, he had ten wives, and the Prophet (saw) instructed him, "*Choose four of them and divorce the rest,*" (Shafi'i, Ahmad, Tirmidhi, Ibn Majah, Ibn Abi-Shaybah, Darqutni, Bayhaqi.)

The case of the Prophet (saw), who himself had nine wives, was exempted from this by Allah (swt) during his lifetime and because of the need of the Muslim Ummah after his death.

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 (not equally) 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 who lacks the assurance that he will be able to fulfill all these obligations with justice and equality is prohibited by Allah Ta'ala from marrying more than one woman, for Allah (swt) says:

*"But if you fear that you will not be able to do justice (among them), then (marry) only one"* (4:3)

And the Prophet (saw) said, "*Anyone who has two wives and does not treat them equitably will come on the Day of Resurrection dragging one part of his body which will be hanging down.*" (Ibn Hibban, Hakim)

The equitable treatment mentioned here pertains to the rights of the wives, not to the 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 (swt) 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.*" (4:139)

This is why the Prophet (peace be on him) used to divide his time among his wives equally, saying, "*O Allah, this is my division in regard to what I can control. Then do not take me to task regarding what You control and I do not control.*" (Sunnan) referring to the attachment and affection which he felt for one particular wife. And when he planned to go on a journey, Allah's Messenger (saw) would cast lots among his wives, and the one who was chosen by lot would accompany him. (Bukhari, Muslim.)

## Why Marriage to More Than One Woman is Permitted in Islam

Islam is the last and final religion sent by Allah (swt), 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 dweller only, while neglecting the nomad, 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 that individual 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 to marry 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 who is chronically ill, 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 ranks 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, a healing remedy for this problem, and that is the judgment of Islam:

And who is better than Allah (swt) in judgment, for a people who have certain faith? (5:53 (50)

For 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 is the proper course of action, and which of the two groups is correctly guided!

## 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. As Allah (swt) proclaims "*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.*" (30:21)

## 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.

Imam al-Nawawi (r.) wrote: "*He has the rights to all kinds of sexual enjoyment except to look at her pudendum because there is a difference of opinion concerning this [being haram, the sounder ruling being that it is Makruh] and except for anal intercourse, which is strictly prohibited.... it is permissible that he masturbate with the hand of his wife... just as he may enjoy her entire body.*"

Asbagh ibn al-Faraj ibn Sa`id al-Misri the Maliki Faqih and foremost student of Ibn Wahb the student of Malik (r.) was asked about those who said it is Makruh to look at the pudendum (vulva) and he replied: "*They only deemed it makruh from the medical perspective [i.e. lest revulsion ensue or it affect the light of the face, eyes, or heart], not from that of knowledge [i.e. not as a Fiqh ruling], in which case there is no harm in it and it is not makruh.*" Then he narrated from Imam Malik (r.) that he said: "*There is no harm in looking at the [wife's] pudendum during intercourse.*" He added in his narration:

*“And there is no harm in licking it with his tongue!”*. In addition, the Hanafi Madhab allows looking. However, they are two positions in the Shafi'i Madhab.

Concerning the Hadith, “During intercourse let none of you look at the pudendum of his wife or jaariya for it leads to blindness.” Narrated from Ibn `Abbas (r.) by al-Bayhaqi in his Sunan with two chains and from Abu Hurayra (r.). This is a forgery according to Ibn Abi Hatim, Ibn Hibban, Ibn al-Jawzi, al-Dhahabi, al-Munawi, Ibn Hajar, al-Shawkani, al-Fattani, and others. Because one of its chains in the Sunan looks good - as stated by Ibn al-Salah - al-Suyuti hesitated to rule it a forgery.

It was also said that it is impermissible because of the hadith of [our Mother] `A'isha (r.) when she mentioned her state with the Messenger (saw), *“Neither did I see that part of him nor he of me.”* It has been explained that this was due to adab and not necessarily a prohibition.

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 (saw) about what is permitted and what is forbidden in relation to menstruating women. The following verse was then revealed: *“And they ask thee about menstruation. Say: It is an illness, 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 in to them in the manner ordained by Allah; indeed, Allah loves those who turn to Him and He loves those who are clean.”* (02:222). 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 (saw) 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 foreigners do.”* When the Jews of Madinah heard this *‘This man does not like to leave any part of what we do unchanged, but does the opposite.’*

Thus the Muslim can fondle (there should be a barrier between him and her vulva) and enjoy his menstruating wife, avoiding only intercourse. 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, may be 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.

## **Prohibited Intercourse**

Concerning the sensual relationship, these words of Allah (swt) were revealed: *“Your wives are a tillage to you, so go in to your tillage as you will, and send (ahead something) for your souls; and fear Allah and know that you will (one day) meet Him, and give glad tidings to the Believers.”* (02:223)

The Indian scholar, Shah Waliullah Dehlavi, in explaining the Occasion of the revelation of this ayah and its significance says: *“The Jews had unnecessarily restricted the postures of sexual intercourse without any divine authority. The Ansar (of Madinah) being their friends, 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 in to 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 (swt) abolished them.”*

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 strictly avoids the anus because the Prophet (saw) said, “*Do not approach women from the anus.*” (Ahmad, Tirmidhi, Nisai, and Ibn Majah.)

Again, he referred to such an act as ‘*minor sodomy.*’ (Ahmad and Nisai.) A woman of the Ansar asked him concerning vaginal intercourse from the back; he then recited to her,

‘Umar came to him one day saying, ‘*O Messenger of Allah, I am ruined!*’ “*What has ruined you?*” asked the Prophet (saw). He replied, ‘*Last night I turned my wife over,*’ meaning that he had had vaginal intercourse with her from the back. The Prophet (saw) did not say anything to him until the verse cited above was revealed. Then he told him, “*From the front or the back, but avoid the anus and intercourse during menstruation.*” (Ahmad, Tirmidhi.)

Imam al-Shafi`i (r.) said in al-Umm, “*that apart from the prohibition of anal sex, enjoyment of the whole body regardless of vaginal penetration is permissible.*”

Shaykh Muhammad Sa`id al-Buti mentions concerning the status of coitus between the buttocks? “*The prohibited in sexual intercourse between spouses is the penetration of the penis into the anal opening. As for enjoying what is short of this such as the buttocks, it is not prohibited, in fact, all other than that is allowed.*”

## Oral Sex

The spread of pornography has increased the prevalence of oral sex, and it is now commonly practiced by many couples. Muslims are frequently asking about the Islamic viewpoint on oral sex.

Unfortunately, some people shy away from discussing this matter altogether, while others regard any discussion of it to be offensive. Both these approaches are incorrect. In order to ensure that one’s sex life is in harmony with Islamic teachings, it is important to discuss the Islamic perspective on oral sex in detail.

Oral sex is the use of the mouth or the tongue to stimulate another person’s genitals. Oral stimulation of the male organ is called fellatio, whilst oral stimulation of the female genital is known as cunnilingus. The term oral sex covers a wide range of activities, from simply kissing the genitalia to the actual taking in and swallowing of sexual fluids. As such, the Islamic ruling will depend on what exactly is entailed by this term.

- If oral sex entails inserting the penis into the wife’s mouth to the extent that she swallows or takes impure filthy substances such as semen (many) or pre-ejaculatory fluid (madhy) into the mouth, or the husband placing his mouth onto the wife’s vagina to the point that he takes her discharge in his mouth, then this is sinful. If there is fear of this, and this fear is at the level of likelihood, then it is also impermissible. It is unlawful to intentionally swallow filthy and impure substances or to introduce them into the mouth. This includes all male and female genital excretions and sexual fluids such as urine, pre-ejaculatory fluid, semen (wady). Even though semen is not considered impure according to some scholars, for example the Shafi`is, contrary to the Hanafis, they nevertheless hold its oral intake to be prohibited (since it would be mixed with pre-ejaculatory fluid which they consider impure). As such, swallowing or consuming all forms of sexual fluids of the wife or husband is forbidden. Imam Mawawi of the Shafi`i school states, “*The correct well-known opinion is that it is forbidden to consume semen because it is filthy (mustakhbath), [even though not impure]. Allah (swt) says: “...And He (Allah) makes unlawful for them filthy things (khaba’ith) [07:157].*”
- If oral sex is practiced and all precautions are taken to prevent sexual fluids from entering the mouth, for example if the couple are only gently kissing each other’s genitalia without any fear of

likelihood of consuming sexual fluids, then it is permitted, but disliked and improper. It may be considered as a form of foreplay, similar to kissing other parts of the body and so permitted, but disliked, as placing one's mouth on one's spouse's genitalia is against religious propriety.

In Al-Fatawa Al-Hindiyya, it states: “*if a man inserts his penis into his wife’s mouth, it has been said that it is disliked (makrūh), and others hold that it is not disliked.*” This clear passage is one of the major Hanafi Fiqh reference works indicates that there is a scholarly difference about permissibility of a man inserting his penis into his wife’s mouth. According to some scholars it is disliked, whilst others permit it. It should be remembered that both, those who allow it and those consider it disliked, stipulate that no sexual fluids enter the spouse’s mouth as mentioned earlier. Normally, this is difficult to avoid. Because of this, and because it is generally considered contrary to the proper conduct of a Muslim, most contemporary scholars hold this practice to be disliked, even if the transfer of sexual fluids is avoided.

The mouth is a noble part of one’s body and is the means of reciting the Qur’ān, remembrance of Allah (dhikr) and sending salutations on the blessed Messenger (swt). It follows, then, that it is offensive to use it to stimulate the spouse’s genitalia, and unlawful if filth enters the mouth.

Finally, if one’s spouse demands oral sex, it is not obligatory to consent to it, even if precautions are taken to avoid sexual fluids coming into contact with the mouth. The wife is only obliged to make herself available for sex, whilst the husband is required to have sex with her enough to maintain her chastity.

### **Guarding the Secrets between the Husband and Wife**

The Qur’ān praises virtuous wives, “*...Who are obedient, guarding in secret what Allah has guarded....*” (04:34). 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 (saw) 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.*”

(Ahmad, Abu Dawud, and Bazzar.) Abu Hurairah narrated, Allah's Messenger (saw) led us in prayer, and when he had finished he turned toward us and said, “*Remain seated. Is there among you the 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 one who tells about such things?’ A girl raised herself on her knees so that the Messenger (saw) could see her and listen to what she said. She said, ‘Yes, by Allah, the men talk about it and the women do, too.’ Then the Prophet (saw) said, ‘Do you know what those who do this are like? The ones who do this are like a male and female devil who meet each other in the road and satisfy their desire while the people look on.*” (Sunan). 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!

### **Contraception**

First of all, it should be known that, one of the main aims of marriage in Islam is procreation. Islam encourages its followers to reproduce in large numbers in order to increase the size of the Ummah of our Prophet (saw). Allah (swt) says in the Qur’ān: “*So now hold intercourse with your wives and seek (the children) what Allah has ordained for you.*” (02:187). In a Hadith recorded by Imam Abu Dawud, Imam an-Nasa’i and others, the Messenger(saw) said: “*Marry women who are loving and reproduce in abundance, for I shall outnumber the other nations by you.*”

It is clear from the above, that Shariah encourages its followers to abstain from practicing birth control, especially, when it is given a formal, organized and general approach. Therefore, one should refrain from practicing contraception unless necessary.

As far as the Shar'i ruling is concerned, there are two categories of birth control and the ruling of each is different. The ruling of each category is as follows:

1. Permanent Irreversible Contraception: This type of contraception is carried out when the couple decide never to have a baby. It is done with a sterilization operation carried out either on the man (vasectomy) or the woman (tubectomy) and renders the couple incapable of ever having children. The ruling with regards to this is that, it is unlawful (Haram) to carry out such operations. There are many Narrations of the Messenger (saw) and clear texts of the Fuqaha (Jurists) which determine this. The Companion, Abdullah ibn Mas'ud (r.) said: "*We use engage in Jihad in the company of the Messenger (saw) and our wives did not accompany us. We said: 'O Prophet of Allah! Shall we not castrate ourselves?' He forbade us from doing so.*" (Sahih al-Bukhari). The great Hanafi Jurist, Allama Ibn Abidin (Allah have mercy on him) says: "*Castration of humans is Haram.*" Imam al-Ayni (Allah have mercy on him) says: "Castration (and sterilization) is prohibited with the consensus of all the scholars." However, in cases of extreme necessity, Irreversible contraception will become permissible. For example, a woman's life is in danger or repeated pregnancies gravely damage her health, etc. This however, should be advised by a Muslim qualified doctor.
2. Temporary Reversible Contraception: There are many methods by which reversible contraception can be performed. Coitus interruptus (Withdrawal method), the pill, using of the condom, Intrauterine Device (IUD), spermicidal, just to mention a few. The ruling on reversible contraception is that, it is somewhat disliked (Makruh Tanzih) if practiced without any reason. If there is a genuine reason, then it will be totally permissible with the permission of the wife. Some of the reasons (for the permissibility of reversible contraception), which the Fuqaha mention, are:
  - Physical state of the woman
  - Weakness and illness
  - The couple are on a distant journey
  - The couple's relations are unstable and divorce is likely
  - Spacing out children in order to give them adequate care and attention,

If contraception is practiced due to a reason contrary to the teachings of Shariah, then it will not be permissible. Some of these reasons are:

- Fear of poverty and not being able to provide
- For the fashion of keeping small families and imitating the Kuffar
- Being ashamed of having a girl

There are many narrations from the Messenger (saw) which signify the permissibility of reversible contraception, but at the same time indicate it to be undesirable. Jabir (r.) says: "*We used to practice Coitus interruptus (Withdrawal method) while the Qur'an was being revealed. The Messenger of Allah (Allah bless him & give him peace) knew of this and did not prohibit us.*" (Bukhari and Muslim)

Allama Jad al-Haqq (Allah have mercy on him), the pious late 20th Century Shaykh al-Azhar, wrote in a legal verdict (fatwa) that:

- Contraception is permitted if the husband and wife agree, as there is nothing in the Qur'an or Sunnah to prohibit it; rather, the hadiths and practice of the Companions of the Prophet (saw)

indicate permissibility, and this is confirmed by the words of the jurists across the schools of Islamic law.

- It is not permitted to engage in contraception without the agreement of the spouse – for both husband and wife.
- Contemporary forms of contraception, whether used by the husband or the wife, are akin to the ejaculating outside the vagina (^azl) mentioned in the hadiths, as is explicitly understood from the words of the jurists of the Hanafi and other schools. Rather, they are superior, more natural, and less harmful.
- It is not permitted to use irreversible contraception such as sterilization.
- It is not permitted for there to be state-imposed forcible population planning.

Other contemporary jurists (fuqaha) state likewise. While some texts indicate that it is somewhat disliked (makruh tanzihan) to do so, this is not what most of the major jurists of the Hanafi school state. Even jurists who stated that it is disliked mentioned that if there is a sound reason or benefit to engage in contraception, then it is not disliked. In our times, this would include reasons such as having a manageable family size, when one does not have the support of extended families in raising the children, the desire to give the children the attention, education, and support they need in difficult times, genuine (physical or emotional) health reasons, and so on.

Kasani (Allah have mercy on him) states, “*It is disliked to engage in contraception or preventative ejaculation (^azl) with one’s wife without her permission. This is because intercourse with ejaculation is the means to having a child, and having a child is her right. By resorting to contraception, without her permission, having a child is prevented, which is akin to being a reason for not fulfilling her right; however, if the contraception was with the wife’s agreement (rida), then it is not disliked. In such a case, she will have willingly forgone her right.*” This is also mentioned by Marghinani in al-Hidaya, and Nasafi in Kanz al-Daqiqah. Zayla’i confirms this in his commentary on Kanz al-Daqiqah.

Ibn Taymiyya (Allah have mercy on him and forgive him) and others related that the permissibility of contraception with the wife’s permission is agreed upon by the four schools of Sunni Islam.

Ibn Nujaym then quotes Ibn al-Humam (Allah have mercy on him), who mentioned in his magnificent commentary on al-Hidaya, Fath al-Qadir, that some scholars of the Hanafi school considered contraception to be permitted yet disliked, while others did not consider it disliked. Mulla Khusro, the great Ottoman master jurist, said in al-Durar that it is permitted to engage in contraception. He does not state that it is disliked. Shurunbulali (Allah have mercy on him) does likewise in his marginal commentary, al-Shurunbulaliyya. The Fatawa Hindiyah, compiled by some of the greatest jurists of Moghul India under commission from the righteous Sultan Aurangzeb, explicitly negates that it is disliked by stating, “*Contraception is not disliked with the wife’s permission...*”

## Artificial Insemination

Islam safeguards lineage by prohibiting zina and legal 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 donor of the semen is other than the husband. It is a despicable crime and a major sin, to be classified in the same category as adultery. Both (adultery and artificial insemination by anyone other than the husband) are similar in nature and in effects; 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 of a lesser degree, such insemination would have been punishable by the same hadd punishment as is prescribed for adultery in the divinely revealed Shari’ah. There is, however, no doubt that insemination by a donor 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 element into the lineage - in conjunction with the

offense of adultery, 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, who has no consciousness of the noble bonds (of morality and lineage) which exist among the members of a human society

## Abortion

Abortion and the termination of pregnancy is the expulsion of a fetus from the womb of a woman. This may either be by consuming of certain drugs or by emptying the womb through the process of suction. Imam al-Ghazzali (r.) makes 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. 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 fetus) is separated (from the mother) alive.”

Life is sacred: Islam regards human life sacred. Allah (swt) says: “*And verily we have honored the children of Adam*” (17:70). It does not matter where the life exists. Whether the life is extra-uterine or intra-uterine, its location has no significance on its sanctity. This sanctity applies not only to human life, but to the human body as well. Hence, according to Shari’ah, the physical body of a human after death is just as sacred as it was before death. The degree of sanctity of life is greater than that of the body. This is one of the reasons why it is unlawful (Haram) to consume the meat of a human, dead or alive.

Abortion can be divided into two stages:

- a) Abortion after the soul (Ruh) enters the fetus
- b) Abortion prior to the entry of the soul in to the fetus

Before mentioning the ruling on abortion with regards to these two stages, it must be remembered here, that according to Shari’ah the soul (Ruh) enters the foetus at 120 days (4 months) from conception.

The Jurists (Fuqaha) have based this duration upon a Qur’anic verse and a statement of the beloved of Allah (Allah bless him & give him peace). In the verse Allah (swt) states the stages of development of the embryo in the womb of the mother. Allah Almighty says: “*And verily we did create man from a quintessence (of clay). Then we placed him (as a drop of sperm) in a place of rest, firmly fixed. Then we made the sperm into a clot of congealed blood. Then of that clot we made a (fetus) lump. Then we made out of that lump bones and clothed the bones with flesh. Then we developed out of it another creature (by breathing life into it). So blessed be Allah, the most marvelous creator*” (23:12-14).

The ruling on abortion in stage (a) i.e. after the entry of the soul into the fetus which is (as explained) 120 days, is that, it is totally impermissible and tantamount to murder, as it results in the taking out of an innocent life. All the scholars have unanimously condemned such a ghastly act.

Imam Ibn Taymeeyah stated: ‘*Aborting a foetus has been declared unlawful (Haram) with the consensus of all the Muslim scholars. It is similar to burying an infant alive as referred to by Allah Almighty in the verse of the Qur'an: "And when the female infant, buried alive, will be asked as to what crime she was killed for"* (81:08).’

Ibn Abidin (Allah have Mercy on him) also states the prohibition of this gruesome act in his treatise ‘Radd al-Muhtar’: ‘*If a woman intends to abort her pregnancy, then the Fuqaha have said: If the period of the soul being blown into the fetus has elapsed, it will be impermissible*’

However, some Fuqaha and contemporary scholars have given a dispensation to abort the pregnancy after 120 days, in the situation where the life of the mother is in certain and absolute danger. This is based on the Juristic principle stated in the books of Usul al-Fiqh: ‘*If one is overtaken by two evils, one should choose the lesser of the two*’ They state that the mother’s life should be saved and the fetus

aborted, as the mother is established in life, with duties and responsibilities, whereas the unborn child is still in the mother's womb. But it should be remembered that the mother's life must be in certain danger, and that this should be advised by a qualified and experienced Muslim doctor.

With regards to stage (b) i.e. prior to the entry of the soul into the fetus (120 days), the ruling is that, even in this case it is unlawful (Haram) to abort the pregnancy. The reason why abortion prior to the soul entering the body will not be permitted is that, although there may not be life in the fetus, the fetus is considered to be part and parcel of the mother's body as long as it remains in the womb. Thus, just as one's very own life and also all the limbs and organs of the human body are trust given by the Almighty Creator, so too is the fetus also a trust given to the mother by Allah (swt), and she will not have a right to abort it. The only difference here is that the sin of aborting the fetus will be of a lesser degree than aborting it after 120 days. It would not be regarded as murder, rather violating the rights of a human organ entrusted to the mother by Allah (swt). It is stated in Radd al-Muhtar: "*It is not permissible to abort the pregnancy before and after the entry of the soul into the fetus*"

However, in certain extreme circumstances, it would be permitted to abort the pregnancy, before the entry of the soul (120 days), such as: when the woman conceives after being raped, the mother's life or health is in danger, or repeated pregnancies severely damages her health, etc. Imam al-Haskafi writes in Durr al-Mukhtar: "*Aborting the pregnancy will be permissible due to a valid reason, provided the soul has not yet entered the fetus*". It should be remarked here that pregnancy due to unlawful and illegal sex is no reason and excuse for abortion. The embryonic life farm in the mother's womb is honored and sacred even though it is a result of adultery (Hidayah)

## **Parents and Children**

Allah (swt) has ordained marriage and has forbidden adultery 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 belongs exclusively 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.

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 evidence (he has either seen her engaging in adultery or there are four upright witnesses who have witnessed the act) which has come to his attention, 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. However, for this to be admissible, it must be sanctioned by a Qadi (Islamic Judge).

Allah (swt) says, "*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 of 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.*" (24:6-9).

After this the two shall be separated permanently, and the child shall be identified by the name of his or her mother.

### **The Prohibition of Legal 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 during the course 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 as son, announce the fact to the public, and the boy would become like a son to him, sharing the responsibilities and rights of his adopted 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. Before receiving the call to prophethood, the Prophet (saw) had himself adopted Zaid bin Harithah (r.), who had been captured as a child during one of the raids on his tribe which were common occurrences during the period of jahiliyyah. Khadijah (r.) presented Zaid (r.) to him. When Zaid's father and uncle learned his place of residence, they came to the Prophet (saw) to demand Zaid's return. The Prophet (saw) gave Zaid a choice, and he chose to stay with the Prophet (saw) in preference to his father and uncle. The Prophet (saw) then set him free and adopted him as his son in the presence of others. He was thereafter called Zaid ibn Muhammad and became the first of the freed slaves to accept Islam.

Now what is the judgment 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, nor he theirs, is a deception, for the man's wife is not the 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 their full inheritance. 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. Says Allah (swt): "...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..." (33:4-5). To eradicate this blameworthy system, Allah (swt) revealed the following, "And when thou didst say to him who had received the favor of Allah and thy favor, '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 should fear Him. Then, when Zaid 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." (33:37). The Qur'an goes on to support the Prophet (saw) 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.

### **Adopting a Child to Rear and to Educate**

As explained above, the type of adoption which has been abolished by Islam is that kind 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 an urchin 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 natural children. This is a meritorious act in Allah's religion, and the man who does it will be rewarded by being admitted to Paradise. Said the Prophet (saw), "*I, and the one who raises an orphan, will be like these two in the Garden*" and he pointed to his middle and index fingers with a slight gap between the two.

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 the amount of inheritance before his death that is allowed according to the Shariah.

### **Rights of 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 life. Neither the father nor the mother have the right to take the 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. Says Allah (swt): "*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.*" (17:31)

It is the right of a child in relation to its parents that they should give it a good name, not one which will cause it embarrassment when it grows older. It is haram to give a name which denotes a slave or worshipper of someone other than Allah, as for example 'Abd al-Nabi, 'Abd al-Masih, 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 it. The Prophet (saw) said: "*Each one of you is a caretaker and is*

*responsible for those under his care.”* (Bukhari and Muslim); “*Wasting the sustenance of his dependents is a terrible sin for a man.*” (Abu Dawud, Nisai, and Hakim) and “*Allah will ask every caretaker (ra’iy) about the people under his care, and the man will be asked concerning the people of his household.*” (Ahmad, Nisai, Abu Dawud)

It is obligatory for a father to treat all his children equitably (not equally) especially in the matter of giving gifts. Accordingly, he is prohibited from bestowing more favors on some of his children 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 (saw) said, “*Do justice among your sons,*” and repeated it thrice. (Muslim, Ahmad, Abu Dawud). The story behind this hadith is that the wife of Bashir bin Sa’d al-Ansari requested her husband to give a gift of a garden or a slave to her son, al-Nu’mān bin Bashir. She asked Bashir to go to the Prophet (saw) and request him to be a witness. “*Does he have brothers?*” the Prophet (saw) asked. “*Yes,*” he replied. “*Did you give the same to each of them?*” inquired the Prophet (saw). “*No,*” said Bashir. The Prophet (saw) then said, “*This is inappropriate, and I can never bear witness to other than what is just.*” (Sahih Ibn Hibban)

Some other hadith in this regard are as follows: “*Do not ask me to be a witness to injustice. Your children have the right of receiving equitable treatment, as you have the right that they should honor you.*” (Abu Dawud); “*Fear Allah and treat your children with equitable justice.*” (Bukhari, Muslim) Imam Ahmad bin Hanbal said that preferential treatment of a child is permitted if he or she is handicapped while others are not. (In Al-Mughni, 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 (religious), 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 wicked things.)

### **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 with him. Likewise, it is haram for one relative to deprive another eligible relative of his inheritance by means of a trick. It is Allah (swt) 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 Ta’ala 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.” (04:11); after the second such verse He says, “...Which is not injurious (to the rightful heirs): a charge from Allah, and Allah is Knowing, 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.” (04:12-14) 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.” (4:176). 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 him: “...the Fire, to abide therein, and his shall be a humiliating punishment.” (04:14)

### **Disobedience and Insulting of Parents**

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 the more because of her suffering during pregnancy and childbirth, her suckling

of the child, and her role in nurturing it. In the words of Allah (swt): “*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...*” (46:15)

Once a man came to the Prophet (saw) and asked, ‘*Who is most deserving of my good companionship?*’ “*Your mother,*” replied the Prophet (saw). ‘*Who next?*’ the man asked. “*Your mother,*” replied the Prophet (saw). ‘*Who next?*’ he asked. “*Your mother,*” replied the Prophet (saw). ‘*Who next?*’ asked the man. “*Your father,*” replied the Prophet. (Bukhari and Muslim.)

The Prophet (saw) 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 report his saying, “*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 also said: “*Three persons shall not enter the Garden: the one who is disobedient to his parents, the pimp, and the woman who imitates men.*” (Nisai, Bazzar, Hakim) 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.*” (Hakim)

Moreover, Islam emphasizes treating parents kindly, especially when they grow old. As their strength fails, they require more attention and care, and more consideration of their even more sensitive feelings. Concerning this the Qur'an says, “*Thy Lord hath decreed that you worship none but Him and that you be kind to parents. If one or both of them attain old age with thee, do not say a word of annoyance* (Literally, ‘Do not say Uff!’ (an expression of annoyance) to them. ) *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...*” (17:23-24)

In explaining this verse, a commentator says, “*If a lesser thing than saying ‘Uff!’ to parents were known to Allah, He would have prohibited (even that).*”

In addition to the foregoing, the Prophet (saw) not only prohibited insulting or cursing one's parents but declared it to be a major sin. He said, “*Among the major sins 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 enquired, ‘*How is it possible for a man to curse his own parents?*’ The Prophet (saw) 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.” (Bukhari, Muslim.). Nevertheless, today it is not unheard of, if not frequent, to hear someone cursing his parents directly.

## **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 arguing with him to renounce Islam. Says Allah (swt): “...Be grateful to Me and to thy 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 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.” (31:14-15). 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 (if it constitutes sin), 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 judgment between himself and his parents to the 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.

## **Beliefs and Customs**

Faith (Iman) is the foundation of the Islamic society, and tawheed (the belief in the existence and unicity of God) is the essence of this faith and the very core of Islam. The safeguarding of this Iman and of this pure tawheed is the primary objective of all the Islamic teachings and legislation. 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: *"If Reality had been in accord with their desires, the heavens and the earth, and whosoever is therein, would have been in corruption.... "* (23:71)

Muslims have learned from the Book of their Lord and the practice of their Prophet (saw) 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 imposters.

### **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 (saw) then declared war on this deception, which had no basis in knowledge, divine guidance, or a revealed scripture. He recited to them what Allah (swt) had revealed to him: *"Say: No one in the heavens and the earth knows the Unseen except Allah..."* (27:65) Accordingly, the Unseen is known neither to the angels, the jinn nor human beings. Acting on the command of his Lord, the Prophet (saw) 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."* (7:188). However, Allah (swt) afford him certain knowledge of the unseen that He wished. Concerning the jinn who labored for Solomon, Allah (swt) 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)."* (34:14)

Accordingly, anyone who claims to know what pertains to the Unseen utters a falsehood against Allah and the truth, deceiving the people.

### **Believing in Those Who Foretell the Future Constitutes Kufr**

Islam's campaign was not confined to the soothsayers and diviners but included all those who go to them, ask their help, and believe in their superstitions and errors. The Prophet (saw) said, *"The Salah of one who goes to a soothsayer, asks him something and believes in what he says will not be accepted for forty days."* (Muslim). He also said, "Whoever goes to a soothsayer and believes in what he says has denied what was revealed to Muhammad," (Al-Bazzar) for what was revealed to Muhammad (saw) asserts that the knowledge of the Unseen belongs to Allah alone and that Muhammad (saw) has only what Allah privileged him with, much less anyone else. the Quran says, *"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..."* (06:50). If, after being aware of this clear and explicit statement of the Qur'an, the Muslim believes that some people can foretell future events and know the secrets of the Unseen, he has indeed denied what was revealed to the Messenger of Allah (peace be on him).

## **Divination with Arrows**

For the reason mentioned above, divination with arrows was 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 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. (This also indicates the practice of astrology, belief in horoscopes, and related matters. The Prophet (saw) said, "*If anyone acquires any knowledge of astrology (not astronomy), he acquires a branch of magic.*" (Ahmad, Abu Dawud, Ibn Majah) He also said, "*The astrologer is a diviner, the diviner is a magician, and the magician is an unbeliever.*" and "*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).*" (Nisai)

## **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...*" (2:103). The Prophet (saw on him) counted the practice of magic among those major noxious sins which destroy nations before destroying individuals and which degrade those who practice them in this world prior to the Hereafter. Said he (saw), "*Avoid the seven destroyers.*" The listeners asked, '*O Messenger of Allah, what are they?*' He (saw) declared, "*Associating (partners) with Allah (shirk), magic, taking a life which Allah has made sacred except in the course of justice, devouring usury, appropriating the property of the orphan, fleeing from the battlefield, and slandering virtuous believing women who are indiscreet.*" (Bukhari, Muslim.)

Some jurists consider magic as disbelief (kufr) or as leading toward 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 in Allah from the evil of the practitioners of magic: (Magic should be understood to denote witchcraft, sorcery, and all related practices.) "...*From the evil of those who blow on knots....*" (113:04) since blowing on knots is one of the methods which such employ. The Prophet (saw) said, "*Whoever blows on knots practices magic, and whoever practices magic is a mushrik (polytheist).*" (Tabarani)

Just as it is haram for the Muslim to consult with diviners or fortune-tellers concerning the secrets of the Unseen, it is likewise haram for him to seek the help of magic, or those who practice it, to cure an illness or to remove a difficulty. The Messenger (saw) disowned such persons, saying, "*He is not of us (the Muslims) 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.*" (Al-Bazzar). Says 'Abdullah bin Mas'ood (r.), "*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.*" (Al-Bazzar and Abu Y'ala.). Moreover, the Prophet (saw) said, "*The alcoholic, the believer in magic, and the one who breaks the ties of kinship will not enter the Garden.*" (Sahih Ibn Hibban)

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. The 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 wife, inflicting bodily injury, and other evil uses, 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 twentieth 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 (saw) said, “*Seek the remedy, for He Who created illness also created its cure.*” (Ahmad) 'Uqba bin 'Amir narrated that he came to the Prophet (peace be on him) in a group of ten persons. The prophet (saw) asserted concerning the wearer of amulets, “*The one who wears it is a polytheist.*” (Ahmad, Hakim). Furthermore, the Prophet (saw) implored, “*May Allah (swt) not fulfill the hopes of the one who wears a charm; may Allah (swt) not protect the one who hangs seashells.*” (Ahmad, Abu Y'ala, Hakim). Once Abdullah ibn Masood (r.) mentioned, “*The family of 'Abdullah is free of associating anything with Allah for which He has sent no authority...I heard the Messenger (saw) say, 'Incantations, amulets and spells are shirk.'*”

Accordingly, a spell 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 reported that 'Abdullah bin Mas'ood (r.) forbade his wife to utter such jahili incantations. She told 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'ood 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 (saw) 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; Thou art the Healer. There is no cure except Thy cure which leaves behind no disease.*” (Ibn Majah, Abu Daoud, Hakim)

## 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 (pesawace be on him) said to him, “*We augur an evil omen of thee and those with thee...*” (27:47) And whenever a calamity struck them, Pharaoh and his people “*...ascribed it to evil omens connected with Moses and those with him.*” (07:31)

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 (saw) 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.*” (Tabarani)

The auguring of omens has no basis in science or in reality but is a 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 bode something evil? Even if there is 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. Ibn Mas'ood stated, “*None of us fails to be affected by this, but Allah removes such influences through our trust in Him*” (Abu Dawud), 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 the tribe.

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 summon others toward it. The Prophet (saw) 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.*” (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 (swt) and the Last Day to support his people without regard for whether they are right or wrong, just or unjust. Wathilah bin al-Asq'a (r.) narrated, ‘I asked, *O Messenger of Allah, what chauvinism is?*’ and he replied, “*That you should help your people in wrongdoing.*” (Abu Dawud.)

And Allah (swt) says: “*O you who believe, be steadfast in justice, as witnesses for Allah, even though it be against yourselves or parents or kindred.*” (4:135) and “...*And do not let hatred of (other) people cause you to deviate from justice.*” (05:09)

‘*Help your brother, whether he is the oppressor or the oppressed,*’ was a well-known proverb in pre-Islamic jahiliyyah which people used to take literally. The Prophet (saw) 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, saying, ‘*O Messenger of Allah, we know how to help the oppressed, but how can we help the oppressor?*’ He replied, “*Stop him from wrongdoing; that is helping him.*” (Bukhari.)

We know from these statements that a call toward nationalism or racism is a call of jahiliyyah, and Islam, its Prophet (saw), 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. Says Allah (swt): “*Thou wilt not find any people who believe in Allah and the Last Day loving those who resist Allah and His Messenger, even if they are their fathers or their sons or their brothers or their kindred....*” (58:22) and “*O you who believe, do not take your fathers or your brothers as friends if they love unbelief more than faith...*” (09:23)

Al-Bukhari reported that Abu Dharr (r.) 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 (r.) said to Bilal, ‘*You son of a black woman!*’ Bilal (r.) complained about this to the Prophet (saw), who turned to Abu Dharr (r.), saying, “*Are you taunting him about his mother? There is still some influence of jahiliyyah in you!*”

Abu Dharr (r.) narrated that the Prophet (saw) said to him, “*Look! You are no better than a white or black man unless you excel in the taqwa (love) of Allah.*” (Bukhari). Moreover, the Prophet (saw) affirmed, “*You are all children of Adam, and Adam was created of dust.*” (Ahmad.)

Thus Islam made 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 kinships and genealogies when all people come from one single origin? And even supposing that genealogy had value, how does it add to the credit or debit of a person to have been born to this or that father? Proclaimed the Prophet (saw), “*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 love of Allah).*” (Bazzar). In addition, the Prophet (saw) launched a fierce attack on 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 from dust.*” (Abu Dawud, Tirmidhi, Bayhaqi).

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 (saw) has stated, these ancestors of theirs, whether Arab or non-Arab, or pre-Islamic jahiliyyah, are nothing but the fuel of hell.

During the Farewell Pilgrimage, while thousands of Muslims gathered in the sacred place, during the sacred month, the Prophet (peace be on him) delivered his last public address, emphasizing the basic principles: “*O people, your Lord is One. Know that there is no superiority of an Arab over a non-Arab or of non-Arab over an Arab, nor of a white over a black or of a black over a white, except through consciousness of Allah (taqwa). Verily, the most honorable among you in the sight of Allah is the one who has most taqwa.*” (Ahmad.)

Among the customs of jahiliyyah which were denounced by Islam was the prof 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 (swt). The Believer should receive death, as he receives any other calamity which may befall him, with patience and dignity, repeating the ayah, “*To Allah we belong and to Him do we return.*” (2:156)

The Muslim is not permitted to wear a mourning band, discard his adornment, or change his usual attire to express his sorrow and grief. (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 since this is an imitation of the unbelievers). However, a wife must observe a mourning period ('iddah) 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 both as a sign of mourning and 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 prohibited for her to mourn for more than three days.

As grief and the expression of it are natural, she may mourn and weep but without wailing and shouting. Upon the death of Khalid bin Walleed (r.), 'Umar (r.) heard some women weeping. Some people wanted to stop them from it but 'Umar (r.) said, “Let them weep for Abu Suleiman (the name by which Khalid was called), as long as they do not throw dust on their heads or start crying out (fanatically).”

## **Recreation, Play and Past-Time**

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 accepts them as mortals who eat food and walk in the marketplace. 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.

Know that the pure and magnanimous Shari'ah of the Chosen One does not prohibit gains and benefits which the human nature is disposed to, and it does not approve of monasticism and absolute asceticism, rather it demands civilization and proper social intercourse. Yes, it prohibits extremism in entertainment and total immersion in it whereby one is distracted from the necessities of religion and livelihood. From what is acknowledged is that one of the needs man is disposed to is [the need to] exercise the body and relax the heart and give it enjoyment from hour to hour. Hereof, he (saw) said, "*Relax the hearts from time to time.*" (Abu Dawud).

Moreover, one must realize that there are times when one may recreate and times where recreation is prohibited. The prophet (saw) declared to some of his companions, "*By Him in Whose hand is my soul, if you were to continue at the same level at which you were 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 phrase three times. (Muslim.)

The life-pattern of the Messenger (saw) is a perfect example for every human being. When he was in private he would worship his Lord with such intense devotion, standing for long hours in Salah, that his feet would become swollen; in matters pertaining to truth or justice he did not care about anyone's opinion, seeking only the pleasure of Allah (swt). 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 (saw) liked happiness and disliked grief; he sought refuge with Allah from difficulties and troubles which result in sorrow, supplicating, "*O Allah, I seek refuge in Thee from distress and grief*" (Reported by Abu Daoud.) Concerning his sense of humor, it is reported that once an old woman came to him, saying, '*O Messenger of Allah, pray to Allah that He admit me to the Garden.*' The Prophet (saw) said, '*O mother of such a person, no old woman will enter the Garden.*' The woman broke down and wept, supposing that she would not enter Paradise. The Prophet (saw) then explained to her that no old woman would enter the Garden as an old woman, for Allah would restore her youth and admit her to the Garden as a young virgin. He then recited to her the verse, "*We created them as a (new) creation, and made them virgins, lovers, friends.*" (56: 35-37) ('Abd ibn Humaid, Tirmidhi.)

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 conversation 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 (swt) says: "*O you who believe, let not some people mock at other people; it may be that they are better than thee...*" (49:11) nor is it appropriate for the Muslim to tell jokes based on what is untrue in order to make

people laugh. The Prophet (saw) 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!*” (Tirmidhi.)

Entertainment and recreation may achieve the status of Ibaadah (worship) if the intention is appropriate and the application is suitable according to the laws of the Shariah. One may be given reward for play with his wife if his intent it to bring love between them and the entertainment is Halaal. Jabir b.

Abdullah (r.) reported that once he was on an expedition with the Prophet (saw), and when they were close to the city of Madīnah, he sped on his mount. The Prophet (saw) asked him why he was in such a hurry to return home. Jabir replied, ‘*I am recently married!*’ The Prophet (saw) asked, ‘*To widow or virgin?*’ to which he replied, ‘*A widow.*’ The Prophet (saw) said, ‘*But why didn't you marry a younger girl, so that you could play with her, and she could play with you, and you could make her laugh, and she could make you laugh?*’ (Bukhāri and Muslim). Moreover, Imam Muslim (r.) records that the companions asked: ‘*O Messenger of Allah (saws) is there a reward if one satisfies his passion?*’ He (saws) said: ‘*Do you know that if he satisfies it unlawfully he has taken a sin upon himself? Likewise, if he satisfies it lawfully, he is rewarded.*’

Hujjatul Islam Al-Ghazali (r.) wrote, “*And I swear, what they have said is absolutely true! For indeed, in this pleasure [of sex] – a pleasure that cannot be compared to any other pleasure - if only it were to persist, it would indeed be a sign or signal for those pleasures of the next life that have been promised to us. To entice someone regarding a pleasure that he has never experienced is of no use! If an impotent man were to be enticed with sex, or a young child with power, there would be no temptation. Therefore, one of the blessings of the sexual experience and pleasure in this world is the hope of its perpetual existence in the next, so that this can be used as a motivation for the worship of Allāh (swt). Marvel, therefore, at the wisdom of Allāh, and His Mercy, for look at how He has placed in one desire two lives: an external life, and an internal life. So the external life is the preservation of a man through his progeny and children. And the internal life is the life of the next world. For the pleasure of sex is diminished in this world because it must remain temporary, and is swiftly terminated, but by experiencing it, one's desire to have such a pleasure remain everlasting becomes firm, and this encourages one to persist in deeds of worship that would allow him to experience such pleasures.*”

One must note, however, that playing with one’s wife and having intercourse may become disliked or even prohibited depending on the intention and application. If one were to engage in either of the two at a time when one has commitments, viz. prayer, it may become disliked if not prohibited. Normally people take prayers, fasting, zakat, the pilgrimage of Hajj and Umrah, recitation of the Quran, etc. as the ‘only’ forms of worship and a means of earning reward from Allah (swt). The above are indeed means of worship and earning huge rewards from Allah (swt), but Islam is not a religion based on only rites and rituals of worship. Islam is a complete code and Way of Life. Everything a believer does, which is within the prescribed boundaries of Allah (swt) and with the right intention, is regarded as worship, and thus a means of attaining reward from the Merciful.

If a believer fears Allah (swt) and abstain from the forbidden, and works and toils legally to provide for his livelihood and for his family, it will be considered part of worship. If a believer loves Allah (swt) and abstains from the Haraam, and eats Halaal food to satisfy his hunger, it will be considered part of worship. If a believer loves Allah (swt) and abstains from wearing indecent clothing, and wears clothing appropriate with the guidance of Islam, it will be considered part of worship. No matter what act or deed a believer does, if he fears Allah (swt) and abstains from the Haraam, it will be considered part of his obedience and his worship to His Merciful Lord; and thus he will earn a reward for his obedience.

Thus if a believer, who sincerely loves Allah (swt) and strives his utmost to live his life within the prescribed boundaries of Allah (swt), and abstains from the doing the forbidden in any of his acts and deeds; every minute of his life will be considered worship, and he will receive a huge reward from Allah (swt).

## Permissible Sports

There are many kinds of games and sports which the Prophet (saw) recommended to the Muslims as a source of enjoyment and recreation which, at the same time, prepare them for worship and other obligations. These sports, 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 (saw) used to race on foot and the Prophet (saw) encouraged them in this. It is reported that 'Ali (r.) was a fast runner. The Prophet (saw) himself raced with his wife 'Aishah (r.) in order to please her, to enjoy himself, and to set an example for his Companions. 'Aishah (r.) said, *'I raced with the Prophet (peace be on him) and beat him in the race. Later, when I had put on some weight, we raced again and he won.* (Ahmad, Abu Dawud.)
- Wrestling: The Prophet (saw) once wrestled with a man called Rukanah who was well-known for his strength, throwing him down more than once. (Abu Dawud.)
- Archery: Among the permissible sports is competition in archery or with other weapons. The Prophet (saw) once passed by a group of his Companions who were competing in archery. He encouraged them, saying, shoot, and I am with you. (Bukhari ) He apprehended 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....*" (8:60). He (saw) said, "*Practice archery; that is good for you.*" (Bazzar, Tabarani). However, the Prophet (peace be on him) warned archers against using chickens and the like as targets for practice, as the Arabs of jahiliyyah used to do. Once 'Abdullah bin 'Umar saw a group of peoples doing this and he told them, "*The Prophet (saw) cursed the one who takes anything possessing life as a target.*" (Bukhari and Muslim.). 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 expense of a living creature. For the same reason the Prophet (saw) forbade making animals fight each other. (Abu Dawud, Tirmidhi.) 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: is similar to archery. The Prophet (saw) allowed some Abyssinians to display their skill with spears; he let his wife 'Aishah (r.) watch their show and encouraged them by saying, "*Carry on, O Bani Arfidah,*" (as the Abyssinians were known among the Arabs). 'Umar (r.), with his solemn disposition, wanted to stop them but the Prophet (saw) prevented him from it. It is reported in the two Sahihs of al-Bukhari and Muslim from Abu Hurairah (r.) that while the Abyssinians were performing their show with spears in the presence of the Prophet (saw), 'Umar entered (r.). He picked up some pebbles and started throwing them at them but the Prophet (saw) said, "*Leave them alone, O Umar.*" The above incidents also provide an example of the Prophet's concern for his wife's amusement and recreation. 'Aishah, his wife, said, "*The Messenger (saw) 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.*" (Bukhari and Muslim). She also said, "*I used to play with dolls in the house of the Messenger (saw) and my friends would come over to play with me. They would hide when they saw him (saw) approaching but in fact he was very happy to see them with me, so we played together.*" (Bukhari and Muslim)
- Horseback Riding: Allah (swt) says, "*And (He created) horses, mules, and donkeys for you to ride and as adornment....*" (16:08). Furthermore, the prophet encouraged, "*Practice archery and horseback riding.*" (Muslim) 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.”* (Tabarani). Ibn 'Umar reported that the Prophet (saw) organized horse races and gave a prize to the winner. (Ahmad). All this was done by the Prophet (saw) to encourage competition in sports involving physical exercise, discipline and preparation for jihad. This does not include competitions like we experience today, which takes days, waste time, the participants and spectators mimic the disbelievers in their dispositions, the laws of Allah are broken in many cases, the intention in most cases involves pride or boasting and Ibaadah are neglected.

- 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 some 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....*” (05:98) and “*..But to hunt on land is forbidden to you as long as you are in ihram...*” (05:95-96). 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 plant, since the Prophet (saw) prohibited hunting its game, cutting its trees, or disturbing its airspace. (Bukhari, Muslim). In addition, it is prohibited to hunt if the objective is to gain enjoyment from the injury inflicted on animals or if it is not for the purpose of eating and in the case of impure animals for protection.

From these reports concerning the Prophet (peace be on him), jurists have deduced the permissibility of foot racing, whether it be between men against each other or between men and women who are their mahram or wives. They have also concluded that foot racing, wrestling, and sports of this type do not compromise the dignity of scholarship, piety, or age. The Prophet (saw) was more than fifty years old when he raced with 'Aishah (r.).

The following principles should be present for one to engage in any form of entertainment:

- ▲ It must be relatively safe. The possibility of danger or injury must be negligible if performed properly.
- ▲ It must not take you away from what is Wajib (obligatory), viz. listening to one's parents.
- ▲ It must not contain anything Haraam, viz. gambling or physical intermingling and free mixing among men and women.
- ▲ It must not lead to what is Haraam or its perpetuation, viz. discord among Muslims; unnecessary communication, viz. texting, with the opposite sex who is not one's mahram, looking at the opposite sex engaging in sports if there is the possibility of lust or looking at television.
- ▲ It must not be Haraam intrinsically, viz. injuring animals for entertainment or gambling.
- ▲ It must not be attributed to disbelief or disbelievers, viz. kite flying at Easter or playing of Paghwah.
- ▲ Its application must not resemble the mannerisms of the unbelievers, viz. screaming at the top of one's lungs.
- ▲ It must not be humiliating or cause humiliation of others, viz. taunting of the unsuccessful team.
- ▲ Its intention must be honorable - not to commit sin, viz. to gain the attraction of the opposite sex.
- ▲ It must not lead to time wasting, viz. engaging in a sport to kill time.
- ▲ It must not be time wasting without benefit to the body or mind, viz. watching of sports on television.

- ▲ The goal must not be solely entertainment, viz. one who fanatically engages in some form of entertainment for long periods of time frequently.
- ▲ It must have some worldly benefit.
- ▲ It must be free from extravagant and lavish spending, for money should be spent on more purposeful and meaningful things. Yes, if one was to spend moderately, then there seems no harm, especially when the sport consists of potential (worldly) benefit.
- ▲ It must not distract people who are engaged in Ibaadah. It is prohibited to play in the masjid whilst people are engaged in Ibaadah. This is contrary, to what some people believe and encourage, since the prophet (saw) allowed some visiting Abyssinians to engage in spear throwing in the Masjid, they erroneously opined that the Masjid is a center of both the religious and worldly affairs of Muslims. Most scholars believed that this was abrogated since it was in the early Madinan period when laws were now being revealed. Imam Malik (r.) desired to outlaw the recitation of Quran in the Masjid, since in many cases this annoys the people engaging in Ibaadah. If he wanted to prohibit Ibaadah just imagine his stance on playing in the Masjid. Moreover, this includes teasing people who are engaged in Ibaadah by pulling their hair; or attempting to make them laugh or break their Salah.

## Photography, Sculpture and Drawings

Islam has outlined strict prohibitions regarding pictures, images and statues of animate objects – anything art involving inanimate objects are permissible. There are copious Hadith to support this fact perhaps even to the level of mutawatir: “*Whoever makes a picture will be punished by Allah till he puts life in it, and he will never be able to put life in it.*” (Bukhari); “*Angels (of Mercy) do not enter a house wherein there is a dog or a picture of a living creature (a human being or an animal).*” (Bukhari); “*the prophet (saw) never left anything in his position which has pictures on it except that he broke it.*” (Bukhari) and “*Certainly, the people receiving the harshest punishment on the Day of resurrection will be the picture makers.*” (Bukhari).

It is important to note whenever these proclamations of prohibitions are issued the following words are used:

- Suwar: According to the dictionary, it means a form, shape, image, picture, figure or statue.
- Tasweer: which means drawings, sketching, painting or photography.
- Tamtheel: this also mean a picture, image, figure, representation or sculpture.

Contemporary scholars have differed on the issue of camera photos whether they come under the prohibition of picture making (tasweer) or not. The majority of the Indian subcontinent and Numerous Arab scholars are of the view that photographs of living things are impermissible. There reason being that the Prophet (saw) declared picture making unlawful and not the means of producing the picture. Even during the Prophet’s time there existed various ways of producing images like carving, drawing, painting etc. but the Prophet of Allah (saw) never referred to the method of image production but directly banned picture making. This view is the most cautious view.

According to the Webster’s College Dictionary, “A camera is a device for taking photographs, consisting essentially of a closed box containing a sensitized plate or film on which an image is formed when light enters the box through a lens or hole.” The following points are deduced:

- ▲ The camera is not a mere image viewing device like the mirror.
- ▲ All cameras are picture-recording devices.
- ▲ Experts and scientists are agreed on the fact that the camera produces pictures and not reflections.

- Image through the camera lens is retained on the film, which is sensitized (this applies only for printed photographs). The image thus retained is not a temporary phenomenon like a reflection but is a permanent picture.
- Final emergence of photo picture is not dependent upon the presence of the object whereas the image in the mirror is dependent upon the presence of the object for its existence.
- Various materials and chemicals are used in order to produce the final result on the photograph. From this we can understand that the image on the photo paper is a picture, which has been produced by chemical means.

Some of the contemporary Arab scholars are of the view that picture making through camera is permissible. They say that in camera photos one does not produce an image through one's own imagination, but it is merely a reflection of a living being already created by Allah (swt). Therefore, the conclusion we can come to is that there are differences of opinions regarding this ruling, however, the most preferable and cautious thing will be to refrain from it.

According to the scholars who consider it prohibited: The prohibition of pictures is established by and there is Ijma' [Unanimity] of the Ummah on this. By changing the name of something Haraam, it does not become Halaal. It appears in the Hadith: "*People of my Ummah will change the name of liquor and drink it. They will have parties in which they will play musical instruments and sing. Allah (swt) will cause the ground to swallow them up. Some of them will be transformed into apes and swine.*"

Thus, just as calling interest 'benefit', bribery 'service-charge', liquor 'brandy', 'spirits', etc., gambling 'insurance' and 'lottery' and singing 'gramophone' does not make these things Halaal, similarly calling picture-making 'photography' and 'reflection' does not make it [picture-making] Halaal.

If the methodology and means of production of a prohibited act changes, it will still remain prohibited when its reality and the reason for injunction are still found. For instance, a new method of murder is devised such as electrocuting to death; or a new method of extracting liquor is found, such as the mechanical process of distilling liquor nowadays which was non-existent in former times; or a new form of gambling is contrived, such as the variety of insurance policies and lotteries devised which were previously unheard of; or new ways of fornication are practiced, as in vogue in Europe in these times; then this will not render the Haraam act to be Halaal. Thus, since forming pictures [of animate objects] is prohibited, then whatever new method of it is invented, it will be prohibited. The prohibition will not disappear by altering the name or altering the method of production. And the reason for this is that the cause of the prohibition of pictures, viz. it being a stepping stone to shirk, is found here [with the new method of production] as well.

Furthermore, in it [photography] is [imitation] of the disbelievers. This is not the way of Muslims. It is claimed that photography is in fact a process of reflection; like a reflection is cast on a mirror or water. The response to this is that the major difference between the two is that the reflection on a mirror, etc. is not durable, whereas the reflection obtained on a photo is preserved with the aid of technical materials. Thus, it is a reflection as long as it is not preserved with technical materials. But once it is preserved and made durable, in whichever way, then it becomes a picture.

Then everyone knows that the purpose in taking photos and having one's photo taken is the same as the purpose of drawing pictures. The voluntary act of the photographer and the one photographed is the determinant here just as in drawing pictures. Therefore, both are equal in prohibition.

Differentiating between the two is just as bad as differentiating between liquor manually extracted and distilled liquor mechanically extracted.

Thus, both the photographer and the one who allows himself to be photographed are guilty of participating in what is severely reprehensible, guilty of a major sin and in the light of some Hadith they cursed by Allah (swt) and branded as flagrant transgressors. It is Makruh Tahrimi [severely

reprehensible] to follow them in Salah. To keep such photos at home or in one's possession is a clear-cut sin and it is prohibited.

Among the concessions for photography and images are:

- Some of the early scholars allow it to be used on carpets, rugs or mats. Since the Prophet (said) said, "Those pictures which are degraded and disgraced are allowable while pictures which are upright are not," (Majma al-Zawa'id). In addition, when the prophet (saw) ordered Aisha (r.) to take down the curtains with pictures on them, she tore them and made them into mats. (Ahmad).
- Children toys and dolls: Aisha (r.) narrated, "*When the Apostle (saw) arrived after the expedition to Tabuk or Khaybar (the narrator is doubtful), the draught raised an end of a curtain which was hung in front of her store-room, revealing some dolls which belonged to her. He asked: "What is this?" She replied: 'My dolls.' Among them he saw a horse with wings made of rags, and asked: "What is this I see among them?" She replied: 'A horse.' He asked: "What is this that it has on it?" She replied: 'Two wings.' He asked: "A horse with two wings?" She replied: 'Have you not heard that Solomon had horses with wings?' She said: Thereupon the Apostle (saw) laughed so heartily that I could see his molar teeth.*" (Abu Dawud) and "*I used to play with the dolls in the presence of the Prophet, and my girlfriends also used to play with me. When Allah's Apostle used to enter (my dwelling place) they used to hide themselves, but the Prophet would call them to join and play with me.*" (Bukhari). At that time the Marriage between the Prophet (saw) and Aisha (r.) had not been consummated. She was not mature roughly six or seven years old. The playing with the dolls and similar images are forbidden, however, some scholars have given concession for children who have not reached the age of maturity to play with them. Nevertheless, some scholars deemed it prohibited. Their argument being, it was before the period of prohibition of pictures, drawings and statutes. This is the view of most of the scholars of Hadith. Ibn al-Jawzi (r.) quoted a narration related in the Musnad of Ahmad, '*A person was with Abu Huraira (r.) when he saw a little girl playing with a horse. He said to the person, 'Have you seen this? The Messenger (saw) stated that, "this is the action of such people who have no share in the hereafter."*' Another group of scholars who deemed it prohibited, opined that the toys that Aisha (r.) had, did not have eyes, their faces were defaced. Due to these opinions, it is better to stay away from them or at least disfigure their faces so as to stay away from entering upon what is prohibited. Imam ibn Hajar (r.) states, "The majority of scholars have stated that when the head is severed, the prohibition does not remain."
- It is allowed at the time of necessity or legal compulsion. This is applicable when one is in need of a passport or other forms of identification.
- It is allowable to keep pictures of a prohibited nature in one's house if it is hidden away e.g. in tins, boxes, or books.
- The one who takes pictures that are allowable due to concessions is not allowed to take wages for his work. Similarly, it is prohibited for someone to have a job which requires him to create images of animate objects whether photographs, drawings or sculpture.

Incidentally, if we were to accept for the sake of argument that the printing of photographs are not prohibited per se ('with respect to its inherent nature' or 'in and of itself'). The actualization or employment of photography today will be prohibited due to peripheral causes. Yesteryear, when some asked about the validity of taking photographs, their intention was to take some photograph of memorable occasions that would only be viewed by very close relatives or friends. At present, with the advent of technologies like the smartphone, digital camera and alternative virtual entertainment, viz. social media; when someone asks about the validity of photography, an entire dissimilar scenario and social stigma is attached to it. So, if we were to judge them by the principles listed on page 53, we will be able to grasp why in most, if not all cases, currently, photography if not associated with

something prohibited, is definitely connected with something reprehensible or disliked. This includes the following: photographs are commonly now for public consumption; the awrah is uncovered or not properly covered; it leads to lust and fornication of the eyes and in many cases fornication; many aspects of it are imitations of unbelievers, viz. the ‘selfie’ or the types of poses (postures) or effects that are added to these photographs; many effects that are added to it, viz. the cartoon, sketching, recolorization or decolorization effects render it analogous to drawings and the analogy with a mirror is no longer applicable (so, it becomes prohibited); widespread photography of Muslims engaging in Haraam and imitation of the disbelievers; it leads to time wasting since many people are fanatical photographers who have to take out photographs of everything they engage in; and the apparent intention is to gain attraction of the opposite sex in most cases; publicizing what should be kept hidden, viz. spouses behaving amorously; the photographs are in many cases attached to love quotes or lewd musical lyrics which not only is ungainly but degrades the poster etc. Hence, the superior thing would be to stay away from photography as much as possible. Since, the prophet (saw) advised us to leave what offers doubt for what conveys certainty.

## Music and Singing

In the modern era, music has spread to such an extent that nobody is free from it. Individuals are confronted with situations where they are forced to listen to music. It is played nearly in all department stores and supermarkets. If you sit in a taxi, make a phone call or even walk down the street, you will not be saved from this evil. Young Muslims drive around in their cars with the music fully blasted. The increasing popularity of music, which is prevalent in our society, poses a great threat to the Muslims.

Music is a direct ploy of the non-Muslims. One of the main causes for the decline of the Muslims is their involvement in useless entertainment. Today we see that Muslims are involved, and at the forefront perhaps, of many immoralities and evils. The spiritual power which once was the trait of a Muslim is nowhere to be seen. One of the main reasons for this is music and useless entertainment.

We should be aware that nothing has been prohibited by the Almighty Creator except that which is harmful to the Muslims and the society as a whole. There are great harms and ill-effects of music.

Islam totally forbids adultery and also those things that lead to it. Allah Most High says: “*And do not (even) come near to adultery, for it is a shameful deed and an evil, opening the road (to other evils).*” (17:32). Islam does not only prohibit adultery and fornication, but also those things that may lead to it. This is also one of the main reasons for the prohibition of music, as it effects one’s emotions, creates arousal, passion and excitement, and also leads to various physiological changes in the person. It is a psychological proven fact that two things are instrumental in arousing the human sexual desire, one being the voice of a female (for males) and the other musical instruments. This is the reason why Allah Most High says: “*O wives of the prophet! You are not like other women, if you are god-fearing. So do not be soft in speech. Lest in whose heart is disease should be moved with desire.*” (33:32). Thus, Islam forbids listening to the female voice with lust and desire. The great Hanafi Jurist, Imam Ibn Abidin (Allah have mercy on him) states: “*It is permissible for women to converse with non-Mahram men at the time of need (and vice versa). However, what is not permissible is that they stretch, soften and raise their voice in a melodious way.*” Similarly, it is also unlawful for women to listen to the voice of non-Mahram men with lust and desire. One of the great western thinkers said: “*The voice is one of the quickest ways that make a woman fall in love with a man. This is the reason why many women adore singers.*”

Experiments carried out by doctors and researchers confirm that music is such that it does not only affect the brain, but each and every organ of the body. There is a close relationship between music and bodily movements.

It is also proved that music affects one's emotions, increases arousal in terms of alertness and excitement and also leads to various psychological changes in the person. In a psychological experiment, it was found that listening to moderate type of music increased one's normal heart beat, whilst listening to rock music the heart beat increased even further, yet people claim that music has no effect. Music and the instruments used for singing are a cause for arousing the sexual desire of an individual. It could lead a person to adultery, fornication and many other sins. Therefore, Islam takes the preventive measure rather than suffer the consequences. This is also one of the principles of Islamic Jurisprudence, namely 'blocking the means' (sadd al-dhara'i). This is based on the idea of preventing an evil before it actually materializes, and is taken from the heart of the guidance of the Qur'an and Sunnah that, "*Preventing harm is given precedence even to achieving possible benefits.*"

Moreover, one of the harms of music is that it distracts one from his Creator. It serves as a temporary means of pleasure and satisfaction, which makes one forget who he really is and why he was created. This is the reason why musical instruments are known in the Arabic language as 'malaahi' meaning instruments that prevent one from the remembrance of Allah Almighty. Music and temporary entertainments sink the human in physical pleasures and prevent him/her from true spiritual gains. Hence, music has a great role to play in preventing a human from realizing the purpose of creation.

Furthermore, another harm of music is that it instils the ideologies of the non-Muslims in the heart and mind. The messages of today's music follow a general theme of love, fornication, drugs and freedom. We find that the whole world is obsessed with the Kufr idea of unrestrained freedom, i.e. freedom of speech and movement, etc... This idea of freedom, "it's my life, I'll do what I want" is a predominant theme of music today. It is used as a means of drilling western ideologies into the hearts and minds, which are totally contrary to Islamic values and teachings.

The above are just some of the harms and evil effects of music. One must remember here that these are the wisdoms for the prohibition of music and not the reason (illah). The Shariah ruling is based upon the reason, and not the wisdom. In other words if the harms for the prohibition of music are taken care of, it will not make music permissible. If one is saved from the abovementioned harms, even then music will still remain Haram. It cannot be held lawful even if one is saved from its harms. This is a well-established principle in the science of Usul al-Fiqh.

In light of the evidences that will be mentioned shortly, the following are unlawful in Shariah:

- Musical instruments that are exclusively designed for entertainment and dancing, and create charm, pleasure and bliss on their own (even without the singing), such as the drum, violin, guitar, fiddle, flute, lute, mandolin, harmonium, piano, string, etc. are all impermissible and unlawful (haram) to use. There is a consensus of the whole Ummah on this. Some of the Scholars have allowed the duff (a specific type of frame drum).
- Singing that is a cause for a sin is also unlawful with the consensus of all the scholars, such as songs that prevent one from the obligatory (Fard & wajib).
- Any singing that is accompanied by other sins, such as songs that consist of unlawful, immoral, and sexual themes, or it is sang by non-Mahram women, etc. will also be unlawful. This ruling is also with the consensus of all the scholars.

There are numerous evidences in the Qur'an and Sunnah which support this view. We will attempt to look at a few:

- Allah (swt) says: "*And there are among men, those that purchase idle tales, to mislead (men) from the path of Allah and throw ridicule. For such there will be a humiliating punishment.*" (31:06). The great Companion, Abdullah ibn Mas'ud (r.) states in the explanation of the word 'idle tales':

*“By Allah its meaning is music.”* (Baihaqi, Hakim). The prominent exegete of the Qur’ān, Abdullah ibn Abbas (r.) states: *“The meaning of the word is music, singing and the like.”* (Baihaqi, Ibn Abi Shayba). Other scholars who have corroborated this include: Hasan Al-Basri, Mujahid, Ikrima, Ibrahim An-Nakha’i, Mak’hul etc. (May Allah have mercy upon them). The above verse of the Qur’ān, along with the statements regarding its meaning is clear in the prohibition of music. It also serves as a severe warning for those who are involved in the trade of music in any way, shape or form, as Allah warned them of *“Humiliating punishment”*. As for those that say, the verse refers to things that prevent one from the remembrance of Allah and not music, they do not contradict the aforementioned explanation. The interpretation of the verse with “things that prevent one from the remembrance of Allah” is a more general interpretation which includes music and song, as one of the foremost things that stop you from the remembrance of Allah is music. This is the reason why the majority of the exegetes of the Qur’ān have interpreted the verse with music only, or with all those acts that prevent one from the truth with music being at the forefront.

- Allah (saw) says whilst describing the attributes of the servants of the Most Compassionate, *“Those who witness no falsehood, and if they pass by futility, they pass by it with honorable avoidance.”* (74:72). Imam Abu Bakr al-Jassas relates from Imam Abu Hanifah (r.) that the meaning of *“falsehood”* is music & song. (Ahkam al-Qur’ān).
- Allah (swt) said to Shaytan: *“Lead to destruction those whom you can among them with your (seductive) voice.”* (17:64). One of the great exegete, Mujahid (r.) interpreted the word *“voice (sawt)”* by music, singing, dancing and idle things. (Ruh al-Ma’ani). Imam Suyuti (Allah have mercy on him) quoted Mujahid as saying: *“Voice (in this verse) is singing and flute.”*
- Abu Malik al-Ash’ari (r.) reports that he heard the Messenger (saw) say: *“There will appear people in my Ummah, who will hold adultery, silk, alcohol and musical instruments to be lawful.”* (Sahih al-Bukhari).
- Abu Malik al-Ash’ari (r.) narrates a similar type of Hadith, but a different wording. He reports that the Messenger (saw) said: *“Soon there will be people from my Ummah who will consume alcohol, they will change its name (by regarding it permissible), and on their heads will be instruments of music and singing. Allah will make the ground swallow them up, and turn them into monkeys and swine.”* (Sahih Ibn Hibban, Ibn Majah).
- Abu Umama (r.) reports that the Messenger (saw) said: *“Allah Mighty and Majestic sent me as a guidance and mercy to believers and commanded me to do away with musical instruments, flutes, strings, crucifixes, and the affairs of the pre-Islamic period of ignorance.”* (Ahmad, Abu Dawud).
- Abdullah ibn Mas’ud (r.) reports that the Messenger (saw) said: *“Song makes hypocrisy grow in the heart as water does herbage.”* (Bayhaqi).
- Anas (r.) reports that the Messenger (saw) said: *“On the day of Resurrection, Allah will pour molten lead into the ears of whoever sits listening to a songstress.”* (Ibn Asakir, Ibn al-Misri)

The prohibition of musical instruments is clear in these narrations. The first Hadith (recorded in Sahih al-Bukhari) mentions that certain people from the Ummah of the Messenger (saw) will try to justify the permissibility of using musical instruments, along with adultery, silk and alcohol, despite these things being unlawful (haram) in Shariah. Moreover, by mentioning music with the likes of adultery and alcohol just shows how severe the sin is. The one who attempts to permit music is similar to the one who permits alcohol or adultery. The second Hadith describes the fate of such people in that the ground will be ordered to swallow them and they will be turned into monkeys and swine (May Allah save us all). The warning is specific to those that will hold music, alcohol, silk and adultery to be permissible. It is something that should be of concern for those who try and justify any of these things.

The great Imam of the Shafi’i school, Imam Ibn Hajar al-Haytami gathered all these Hadith which approximately total to forty in his excellent work ‘Kaff al-Ra’ā an Muhammat al-Lahw wa al-Sama’,

and then said: “*All of this is explicit and compelling textual evidence that musical instruments of all types are unlawful.*”

The great Hanafi jurist, Imam al-Kasani states: “If a singer gathers people around him only to entertain them with his voice, then he will not be considered an upright person (a’dil), albeit, he does not consume alcohol, as he will be considered the leader of sinners. If however, he only sings to himself in order to eradicate loneliness, then there is nothing wrong in doing so. As far as the one who uses musical instruments is concerned, if the instruments themselves are not unlawful, such as the daf, then there is nothing wrong with that and he will still be considered upright. However, if the instrument is unlawful, such as the flute and the like, then he will not be considered an upright person (to be a witness in the court), as these instruments can never be considered lawful.” (Bada’i al-Sana’i)

Imam Ibn al-Humam, the great Hanafi Mujtahid makes a decisive statement in his famous Fath al-Qadir: “Unlawful (haram) singing is when the theme of the song consists of unlawful things, such as the description of a particular living person’s beauty and features, the virtues of wine that provoke wine-drinking, the details and particulars of family affairs or those songs that mock and ridicule others. However, songs that are free from such unlawful things and they consist of descriptions of the natural things, such as flowers and streams, etc... will be permissible. Yes, if they are accompanied by musical instruments, then it will be unlawful even if the song is full of advice and wisdom, not because of what the songs consist of, rather due to the musical instruments that are played with it. And it is stated in the al-Mugni of Ibn Qudamah (Hanbali Madhhab) that musical instruments are of two types: 1) Unlawful, Such as those that are specially designed for entertainment and singing, like the flute and mandolin, etc; 2) Lawful, like the playing of the tambourine (daff) at weddings and other happy occasions.” (Ibn Humam, Fath al-Qadir). The same has more or less been mentioned in the other Hanafi works also, such as al-Ikhtiyar, al-Bahr al-Ra’iq, al-Fatawa al-Hindiyya and others.

Imam an-Nawawi, the great Hadith and Shafi’i scholar states: “It is unlawful to use or listen to musical instruments, such as, those which the drinkers are known for, like the mandolin, lute, cymbals, and flute. It is permissible to play the tambourine (daff) at weddings, circumcisions and other times, even if it has bells on its sides. Beating the Kuba, a long drum with a narrow middle, is also unlawful.” (Mugni al-Muhtaj, Reliance of the traveler).

As for those who hold music to be lawful usually present the Hadith of Sahih al-Bukhari in which two girls were singing in the presence of the Messenger (saw) and Sayyida A’isha (r.). However, the permissibility of music cannot be justified with this Hadith. The Hadith expert, Hafidh Ibn Hajar al-Asqalani (r.) has refuted this claim in length in his Fath al-Bari). Firstly, these young girls were singing without any unlawful musical instruments and secondly, the content of the song was regarding war, thus perfectly lawful. Also, they were not professional singers as the words of the Hadith clearly indicate. Some try to justify music with the Hadith in which the permissibility of playing the tambourine (daff) is mentioned. However, as stated in the works of the Fuqaha, to play the tambourine is permissible at weddings, as it is not designed for sole entertainment and pleasure, rather for announcement, etc.

In conclusion, as far as the songs are concerned, if they consist of anything that is unlawful or they prevent one from the obligatory duties, then they will be unlawful. However, if they are free from the abovementioned things (and they are not accompanied by instruments), then it will be permissible to sing them. As far as “Daff” is concerned, to use it at the time of Nikah (wedding) is permissible according to all the Scholars. However, there is a difference of opinion regarding it’s usage at other times. Some Scholars have classed it as Makruh. Others however mention that it is permissible to use it at all times. It is therefore clear from the above that to listen to Nashids and Islamic songs that are played with musical instruments which are for entertainment and create pleasure without any singing

accompanying it, will not be permissible. To listen to Nashids with “Daff” is permissible, although better to avoid, as some Scholars have classed it as Makruh (disliked).

## Dancing

Imam Ahmad relates from Anas (r.), with a chain of transmission all of whose narrators are those of Bukhari except Hammad ibn Salama, who is one of the narrators of Muslim, that the Ethiopians danced in front of the Messenger of Allah (saw); dancing and saying [in their language], “Muhammad is a righteous servant.” The Prophet (saw) said, “*What are they saying?*” And they said, ‘*Muhammad is a righteous servant*’”

There is no doubt in the authenticity of the Hadith. However, it is incorrect to prove the permissibility of music, dancing or zikr while dancing through this Hadith. Firstly, the words mentioned in the Hadeeth are *yazfinoon* and *yarqusoon*; and the most appropriate translation for these two words is: “*they were engaged in sports*”. Secondly, a hadith of similar meaning have been narrated in Bukhari and Muslim and the word *yal’aboon* is used, which clearly means that they were doing some activity of sport.

Dancing will not be allowed even in gatherings that are segregated as the moves in most dances are copied from professional dancers and non-Muslims. The dances that are common and widespread effects a person’s emotions, creates passion and excitement. In the Hadith related by Imam Abu Dawud in his Sunan, the Messenger of Allah said: “*Whoever imitates a nation will be amongst them.*” (Sunan Abu Dawud). Dancing is the custom of the non-Muslims and absolutely Haraam. Dancing consists of other impermissible acts such as, music, singing, interaction with sexes etc.

It will not be permissible for a person to dance even in the presence of their same gender. Also, the uses of Duff and dancing even without any stimulation and excitement will not be permissible. Allah (swt) says, “*And of mankind is he who purchases idle talks (i.e. music, singing, etc.) to mislead (men) from the Path of Allah without knowledge, and takes it (the Path of Allah, the Verses of the Qur'an) by way of mockery. For such there will be a humiliating torment (in the Hell-fire).*”(31: 6). Even if the above factors are not present, dancing is such an act which diverts a person from the remembrance of Allah. It has been narrated by Uqbah that Allah’s Messenger (saw) said, “... *Everything with which a man amuses himself is vain, except his shooting with his bow, his training of his horse, and his playing with his wife, for they pertain to what is right.*” (Tirmidhi).

Nevertheless, some scholars have allowed the singing and dancing of little children, if it is from their intuition and not learned from a singer or dancer. It must not contain any lewdness whatsoever.

Similarly, innocent dancing that is not like the dancing of the corrupt and not accompanied by unlawful musical instruments would be allowed in private, between husband and wife, even if sensual.

## Television

The viewing of television (includes movies, videos, TV series etc.) is one of the most widely forms of entertainment employed today. Like any other form of entertainment, the viewing of television programs may either be Mustahab (recommended), Mubah (permissible), Makruh Tanzihi (slightly offensive), Makruh Tahrimi (severely reprehensible) or Haraam (unlawful) depending on the intention of the viewer and the application of viewing it. The aforementioned mentioned principles are present it would be permissible to view. Nevertheless, this is rarely the case. Hence, many Muftis have passed fatwas (religious injunctions) that the viewing of television is prohibited e.g. Mufti. Saifur Rahman Sahib wrote, “*There are some academic arguments on the reality of the images viewed on a screen.*

*However, despite of this debate, both groups agree and give fatwa that watching television in this day and age is not permissible. And Allah knows best”*

The scholars have differentiated between photographs (stationery pictures) and moving pictures (videos etc.). As for stationery pictures, these are totally haram. The only allowance is given when there is a need or a requirement that necessitates such. With respect to television and videos, many scholars have stated that the law of these is that whatever is lawful in Islam to see (as a Muslim) then the same will be allowed to view over the television or in a video. And whatever is haram for a Muslim to look at (in his daily life) the same will be haram for him to view on the television or on a video. This shows that not everything that is aired on the television or shown on a video will be allowed to view. There are materials/content that are haram and Muslims must refrain from looking at these. Remember, Islam is not opposed to technology, but it is how it is used, may deem its use as lawful or prohibited. For it to be lawful, the aforementioned principles mentioned on page 53 must be present. Nevertheless, many other scholars have legislated that both stationary and moving pictures are prohibited. Consequently, we should stay away from it.

Aside from the fact that pictures are prohibited (according to some), the following factors are also associated with the watching of television, such as:

- Music
- Immorality: nudity, illicit sex, pornography, etc.
- The awrah of the actors or presenters are uncovered or improperly covered
- Shameful acts
- Encouragement of sins
- Obscene languages
- Agents of zina (fornication)
- Negation of Hayaa (or shame and modesty)
- Scenes of violence, sadism, and crime in general
- Addictive influence exercised by television
- Encourages acceptance of aggression as a mode of behavior
- Encourages imitation of crimes portrayed
- Brainwashing
- Wasting of time
- Stunts intellectual growth
- Interferes with one's religious duties
- Interferes with one's necessary and important worldly duties
- Diverts one's attention from the remembrance of Allah
- Due to curiosity, one who normally watches shows that may be considered allowed, might be influenced to look at other shows that will most likely be categorized as prohibited.

Due to the aforementioned facts Mufti. Ebrahim Desai authorized the following, “*It is not permissible to watch television at all regardless of whether one is merely watching sports or movies. There are various factors which render watching television in general to be prohibited. Besides being futile and a waste of time, photography, music, men looking at strange women and vice versa, men looking at the awrah of other men, etc. and the likes thereof are all totally prohibited in Islam and will, therefore, render the watching of television in general as not permissible. Allah (swt) Knows best.”*

The Mufti of Pakistan, Taqi Uthmani, sums up in one of his Fatawas: “*The images appearing on live programs or recorded programs on television are not the pictures in the strict sense envisaged in the Hadith of the Holy Prophet (saw) unless they are printed in a durable form on paper or on any other*

*object. But the basic reason why Muslims are advised not to keep TV sets in their homes is that most of the programs broadcast on the TV channels contain impermissible elements.”*

Hence, if what is looked at it is totally lawful and leads to what is permissible then one may look at it. Simultaneously, looking at something that is inherently prohibited, includes prohibited thing, or leads to what is prohibited is prohibited. Nevertheless, one should try to abstain for all television, even if it is good, since it may lead to what is disliked or prohibited.

## Poetry

Islam approved and encouraged poetry that is not contradictory to Islam and morals. Prophet Mohammad (saw) spoke in a hadith as the following: “*Some poetry contains wisdom.*” (Bukhari)

Moreover there are many accounts in hadith books, that Prophet Mohammad (saw) himself recited poems, also allowed his companions such as Hassan ibn Thabit (r.), Amir ibn Al-Aqwa (r.) and others to recite poems.

On the other hand when poetry takes destructive forms it is regarded as harmful and is disparaged. In the account of poets that misguide people to sinful path, the verse in the surah Ash-Shu’ara (The Poets) commands the following: “*As for those poets, only the perverse follow them. Do you not see that they go too far in every direction and say things, which they cannot do?*” (26:224-226)

The poets that do not recite poetry that contradict to Islam and morals are excluded from this verdict: “*Except those who believe and act righteously and remember Allah much, and when they themselves were subjected to wrong, they exacted retribution no more than to the extent of the wrong? Soon will the wrong-doers know by what overturning they will be overturned.*” (26:227)

Mullah Ali Qari (r.), a renowned Muhibbuddin explains that poetry containing truth, wise words, advices, useful parables, etc. that are of benefit to mankind, as well as those containing praises of Allah and the Prophet (saw), promoting abstinence from worldly luxuries, exhortation towards the hereafter and other aspects of the religion are indeed praiseworthy. Poetry devoid of these things is malignant and disliked. (E.g. songs containing lewdness or depictive of sins etc.). Thereafter he mentions that poetry is a form of speech and must be judged by the same standard, i.e. beneficial poetry is like beneficial speech and useless and evil poetry like useless and evil speech. From this principle we can deduce that recital or composition of romantic poetry is permissible (and even rewarding) only if it is for one's spouse with the intention of promoting love and tenderness and providing it is free of lewdness or obscenity, much the same as a loving or kind word. When not for one's spouse, it is not permissible.

## Video Games

Like television, the playing of video games, whether on a dedicated game console, viz. Play Station or on smart phones etc. has become one of the most widespread forms of entertainment. It may either be considered permissible, disliked or prohibited; depending upon the intention and employment. If the principles that are mentioned on ‘page 53’ are present it would be permissible. Nevertheless, this is rarely the case. The vast majority of the available ‘video games’ would fall in the category of ‘worthless games’ where its indulgence would neither further oneself spiritually, or morally, or materially, or even physically, but it would constitute a clear wastage of the absolutely invaluable commodity of ‘time’ bestowed upon each individual by the Lord Most High. The great Hanafi Jurist, Imam al-Haskafi (Allah have mercy on him) states in his Durr al-Mukhtar: “Every useless activity is disliked (makruh), for the Messenger (saw) said: “*Every useless activity of a Muslim is unlawful except three: Playing with one’s spouse, training one’s horse and practicing archery.*” Allama Ibn Abidin whilst

commentating on the above states in his super commentary: “*This impermissibility (of all the useless activities) includes the activity itself and also listening to it, such as dancing and musical instruments. Also, all those activities will be impermissible that resemble a particular custom of the non-believers.*” It is nearly impossible to find video games that does not imitate the disbelievers - the invention of video games itself. Added to that the following impermissible/disliked elements are normally associated with video games: Music, time wasting, laziness, obesity, disobedience to parents, looking at sins being perpetuated, harmful to the body particularly the eyes etc. Consider the following from the Encyclopedia, 1993-1997 - Microsoft Corp. “*Critics of video games contend that children spend too much time and money on the games and that immersion in the fantasy of video games can have adverse effects on personality maturation. There have also been reports that the flashing graphics can trigger seizures in people who have certain types of epilepsy.*” Nevertheless, some video games may be allowed. These includes: flight/driving simulator games and logic games. We should, however, endeavor from all video games since the benefit that may be found in them is negligible.

## Social Media

Social media is the social interaction among people in which they create, share or exchange information and ideas in virtual communities and networks. Social media technologies take on many different forms including magazines, Internet forums, weblogs, social blogs, microblogging, wikis, social networks, podcasts, photographs or pictures, video, rating and social bookmarking. Technologies include blogging, picture-sharing, vlogs, wall-posting, music-sharing, crowdsourcing and voice over IP (voip), to name a few. Social network aggregation can integrate many of the platforms in use. Experts have classified seven different types of social media: even different types of social media:

- Collaborative projects (for example, Wikipedia)
- blogs and microblogs (for example, Twitter)
- Social news networking sites (for example, Digg and Leakernet)
- Content communities (for example, YouTube and DailyMotion)
- Social networking sites (for example, Facebook)
- Virtual game-worlds (e.g., World of Warcraft)
- Virtual social worlds (e.g. Second Life)

However, the boundaries between the different types have become increasingly blurred.

Social Media in themselves are not Haraam. However, viewing content that is not permissible to view or communicating with those whom it is not permissible to communicate with, is Haraam. Hence, if one limits one’s use of Social Media to permissible activities then utilizing it will not be Haraam. However, if one utilizes it for impermissible viewing or communication then such usage of the program will be deemed impermissible and such viewing and communication will be regarded as sinful. Further, if one has no need to utilize it for communication or other permissible work then one should avoid using it because of the numerous harms and evils associated with it.

If Social media is used to communicate with the opposite sex then this is Haraam. It is not permissible for a man to have any casual contact with a non-Mahram female, or a female to have casual (appropriate for ordinary or routine occasions) contact with a non-Mahram male, be it telephonic, via SMS (text messages), or messenger apps or VoIP, unless the communication is strictly business or necessary. If there is no need to communicate to do so is totally Haraam and is Zina of the fingers (typing out messages to a non-Mahram woman or a non-Mahram man) just as it is Zina of the tongue to speak to him or her and Zina of the hands to touch and so forth. Hence, it is impermissible to tell a non-mahram person of the opposite gender the following if there is no need: ‘good morning!'; ‘Assalaamu

Alaikum!'; 'How are you?'; 'sup?'; 'What are you wearing?'; 'You look gorgeous or hot!' etc. In fact, most men share crude and rude messages with women over social media. Secondly, Islam teaches that any act that leads to sin or becomes the stepping stone towards sin is also sinful and must be avoided. The photographs of women found on these sites are often very provocative and many people posts pictures of themselves committing sins. In many cases, this leads to zina. Moreover, social media wastes time. One can easily succumb to wasting their time reading trivial articles, posts or jokes. If these factors are absent then it will be permissible to use social media as long as the contents of the communication are permissible.

There are a few common practices among social media users that are also Haraam: spreading rumors about others; backbiting; exposing the faults of others; insulting others and hiding behind false names and identities; posting photographs (many times exposing the awrah or not covering it adequately); inviting to sin; If all these evils are avoided and people use it for lawful reasons or for religious purposes like Da'wah; answering Islamic questions by qualified Scholars; or communicating with one's mahram; then the use of social media will be permissible.

It has been noted that people are generally unable to control their temptations and innocent usage of the program often leads one to sin. Therefore, we would not encourage the usage of social networks. We are not saying that there are no benefits found in social media. Nevertheless, like alcohol; the evil consequences vastly overshadows the insignificant benefits. In addition, it is very close to impossible to stay away from what is unlawful; one such example is advertisements at the sides of the page which either invite one to commit sins or contains something Haraam like a person without their awrah covered etc.

## Gambling

Gambling is a great evil of the society and immensely harmful to the wellbeing of the human social order. As such, Islam has categorically and firmly prohibited all forms of gambling, so that the human society is saved from its ill-effects and harms. Allah (swt) says: "*O you who believe! Intoxicants and gambling, (dedication of) stones and (divination by) arrows, are an abomination of Satan's handwork: Abstain from such (abomination), that you may prosper. Satan's plan is (but) to excite enmity and hatred between you with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: Will you not then abstain?*" (05:90-91). In the above verse of the Qur'an, the term al-Maysir has been used in order to describe gambling, whilst in some other texts of the Sunnah, we find the word al-Qimar being used. The meaning of both these terms and expressions is the same. Abdullah ibn Umar (r.) says: "*al-Maysir is al-Qimar.*" The same has been narrated from Mujahid, Sa'id ibn al-Musayyib, Hasan al-Basri, Muhammad ibn Sirin, Ata' ibn Abi Rabah and others (may Allah be pleased with them all).

The Messenger (saw) emphasized the prohibition of gambling to such an extent that even considering to take part in gambling was regarded to be blameworthy. Abu Hurairah (r.) narrates that the Messenger (saw) said: "...*Whosoever says to another: 'come let's gamble' should give in charity (as a form of expiation for intending to gamble).*" (Bukhari)

Imam Abu Bakr al-Jassas (Allah have mercy on him) states: "*There is no difference of opinion between the scholars regarding the prohibition of gambling.*" (Ahkam al-Qur'an)

Abdullah ibn Abbas (r.) says in the commentary of the aforementioned verse: "*al-Maysir is al-Qimar. In the days of ignorance (jahiliyyah), an individual would stake/risk his wife and wealth whilst gambling with another person. Then whosoever defeated his opponent would take away his (the defeated person's) wife and wealth.*"

In the abovementioned verse of Surah al-Ma'idah, gambling with arrows has been referred to. The pagan Arabs would slaughter a camel and divide it into various big and small parts. Each part of the slaughtered camel would be given a name, and that name would then be inscribed upon an arrow. Thereafter, all these arrows would be gathered along with some other empty arrows, and picked in the name of all those who were taking part. In whosever's name an arrow would be picked, he/she would receive the part of the camel written on that arrow, whilst those in whose name empty arrows were picked, not only did they not receive any share of the camel, rather they would have to pay for the whole price of the camel. The Qur'an forbade this practice and called it in another verse istiqsam bi al-Azlam. (Ahkam al-Qur'an, Tafsir al-Kabir). Allah (swt) referred to this form of gambling in the following verse: "Forbidden to you (for food) are: ...that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety." (02:03)

Abdullah ibn Abbas (r.) defined gambling in the following words: "*The risk of losing on both sides (or putting something at stake from both sides) (mukhatarah) is gambling.*" (Ahkam al-Qur'an).

"Ownership of wealth with a risk of losing on both sides (tamlik al-mal ala al-mukhatarah)." (Ahkam al-Qur'an). The great Hanafi jurist (faqih), Allama Ibn Abidin (Allah have mercy on him) defines gambling in the following words: "*Gambling (qimar) is from the word qamar, that which increases at times and decreases at other times. It has been given the name al-Qimar due to the possibility that each one of the gamblers may lose his wealth to his counterpart, and it is also possible that one may gain from the wealth of the other.*" (Radd al-Muhtar ala al-Durr). In light of the various similar definitions of gambling, Mufti Muhammad Shafi' (Allah have mercy on him) gave a very simple and lucid definition of gambling in his renowned Ma'arif al-Qur'an. He states: "*Gambling has been defined as a transaction in which the act of making someone the owner of one's wealth (or something else of value) is contingent on such a condition that both of its sides are equal (i.e. the outcome of which is uncertain). Consequently, there are two equal possibilities of gaining total profit or suffering total loss. For instance, it is possible that the penalty may fall on A, and it is possible that it may fall on B. All kinds and forms of such gambling that were present in the past or are in vogue today or will appear in the future will come under the domain of gambling.*" Hence, we can say that gambling is an activity in which the players voluntarily transfer money or something else of value amongst themselves, but this transaction is contingent upon the outcome of some future uncertain event.

By keeping the above definitions in mind, it becomes clear that there are basically four necessary ingredients for a transaction to be considered gambling:

- It is a transaction between two or more people.
- In this transaction, in order to gain someone else's wealth, one places his wealth at stake, whether actually or by promising to pay it later.
- Gaining of another's wealth is contingent upon some uncertain event in the future, and both possibilities of it occurring and not occurring are present.
- The wealth which one puts at stake is either lost completely without anything in return (and because of which one suffers a complete loss), or it brings with it some wealth of the other person without giving anything in return (because of which the other person suffers a complete loss).

Any transaction that has the above-mentioned four elements will be considered a transaction of gambling, hence unlawful. After understanding the abovementioned explanation regarding the definition of gambling, let us now look at its various forms. Basically, there are two fundamental formations of gambling:

1. The first form of gambling is when no party is obliged to pay any amount for certain; rather, the payment of each party is dependent upon an uncertain event in the future. In this case, the

gambler does not stake his money initially, rather the money is put at stake by promising to pay later. For example, A and B compete in a race, with the promise of the loser paying the winner £100. In this example, there is no certainty of payment from any one party; rather the payment is contingent from both sides on winning and losing. Also included in this category is the betting that takes place in horse-racing and various other sports. For example, A says to B that if team X wins the match, I will pay you £100, but if team X loses, you will have to pay me £100. This will be gambling, hence unlawful.

However, it should be noted here that in order for this type of betting to be considered gambling, there should be a two-way bet. If a one-way bet is made, it will not be considered gambling, hence lawful. For example, A says to B that if team X wins, I will pay you £100, but if team X loses, you don't pay me anything. This is a one-way bet and not considered by the jurists (fuqaha) to be gambling. The reason being is that in order for a transaction of gambling to transpire, the wealth of both parties should be at stake. A one-way bet is akin to one making a vow of paying someone money if such and such thing occurs. (Radd al-Muhtar)

Also, if a third person not taking part in the sport vows to give the winner a prize, then this is also permitted and not considered to be gambling, provided the participants do not have to pay anything to enroll into the competition. Unless the enrollment fee is for some service or article.

2. The second form of gambling is where payment is certain from one side, and uncertain from the other. The one paying for certain is actually staking his wealth, in that it may bring more wealth or it may be lost totally. This is probably the most widespread type of gambling and has many different forms.

In this category we have the prevalent forms of insurance, in that the premiums are paid for certain, whereas the return is uncertain. You may lose all the premiums you paid or may receive in return more than what you paid. This is one of the reasons why insurance has been declared unlawful by the scholars. Moreover, included are the various types of lotteries, raffles, and sweepstakes, where one has to pay to be included in the draw, whether this payment is in the form of entrance-fees, purchasing of tickets or any other form. The reason being is that the total accumulated cash will be distributed amongst those whose names emerge in the draw as the prize-winners, which is clear gambling. If one's name does not emerge in the prize draw, one will be losing one's wealth without anything in return.

Similarly, various types of crosswords and puzzles are published in newspapers and magazines, and it is advertised that whosoever solves them correctly and encloses a certain amount of money, stands a chance of winning a great prize. This is also gambling, because one is enclosing some money (even though it may be a minimum amount) so that it brings with it more or it is lost altogether. Yes, if no money was demanded to be included in the prize-draw, then that would not constitute gambling, hence permitted.

At times, various teams take part in a sports tournament with each team required to pay a certain entrance-fee. Thereafter, the winning team is given a prize or a trophy purchased through the money accumulated from each team's contribution. This is also gambling, hence unlawful. Unless, the entrance fee is for some service rendered, viz. equipment or the referee's wage.

Another example is of the various types of competitions that take place regularly on the Radio, TV, etc. A question is posed to the listeners or the viewers with a promise that whosoever phones in with the correct answer and his name is drawn; he will receive a ticket for two people in such and such country, for example. Now many people think, this great offer is only a phone-call away and who knows, I may be the winner. I won't lose anything if I don't win, because I only have to call and give them the correct answer. What these people don't realize, however, is that the charge of the call is greatly increased, in order to facilitate the acquisition of the award. So, normally the charge to make such a call

would be (for example) \$10, whilst one is being charged \$100 here. Hence, the remaining 90 pence is used in the acquisition of the winner's reward.

What's more, not all of the money is used in order to acquire the prize; rather, these companies who offer such competitions keep a large sum of money to themselves, and then with the remaining sum, they acquire the prize. At times, they keep all the money to themselves without even drawing the name of the winner, hence deceiving everyone. Therefore, the above is clearly and categorically a form of gambling, and must be avoided by the Muslims. One brother, despite being advised not to take part in a certain competition, still went ahead and called the organizers with the correct answer. It was advertised that callers will be charged one pound a minute. This brother ended up paying £30 in total after having to wait on the line for a long time!

A very important aspect should be firmly understood here, that is, in order for a transaction to be considered a form of gambling, it is necessary that the money which one puts at stake is paid without any return (as mentioned earlier). Thus, if one receives the full return for the money put at stake, it cannot be called gambling, rather, it will not even classify as placing one's money at stake, because one has received the full return of one's money. For example: If one purchased a ticket for entrance into an exhibition or bazaar, with the organizers of the event promising a prize for the holder of the lucky number on one of the tickets, then that cannot be called clear gambling, because the ticket-holder has paid in order to enter the exhibition, and he has received the full return of his money. However, if one's intention was not to enter the exhibition, rather to win the prize, then one will be indulging in a kind of gambling, though not open gambling.

Another example is that of manufacturers, in order to attract customers, placing certain lucky tokens or numbers in their produced items, with the lucky winner receiving a prize. The ruling here is that if the cost of these items is similar to its cost when the prize-winning scheme is not in operation, then it would not classify as gambling. For example: A bar of chocolate is normally sold at 50 British pence, and the price remains the same even with the prize-winning scheme in operation, then to take part in this scheme and win the prize would be permitted. The reason being is that one has received the full return of one's money which (in this example) is of the chocolate bar; hence one is not placing one's money at stake. However, if the cost of the item is raised due to the prize-winning scheme, for example: the chocolate bar is sold at 60 pence, with the promise of an award for the lucky token-holder, then this would be considered gambling, because one is receiving the full return for only the 50 pence invested but the remaining 10 pence is put at stake. If one did not win any prize, the 10 pence would be lost, and in the case of winning, the 10 pence would bring with it more than its value.

What is known as the 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 peoples' minds the implications of the belief in Allah (swt) and the Hereafter.

The above was a detailed explanation with regards to gambling and its various forms. As you can see, there are many ways and forms of gambling. At times, people do not even realize that they are involved in gambling and committing a major sin, hence one need to be vigilant.

Gambling discourages honest labor and encourages greed, materialism and discontent. It encourages "get rich quick" thinking and reckless investment of God-given resources. It is (in its essence) a form of robbery, which is stealing. Each gambler wants to get the prize money for him/herself.

There are sound and noble objectives behind this strict prohibition of gambling:

- ▲ 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 as produce the desired effects. Gambling, which includes raffling or the lottery, on the other 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.
- ▲ In Islam, an individual's property is sacred; it may 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.
- ▲ 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.
- ▲ 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 at playing the game, unable to bring themselves to leave it; this is the secret of the addiction to gambling.
- ▲ 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.

## Social Relationships

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 words, deed, or behavior which contravene or threaten 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 verse we find some examples of those prohibited acts which are injurious to the brotherhood and sanctity of human beings. Allah (swt) says: *"Verily, the Believers are brothers. Then set matters right between 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 themselves, nor (let) women (mock) at women who may be better than themselves. 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 Relenting, Merciful."* (49:10-12)

### The Unlawfulness of Severing 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.*" (05:57). The Prophet (peace be on him) 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."* (Reported by Abu Dawud.)

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 (Literally, "*the ties of the womb.*"), holding them sacred. Says Allah (swt): *"And be conscious of Allah, in whom you claim your rights of one another, and of the wombs (that bore you); indeed, Allah is Watcher over you."* (04:01). Using picturesque language, the Prophet (saw) emphasized the value of this relationship in the sight of Allah (swt) by *"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.'"* (Bukhari, Muslim.) He also said, *"One who cuts will not enter Paradise."* (Bukhari.) In explaining the meaning of this, some scholars say it means one who cuts the ties of relationship. Joining the ties of relationship does not merely mean returning a visit for a visit or one good turn for another, since this much is quite natural and to be expected; rather, it means to persist in friendly relations even with those relatives who shun you. The Prophet (saw) 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."* (Bukhari). 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.

'Abdullah bin 'Umar (r.) 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 (saw) prohibited men to prevent their women from going to the mosque. (Ahmad) Al-Suyuti wrote an article entitled, "Al-zajar lei al-hajar," ("Punishment by Boycott"), justifying it on the basis of several hadith and actions of the Prophet's companions.

Estrangement and enmity between 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 (swt)? The Prophet (saw) said: "*The gates of the Garden 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. Thrice the command will be given: 'Leave the two of them until they are reconciled.'*" (Muslim)

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 (saw) 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. (Tabarani)

## 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 themselves to become emotionally involved with one side or the other. Allah (swt) says, "*Verily, the Believers are brothers. Then set matters right between your brothers and be conscious of Allah in order that you may obtain mercy.*" (49:10). The Prophet (saw), explaining the merit of such mediation and the danger of conflict and hostility, said, "*Shall I not inform you of something more excellent in degree than fasting, charity and Salah?*" On receiving the reply, 'Certainly,' he said, "*It is putting right by people, for to incite people to dispute is like a razor. And I do not mean that is shaves off the hair but that is shears the religion.*" (Tirmidhi)

## Mocking

In verses (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 sacred among human beings. The first among these is the prohibition of mocking, deriding, and scoffing at others. The Believer who fears Allah (swt) and hopes to attain the Garden 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. Says Allah (swt): "*Let not some people mock at other people, for they may be better than themselves, nor (let) women (mock) at women who may better than themselves.*" (49:11)

In the scale of Allah, goodness is measured by faith, sincerity, and the quality of the relationship with Allah (swt), not by physical appearance, wealth, or power. Said the Prophet (saw), "*Allah does not look at your physical features or your wealth, but He looks at your hearts and your deeds.*" (Muslim.)

How, then, can it be permissible for a person to laugh at someone's physical handicap, deformity, or poverty? It is reported that 'Abdullah bin Masood (r.) had thin, weak legs. Once, upon seeing his leg

uncovered, some people laughed, whereupon the Prophet (saw) said, “*Are you laughing at the frailty of his legs? By Him in whose hand is my soul, in the scale of Allah (swt) they are weightier than Mount Uhud.*” (Tiyalisi, Ahmad.)

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 (r.) and 'Ammar (r.), 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 watchers over them. Then on this day those who believe will laugh at the disbelievers.*” (83:29-34)

Although it has already been implied in the first part of the verse (49:11), nevertheless this ayah 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.

## **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. A poet has said, “*The wounds of blades may heal one day, But the wounds of the tongue? They never may.*”

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 community of Muslims as one body in its mutual concerns and responsibilities, so that whoever slanders his brother in effect slanders himself.

## **Nicknames**

One form of slandering is calling others by derogatory nicknames of the sort which highlight some defect and are 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 ayah mentions the fourth prohibition by which what is to be held sacred among people is safeguarded:

“*O you who believe, avoid (indulging in) much suspicion; truly some suspicion is a sin.*” (49:12). 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 (saw) said, “*Avoid suspicion, for airing suspicion is the most lying form of speech.*” (Bukhari)

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.*” (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, just as spying follows suspicion, the prohibition of spying comes immediately after that of suspicion. Prying into other peoples' 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 Haitham, the scribe of 'Uqbah bin 'Amir (r.), a Companion of the Prophet (saw) narrated, "*I said to 'Uqbah bin '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 and have them arrested.*' 'Uqbah then said, '*Woe to you! Do not do that, for I heard the Messenger of Allah (saw) say, "If one conceals the private affairs (of others), it is like reviving a girl who has been buried alive from her grave."*' (Abu Daoud, Nisai, Sahih Ibn Hibban, Hakim.)

The Prophet (saw) classified those who search out other peoples' 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 narrated, "Allah's Messenger (saw) mounted the pulpit and called out in a loud voice, "*O you who declare Islam with your tongues but whose hearts have not been reached by faith, do not annoy the Muslims nor seek out their faults, for he who seeks out the faults of his brother Muslim 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.*" (Tirmidhi, Ibn Majah)

In order to safeguard peoples' privacy, the Prophet (peace be on him) strictly forbade that anyone should look into other peoples' houses without their permission and absolved the residents for any injury they might inflict upon one who so looks. He said, "*If someone peeps into the house of a people without their permission, it becomes allowable to them to gouge out his eye.*" (Bukhari, Muslim.)

Likewise, he prohibited listening clandestinely to peoples' conversation without their knowledge or approval, saying, "*He who listens clandestinely to peoples' conversation against their wishes will have molten lead poured into his ears on the Day of Resurrection.*" (Bukhari, Muslim.)

Allah (sawt) 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 salaam (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 to, 'Withdraw,' then do so; that is purer for you; and Allah knows what you do.*" (24:27-28)

Said the Prophet (peace be on him), "*He who pulls the curtain and looks into a house before he is granted permission to enter has committed an offense.*" (Ahmad, Tirmidhi.)

The texts prohibiting spying and searching out people's faults apply equally to the government and to individuals. Mu'awiyah (r.) reported the Prophet (saw) as saying, "*If you seek out peoples' faults, you will corrupt them, or bring them very near to corruption*" (Abu Dawud, Sahih Ibn Hibban) and Abu Imamah (r.) reported that the Prophet (saw) said, "*The ruler who sows suspicion among the people corrupts them.*" (Abu Dawud.)

## **Backbiting**

The sixth evil prohibited in the verses cited above is backbiting (gheeba): "*And do not...backbite one another.*" (49:12). The Prophet (saw) 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 (saw) replied, “*If what you say of him is true, it is backbiting and if it is not true you have slandered him.*” (Muslim, Abu Dawud, Tirmidhi, Nisai.)

When a person dislikes someone, he is likely to find faults in his appearance, behavior, lineage, and anything else which pertains to him. Aishah narrated that she said to the Prophet (saw), “*Do you see that Safiyyah (another wife of the Prophet) is such and such?*” meaning that she was short. The Prophet (saw) replied, “*You have spoken a word such that, if it were mixed in the water of the ocean, it would darken it.*” (Abu Dawud, Tirmidhi, Bayhaqi.)

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.*” (49:12)

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 (saw) stressed this Qur'anic imagery in order to imprint it on peoples' hearts and minds. Ibn Masood (r.) narrated, ‘*We were sitting with the Prophet (saw). Then a man got up and left. Whereupon another person spoke ill of him. The Prophet (saw) told him, “Pick your teeth” The man replied, ‘Why? I haven't eaten any meat.’ The Prophet (saw) replied, “You have eaten your brother's flesh.”*’ (Tabarani)

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 (swt) says: “*Allah does not like the announcing of evil in public speech except by one who has been wronged; and Allah is Hearing, Knowing.*” (04:148)

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 more sacred. Fatimah bint Qais asked the Prophet (saw) about two men who had asked for her hand in marriage. The Prophet (saw) told her about one of them, “*He 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 evil 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 hadith and news is permissible. (See al-Ghazali’s discussion of the uses and abuses of speech in his *Ihya*; and al-Nawawi’s Commentary on the Sahih of Muslim on what is permissible and what is prohibited in talking behind the backs of others.)

The general rule 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 a thing?*" rather than, "*This person is doing such and such. What do you think about it?*" Again, 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 motives 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 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 (saw) said, "*If anyone defends his brother who is slandered in his absence, it will be (his) due from Allah to set him free from the Fire.*" (Ahmad) and, "*If anyone defends his brother's honor in this world, Allah will shield his face from the Fire on the Day of Resurrection.*" (Tirmidhi).

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*" (04:140) would apply to him.

## Spreading Gossip

Another unscrupulous act, which usually accompanies backbiting and is strictly prohibited by Islam, is gossiping. 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 Makkah 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.*" (68:10-11). The Prophet (saw) warned, "The one who spreads gossip which he has overheard will not enter the Garden" (Bukhari, Muslim.) and, "*The most evil among Allah's slaves are those who go about spreading gossip dividing those who love each other and desiring to defame those who are innocent.*" (Ahmad).

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 (saw) said, "*He is not a liar who makes peace between two persons, saying what is good or adding something good.*" (Bukhari, Muslim.)

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 have heard but add to it or invent something of their own. As a poet has said, "*If they hear a good word they hide it, And if a bad word they shout it, And if nothing is heard they make up a lie.*" A man came to 'Umar bin 'Abd al-'Aziz (r.) 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 is mentioned in the ayah, 'If a wicked person brings you some news, investigate it' (49:06) and if you are telling the truth, you are one of those mentioned in the ayah, 'A backbiter, going among the people with defamations.' (68:11). But if you wish we may forgive you." The man replied, "Please forgive me, O Leader of the Believers. I shall never do it again."

## The Sacredness of Honor

We have noted that the Islamic teachings safeguard human dignity and honor, regarding them, in fact, as inviolable and sacred. Once, while looking at the Ka'aba, 'Abdullah bin Umar (r.) 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.

During the Farewell Pilgrimage the Prophet (saw) addressed the assembly of Muslims, saying, "Your lives, your honor, and your property are as sacred to each other as the sacredness of this day (Arafah), in this month (Dhul Hijjah), and in this city (Makah)." (Reported by Muslim.)

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 (saw) 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." (Tabarani).

'Aishah reported that the Prophet (saw) said to his Companions, "Do you know what the worst form of usury is in the sight of Allah?" They said, 'Allah and His Messenger know best' The Prophet (saw) replied, "The worst form of usury is the violation of 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." (33:58) (Ibn Abu Hatim, Ibn Murdawai, al-Bayhaqi.)

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, destroying her future, but also broadcasts scandals within the Muslim society. This is why the Prophet Muhammad (saw) listed it among the seven most heinous sins and the Qur'an threatened its perpetrators with dire punishments: "Those who accuse chaste but careless (or indiscreet) believing women shall be accursed in this world and in the Hereafter, and theirs will be a grievous punishment on the Day when their tongues, their hands, and their feet will bear witness against them concerning what they did. On that Day Allah will pay them in full their just due, and they will show that Allah is indeed the manifest Truth." (24:23-25) and "Indeed, these 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." (24:19).

## The Sacredness of Life

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." (05:32). 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. Allah warns, "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.”* (04:93). The Prophet (saw) said, “*The passing away of the world would mean less to Allah than the murder of a Muslim man.*” (Muslim, Nisai, Tirmidhi.)

He also proclaimed, “*A Believer remains within the scope of his religion as long as he does not kill anyone unlawfully.*” (Bukhari.) And again, “Allah may forgive every sin except in the case of one who dies a mushrik or one who kills a Believer intentionally.” (Abu Dawud, Ibn Hibban, Hakim.)

On the basis of these verses and hadith, Ibn 'Abbas (r.) deduced that the repentance of the murderer will not be accepted by Allah (r.). 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 (swt) 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 Forgiving, Merciful.”* (25:68-70)

The Prophet (saw) 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 over a camel or a horse. He said, “*Insulting the Muslim is wickedness and fighting him is unbelief.*” (Bukhari, Muslim.) and “*Do not become unbelievers after I pass away, killing one another.*” (Bukhari, 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 together.*” Someone asked, ‘O Messenger (saw), this one the murderer, but what was the fault of the murdered?’ He replied, “He was eager to kill the other.” (Bukhari, Muslim). Because of this the Prophet (saw) 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.*” (Bukhari). 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.*” (Muslim). He even went so far as to say, “*It is not permissible for the Muslim to frighten his brother.*” (Abu Dawud, Tabarani).

The sin of murder is not limited to the murderer alone. Each individual who participated in this crime, by deed, or by word, will be the recipient of 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 if he does not try to stop it. A hadith states, “*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.*” (Tabarani, Bayhaqi)

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 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 Muslim to attack him. In this regard the Prophet (saw) has said, “*Anyone who kills a person from among the people with whom there is a treaty will not smell the fragrance of the Garden, although its fragrance reaches to a walking distance of forty years.*” (Bukhari) and “*Anyone who kills a dhimmi will not smell the fragrance of the Garden.*” (Nisai).

## **Capital Punishment**

Allah (swt) says, “Do not take the life which Allah has made sacred except in (the course of) justice.” (6:151). Allah has mentioned three crimes for which the death penalty is justified:

1. Unjust murder: Murder 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.” (02:179).
2. Publicly committing zina 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).”* (03:72)

The Prophet (saw) 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 zina, and one who turns aside from his religion and abandons the community.”* (Bukhari, Muslim).

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 (swt), *“...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.”* (17:33)

## **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 (swt). He is not allowed to diminish it, let alone to harm or destroy it. Allah (swt) says: *“Do not kill yourselves; indeed, Allah is merciful to you.”* (04:29)

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 (saw) warned that anyone who commits the crime of suicide will be deprived of the mercy of Allah and will not enter the Garden; he will deserve Allah's wrath and be cast into the Fire. The Prophet (saw) recounted, *“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 (swt) said, ‘My slave hurried in the matter of his life.’ therefore, he is deprived of the Garden.”* (Bukhari, Muslim.)

If a person is deprived of the Garden 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 weak of 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; he 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.*” (Bukhari, Muslim.)

## The Sanctity of Property

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 the New Testament 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*”, in Islam it is said, “What an excellent thing is lawfully earned wealth in the hands of a good man.” (Ahmad). 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 (saw) mentioned the sanctity of property in the same sentence with the sanctity of life and honor and considered stealing as contradictory to faith, saying, “*A thief is not a Believer while he is engaged in stealing.*” (Bukhari, Muslim). Says Allah (swt): “*As for the male and female thief, cut off their hands, a recompense for what they earned, punishment from Allah; and Allah is Mighty, Wise.*” (05:38). Whereas the Prophet (saw) declared, “*It is haram for the Muslim to take (so much as) a stick without the consent of its owner*” (Sahih Ibn Hibban) thus emphasizing what Allah (swt) has prohibited to the Muslim in respect of other peoples' 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” (04:29).

## The Prohibition of Bribery

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 which is not one's right lawfully (according to the Shariah).

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 (swt) 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).*” (02:188). The Prophet (saw) warned, “*Allah's curse is on the one who offers the bribe and on the judge who accepts it.*” (Ahmad, Tirmidhi, Sahih Ibn Hibban). Thawban related, “*The Messenger (saw) cursed the one who offers the bribe, the one who receives it, and the one who arranges it.*” (Ahmad, Hakim). If the recipient of the bribe accepts it in order to do injustice, his sin is the greater, while if he intended to do justice, it was his simple duty for which no payment was needed.

The Prophet (saw) sent 'Abdullah bin Rawahah (r.) to the Jews to estimate what they owed as taxes on their palm trees. The Jews offered him some money as a gift. He told them, “*What you have offered as a bribe is haram and we do not accept it.*” (Malik) . 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 intention of the Islamic Shari'ah is to prohibit bribery in any shape or form. Thus, referring to a bribe as a "gift" does not transfer it from the realm of the haram to that of the halal. A hadith states, "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." (Abu Dawud). Caliph 'Umar bin 'Abd al-'Aziz (r.) was given a gift which he refused. On being told that the Prophet (saw) had accepted gifts, he said, "*To him it was a gift, but to us it is a bribe.*" The Prophet (saw) sent a man to collect Zakat from the Azd tribe. On returning to the Prophet (saw) he kept something for himself, telling the Prophet (saw), '*That is for you and this is for me as a gift.*' Thereupon the Prophet (saw) 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 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?*" (Bukhari, Muslim)

Said Imam al-Ghazzali, "*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 preferable to avoid accepting them.*" (Ihya 'ulum al-deen)

## **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 wait patiently until Allah (saw) 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 other 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 a hadith reporting that the Prophet (saw) 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 (saw) 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 is fire for him?*" The Prophet (saw) replied, "*What am I to do? They ask from me persistently, and Allah has forbidden me to be closed-handed.*" (Abu Y'ala, Ahmad). If when the pressure of insistent begging induced the Prophet (saw) to give a beggar what he knew to be Hell-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 sacred and any violation of it, whether secret or open, is prohibited, in like manner a person's own wealth is sacred with respect to himself; he should not waste it by extravagant spending, scattering it to the right and left. 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 Qadi (Islamic Judge appointed by the Caliph) the right to manage the properties of the weak-minded who squander their wealth. The Qur'an says, "*Do not give your wealth, which Allah has made a means of supporting you, to the weak-minded, but feed and clothe them from it and speak to them words of kindness.*" (04:05). In this ayah Allah (swt) 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 the "middle 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 (swt) 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." (07:31). 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 (saw) prohibited the squandering of wealth. (Bukhari.) Giving away so much in charity that one has nothing left for the necessities of life also constitutes wasting of wealth.

In explaining the ayah, "*They ask thee what they should spend (in charity). Say (Spend) what is beyond your needs*" (2:219). Imam al-Razi comments, "*Allah (swt) taught people how to spend their wealth. He told His Prophet (saw), '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.'* (17:26) He also says, '*Let not thy hand be tied to thy neck (in miserliness), nor extend it to its utmost reach,*' (17:29) and He said, '*And those who, when they spend, are neither extravagant nor miserly.*' (25:67)." The Prophet (saw) said, "If one of you has something to spend, he should start with himself, then with those whom he supports, and so on." (Muslim) He also said, "*The best charity is that which leaves you self-sufficient.*" (Tabarani).

Jabir bin 'Abdullah (r.) narrated, "*Once when we were with the Messenger (saw), 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 (saw) turned away from him. The man came around in front of the Prophet (saw), whereupon the Prophet (saw) said angrily, 'Give it to me,' and taking the piece of gold from him threw it toward him. He then said, '*One of you brings me his wealth while he possesses nothing else, and then he sits down and begs from people. Charity is that which leaves you self-sufficient. Take this back; we have no need of it.*'" (Abu Dawud, Hakim).

It was reported the Prophet (peace be on him) used to store food for his family sufficient for one year. (Bukhari) Men of wisdom have 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,' (2:219) and moderation is the foundation of the Shari'ah brought by Muhammad (saw). The foundation of the Jewish law is extreme harshness and that of Christian law extreme laxity, while the Shari'ah of Muhammad (saw) is in the middle of all such matters. That is why it is the most perfect of all systems of law." (Tafsir Fakhr al-Deen al-Razi).

## Vows and Oaths

The type of vows that is common in everyday colloquial speech and is not intended for oath making is classed vain, thus, ineffective (al-yameen al-laghw). That is for example when somebody utters the words: I swear by Allah ..... (About something from the past). One is not legally accountable for such vows. Allah (swt) states: “*and Allah does not account you for the vain in your vows, instead he accounts you for what your hearts have earned*” (02:225).

However, The Hanafi Scholars do add that the vow will only be vain if it was said about something of the past or present. Hence, if it was about something of the future, it will be effective even if it was unintentionally said; thus, given rulings for effective vows will apply. This was the ruling for the kind of vain vows made in everyday life of the public.

In any case, children before the age of puberty are not legally liable for vows. It is the parents from whom the children usually hear these words and without knowledge utter them either to prove a point or to make it sound stronger. The parents will be regarded sinful if they utter such vows and not understand their rulings and requisites.

### Types of vow:

1. Honest vow (al-yameen al-sadiqah): that in which one swears upon something of the past or present tense and is truthful in what he utters.
2. False vow, Perjury (al-yameen al-ghamus): that in which one swears upon something untrue in the past or present tense. It is unlawful and sinful since it is a lie.
3. Effective vow (al-yameen al-mun’aqidah): in which one takes an oath that he will do something or obstruct from something, in the present tense or future, whether it be for something lawful or unlawful. For example, if one says: ‘I swear I’ll hit him’.

### The conditions for it to be effective are:

1. The oath is uttered in none other than Allah’s name or his attributes. The Prophet (saw) said: “*Verily Allah has prohibited that you swear in your fathers’ names. Therefore, one who makes a vow should swear in Allah’s name or either stays silent*”. (Bukhari, Muslim). Oaths in the name of the ka’bah, Salah etc. are not regarded as vows. For example, one says: ‘I swear by salah, I’ll do such and such work’ it will be ineffective, thus, one will be not accountable for not doing that work accordingly. However, oaths taken on the Holy Qur’an will be regarded effective. Allamah Ibn Abideen (May Allah have mercy on him) mentions that if one takes an oath on the second person’s life [as the early arabs uttered: ‘la’amruk’] it will not have any weight and the person will not be sinful. It is impermissible to take an oath on somebody or somebody’s body parts and will not be effective and neither sinful unless done for veneration of somebody with high regard. For Example, somebody who says: ‘I swear by my sheikh’s beard’ he will be sinful and the vow will be ineffective.
2. The one taking an oath is mature and sane. Vows made by children, as I mentioned previously, are vain.
3. The vow is not on something knowingly impossible. Such as, ‘I swear by Allah I will eat all of the bread in the house’ when, knowingly, there is none at all. Similarly, if one says: ‘I swear I will purchase Yaseen’s house’ and Yaseen doesn’t have a house, the vow will be ineffective.
4. The vow has to be free from exception of Allah’s intention and will. If so, the vow will be vain. For example, the oath of somebody who says: ‘I swear by Allah that I will travel with you

tomorrow, if Allah wills [Insha Allah]’ is vain. The Prophet (saw) said: ‘He who swears and then says: If Allah wills, will not be sinful [by oath braking]’.

Moreover, if somebody takes an oath and then after thinking about the event, adds insha Allah, it will not be counted and the vow will remain effective. If, however, said after a short natural breath which one requires, the vow will become vain.

Similarly, if one adds words like: ‘...If I plan’, ‘...If I don’t change my mind’ it will fall under the same ruling. The vow will become vain if said directly after, and if said after a while, the vow will remain effective.

### **Legal ‘Fiqhi’ ruling on the nature of vows**

The nature of a vow, in the Legal sense, may change due to the change of situations and places.

According to the jurists, it is categorized in five rulings:

1. Imperative vow: it becomes necessary ‘wajib’ to take an oath to establish truth, eliminate injustice, express innocence or rebut scandalous doubt raised against someone. It will also be necessary to take an oath where somebody has a right over property, even if he/her does not want to and intends to forgive his or her right. This was what Umar (r.) did in the case with Ubayy ibn Ka'b (r.) over a date tree. He swore that it was his and then when they left the Jurist Zaid Bin Thabit (r.), he gave it to Ubayy (r.) as a gift. Umar (r.) was asked why he didn't give the tree before the oath to which he replied: “*I feared if I didn't take an oath, people after me would not take oaths for their rights.*”
2. Recommended vow: it becomes recommended ‘mandub’ to take an oath for the accomplishment of an interest ‘tahqiq al-maslihah’. For example, taking an oath to reconcile between two parties or to propagate assurance to those in doubt.
3. Permissible vow: permissible when taken for a permissible ‘mubah’ purpose.
4. Disliked vow: disliked when taken for a disliked ‘makruh’ issue that opposes the Sunnah. For example, one takes an oath that he will not return salaam to so and so, or he won’t help so and so in need. Vows made in the markets during purchase and selling, even on the right, are makruh. Such vows decrease barakah as mentioned in a hadith of Bukhari and Muslim. It also is makruh when one develops a habit of taking a permissible ‘mubah’ oath.
5. Impermissible vow: unlawful when taken for an unlawful ‘haram’ purpose. For example, when one takes an oath that he or she will not pray Salah or will commit a sinful act.

### **Effect of time and oaths**

Oaths can be divided according to the time limit one gives to take out that certain act. This may apply different rules on the general rulings of the vows thus they may differ due to set time limits. Here are the 3 types of timed vows:

1. Unconditional oath [al-yameen al-Mutlaqah]: when an oath is taken on something unconditioned with time. For example, someone takes an oath that he will buy or sell such and such product but doesn’t mention the time. He will be free from his oath at the time he purchases or sells that product.
2. Conditional oath [al-yameen al-muwaqqatah]: when an oath is taken on something within the limitation of time. For example, somebody takes an oath that he will eat today or will work this month. Once he has accomplished what he made vow of within the capacity of that time, he will be free from the burden of oath. If he opposes the oath or exceeds its time, he will violate his oath thus give atonement [kaffarah]. If one makes oath that he will visit his mother next week or

pay off his debt tomorrow, and visits his mother the next day and pays off the debt that day, he will be free from his oath thus does not break it.

3. Immediate oath [al-yameen al-fawriyyah]: When an oath is taken on something that is not conditioned verbally, but the present circumstances require the limitation of time. It's legal 'fiqhi' ruling is that it will be confined in a time limit. Hence, this type of oath will be a branch of the previous. For example, if somebody takes an oath that his visitor should not leave the house and sit longer, if the visitor turns back from the door and sits longer then exits after a few minutes, he will not have violated his oath. The reason is because the oath though verbally was not marked with a time but denoted that specific time where the visitor was about to leave. Another example is when one takes an oath that his visitor eats the present food. If the visitor eats, even after an hour, he will be free from his oath. If the visitor comes back and eats the next day, he will have to give the atonement [kaffarah].

### **Making someone take an oath**

If someone administers an oath on someone else, and he takes an oath, it will be effective, thus, all rulings will apply even if the person was at that time inattentive 'sahi' or forced 'mukrah'.

If, however, somebody says: 'say: I swear on Allah that you will definitely come!' and the second person says: 'I will come', his intention will be taken to account. If he intended the consent of the oath, the vow will be effective. Hence, if this person simply intended compliance with the first person's request (and not an oath), he will not be accountable for the vow thus it will be vain.

### **Enforced and Mistaken oaths**

The oath of somebody joking, enforced to take an oath, and mistaken will be effective according to the Hanafi madhab. Though, Shafii and Hanbali mention that it is ineffective, thus, no atonement [kaffarah] is due. These also fall under the rules of vows:

1. Somebody makes a simple vow like 'I pledge', 'I swear', and 'I promise' i.e without mentioning Allah's name or his attributes.
2. Somebody says: 'I make Allah witness...'
3. If somebody says 'if I succeed in such and such, I will make a vow [nazhar] for Allah (swt) but does not mention what he will give, the atonement [kaffarah] of violating an oath will be given.
4. If somebody makes unlawful on himself or herself that which is permissible such as prohibit on themselves the consumption of lawful foods (bread, water etc.) that thing will not become impermissible, and once that food is consumed, the atonement [kaffarah] of violating a vow will be necessary. (al-Mufassal)

### **Repeating a vow**

If the words of oath are repeated before mentioning the 'vowed for', such as: 'I swear! I swear! I swear! I won't go' [in which 'I won't go' is the 'vowed for'], it will be considered as one vow. However, if one intended three separate vows [which is rare], they will all be effective.

Words like: 'I swear by Allah! I swear by the greatest of all! I swear by the most merciful! I will start today!' This kind of oath falls under the previous ruling.

If one mentions the 'vowed for' specifically at every time, for example: I swear by Allah he won't go! I swear by Allah he won't go! I swear by Allah he won't go! [3 times], three different vows will occur, thus, in case of breach of oath three separate atonements [kaffarah] will be obligatory. Similarly, if one

repeats the oath [before the ‘vowed for’] but separates each one with ‘and’, the vows will differ and will all be effective, individually. For example, ‘ I swear and I swear and I swear! I won’t go!’ three different vows will occur.

### **Atonement (kaffarah) of vows**

In In verse 89 of Surah al-Ma’idah, Allah (swt) gives the ruling for vows that are violated which are three things:

1. Feeding 10 of the needy, from the moderate class food that he eats and feeds his family. Hanafi scholars have allowed giving the equal amount of money to the 10 in need. Giving it all to one will not recompense for the violation, thus, each and every one has a right of an equal provision. Those in need cannot be from his roots ‘usul’ [parents, grandparents and above] and neither branches ‘furu’ [daughters and sons, granddaughters and grandsons and below]. If one gives them the food, it has to be given on the same day: 2 kgs of wheat or flour, or 4 kgs of barley or dates [1 saa’=4kg].
2. Or one can provide clothing for them. The clothing has to be of what is commonly dressed. It does not have to be new but should last at least 3 months. However, if it is new, it is better and more reward able.
3. Or freeing a slave. This is, in any case, not possible nowadays.
4. If one cannot do any of the above, due to poverty, he is obliged to fast for 3 continuous days. If he does not fast the second or third day [due to travel or illness] he will have to restart the atonement, though he will not lose reward for the first day.

### **Important rules regarding atonements**

1. Intention, at the time of giving the atonement, is imperative. The intention is not vocal; its place is the heart. Even if one separates money for the atonement, it is sufficient to denote one’s intention.
2. According to the Hanafi School, the atonement cannot precede the violation. Hence, if the atonement is given before the violation, it will be obligatory to give it again once after violation has occurred. The first will be regarded as charity.

## **The Relationship of the Muslims with the non-Muslims**

When we contemplate summarizing the Islamic teachings concerning dealings with non-Muslims in relation to the Halaal and the Haraam, we find the following verses of the Quran as Sufficient: “*Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just. Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.*” (60:8-9)

Allah (swt) has not prohibited kindness to non-Muslims in general, only to those who are hostile to, or are war with the Muslims, or prevent them from practicing their religions, or deride them or support anyone who does any of the aforesaid.

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 Noah, and that which We have revealed to thee (Muhammad) and that which We enjoined on Abraham, Moses, and Jesus: that you should establish the faith and make no division in it....*” (42:13)

Muslims are required to believe in all the Books revealed by Allah (swt) and in all the prophets sent by Him; otherwise they are not Believers: “*Say: We (Muslims) believe in Allah and in what He has revealed to us, and in what He revealed to Abraham and Ishmael and Isaac and Jacob and the tribes (of Israel), and in what was given to Moses and Jesus, 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.*” (02:136)

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.'*” (29:46)

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. As Allah (swt) 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....*” (05:05)

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 much closer to the hearts of the Believers: “... 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 are not arrogant.” (05:82)

## **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 al-dhimmah or dhimmies), meaning that Allah, His Messenger (saw), 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, dhimmies are "citizens" of the Islamic state. From the earliest period of Islam to the present day, Muslims are in unanimous agreement that they are free to practice their own faiths.

The Prophet (saw) emphasized the duties of Muslims toward dhimmies, 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.*" (Tabarani); "*Whoever hurts a dhimmi, I am his adversary, and I shall be an adversary to him on the Day of Resurrection.*" (Al-Khatib); "*On the Day of Resurrection I shall dispute with 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.*" (Abu Dawud)

The successors of the Prophet, the caliphs, safeguarded these rights and sanctities of non-Muslim citizens, and the jurists of Islam, in spite of the variation of their opinions regarding many other matters, are unanimous in emphasizing these rights and sanctities.

Says the Maliki jurist, Shaha al-Deen al-Qarafi: "*The covenant of protection imposes upon us certain obligations toward the ahl al-dhimmah. They are our neighbors, under our shelter and protection upon the guarantee of Allah, His Messenger (saw), 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 (saw), and the religion of Islam.* (Al-furuk) and the Zahiri jurist, Ibn Hazm, says: "*If one is a dhimmi, and the enemy comes with his force to take him, it is our obligation to fight the enemy with soldiers and weapons and to give our lives for him, thus honoring the guarantee of Allah and His Messenger (peace be on him). To hand him over to the enemy would mean to dishonor this guarantee.*" (Maratib al-ijma'). However, one should note that non-Muslims living in an unislamic state is not a "dhimmi".

## **Meaning of 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 since Allah (swt) Himself prohibits Muslims to take non-believers as friends, allies, and 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.*" (5:51-52)

The answer to this is that these verses are not unconditional, to be applied to every Jew, Christian, or non-Muslim. Showing goodwill and kindness to them does not necessarily entail that you have to be bosom friends with them. We are allowed to be their acquaintances, nevertheless, we should not take them as inseparable friends instead of our Muslim brothers, since a Muslim is closer to us than even our non-Muslim Mother or blood brother.

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 (swt) says: “*They will spare nothing to ruin you; they yearn for what makes you suffer. Hatred has been expressed by their mouths, but what their hearts conceal is still greater. Thus have We made clear to you the revelations (or signs), if you possess understanding. Ah! You love them, but they do not love you.*” (03:118-119).

This ayah throws 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 (swt) 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.*” (58:22). Opposition to Allah is not simply belief but includes hostility toward Islam and Muslims.

Moreover, Allah 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.*” (60:01)

This verse was revealed in connection with the pagans of Makkah, who declared war on Allah (swt) and His Messenger (saw), 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 someday 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 relationships, 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 Forgiving, Merciful.*” (60:07)

This Qur'anic statement gives the assurance that this bitter hostility and deep hatred will pass way, as it is also stated in the hadith, “*Hate your enemy mildly; he may become your friend one day.*” (Tirmidhi, Baihaqi. Al-Suyuti called it ‘hasan,’ transmitting the first part as “*Love your friend mildly; he may become your enemy one day.*”

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 (swt) 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.*” (05:52) 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 the Believers seek honor among them? For indeed all honor belongs to Allah alone.*” (04:138-139).

## **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 (saw) that he employed 'Abdullah bin 'Uraiqit, a polytheist, to be his guide on his flight (hijrah) 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 fleeing 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. Al-Zuhri reported that the Messenger (saw) sought help from some of the Jews in a war and gave them a share of the spoils and that Safwan bin Umayyah fought on the side of the Prophet (saw) while still an idolater. (*Sunan Sa'id.*) 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 truer in the case of non-believers. (*Al-mughni*)

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 (saw) accepted gifts from non-Muslim kings. (*Ahmad, Tirmidhi.*) Scholars of hadith state that there are many hadith which report that the Prophet (saw) accepted gifts from non-Muslims.

Indeed, Islam respects a human being only because he is human; how much the more then, if he is from the People of the Book and still more if he is a ‘dhimmi’? Once a funeral procession passed by the Prophet (peace be on him) and he stood up. Thereupon someone remarked, “*O Messenger of Allah, it is the funeral of a Jew.*” The Prophet (saw) replied, “*Was he not a soul?*” (*Bukhari.*)

Thus, truly, in Islam every human being has a dignity and a place.

### **The Extension of Islam's Universal Mercy to Animals**

The universal mercy of Islam embraces not only human beings, whether unbelievers, People of the Book, or Muslims, but all other living creation of Allah (swt) as well. Accordingly, Islam prohibits cruelty to animals. Thirteen hundred years before any societies for the prevention of cruelty to animals were established, Islam had made kindness to animals a part of its faith and cruelty to them a sufficient reason for a person to be thrown into the Fire. The Prophet (saw) 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 (saw) said, “*Then Allah was grateful to him and forgave 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.*” (*Bukhari.*) Side by side with this radiant picture of Allah's forgiveness and pleasure, the Prophet (saw) drew another picture depicting Allah's anger and punishment. He said, “*A woman was sent to the Fire because of a cat. She imprisoned her and neither fed her nor set her free to feed upon the rodents of the earth.*” (*Bukhari.*) Respect for Allah's living creatures reached such an extent that when the Prophet (saw) saw a donkey with a branded face, he denounced such a practice saying, “*I would not brand an animal except on the part of its body farthest from its face.*” (*Muslim.*) In another report, he passed by a donkey with a branded face and said, “*Have you not heard that I have cursed anyone who brands an animal on its face or who hits it on its face?*” (*Abu Daoud, Tirmidhi.*)

We have already mentioned that when Ibn 'Umar saw some people practicing archery using a hen as a target, he said, “*The Prophet (saw) cursed anyone who made a living thing into a target.*” And Ibn 'Abbas (r.) said, “*The Prophet (saw) 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 (r.) also reported that the Prophet (saw) strongly condemned the castration of animals. (*Al-Bazzar*). 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 victim 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 was beyond its imagination.