In the name of Allah, the Compassionate, the Merciful.

Synopsis of the Friday Sermon delivered by Ameer Mustapha Elturk on April 19, 2013

The Lawful and the Unlawful in Islam (Part 1)

Al-Numan bin Basheer (RAA) relates that he heard Allah’s Messenger (SAW) say, “That which is lawful is clear and that which is unlawful is clear. Between the two are doubtful matters that few people have knowledge about. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, just like the shepherd who grazes his flock too close to a pasture is liable to have some of his flock stray into it. Every king has a pasture, and Allah’s pasture is what He has prohibited. Truly in the body there is a morsel of flesh which, if it is healthy, the whole body is healthy and if it is diseased, the whole body is diseased. Truly it is the heart.”

This hadith reported in Sahih al-Bukhari and Sahih Muslim is considered by Imam Nawawi and many other scholars to be one of the most crucial ahadith around which the entire deen of Islam is understood. It sets down an important principle of conduct for Muslims by dividing all matters with respect to their Islamic rulings into three categories: (1) Matters that are clearly lawful (halal); (2) Matters that are clearly unlawful (haram); and (3) Matters wherein it is unclear whether or not they are permissible.

Basically, a Muslim is one who surrenders his will to Allah’s will, accepts Him as the Sovereign and Law-Giver, and acknowledges himself to be His vicegerent on earth, responsible for all duties and obligations Allah (SWT) has entrusted him with. This responsibility is the basis on which humans will be judged by Allah (SWT) and rewarded or punished accordingly in the hereafter. When offered to undertake this burdensome trust, the heavens, the earth, and the mountains declined to do so, but man undertook it. It was to safeguard this trust that through the course of time, Allah (SWT) sent prophets and messengers to guide people to what is lawful and what is not.

The Prophet Muhammad (SAW) was the last and final messenger of Allah (SWT.) Unlike his predecessors who were sent to their respective peoples or nations, he was a universal messenger sent as a mercy to the worlds and to entire humanity. “We have sent you as a bearer of glad tidings and a warner for the whole of mankind, but most people have no knowledge” (Saba’, 34:28). Another ayah tells us, “We have only sent you as a mercy to all the worlds” (al-Anbiya’, 21:107). Islam came as a mercy to humankind to take people out of darkness into light. It is the only way of life that Allah (SWT) accepts and is pleased with; hence the declaration, “Today I have perfected your deen for you and completed My blessing upon you and I am pleased with Islam as a deen for you” (al-Ma‘idah, 5:3). This ayah was revealed during the farewell sermon of the Prophet (SAW), just a few months before he died. Thus, Islam is the comprehensive, complete, and final guidance to humanity. The two primary sources of Islamic law and guidance are the Qur’an and the Sunnah of the Prophet (SAW).

Under the overpowering influence of secularism and modernity all around the world, and more so in the West, there are Muslims who act in defiance of divine commandments by indulging in practices that are Islamically unlawful. Engaging in sex outside wedlock, selling liquor, consuming intoxicants, dealing in usury (riba),
Muslim men marrying polytheist (mushrik) women, and Muslim women marrying non-Muslim men such as Jewish and Christian men are just a few of these unlawful practices. Ignorance of law is no excuse or justification for actions that are haram. To overcome this situation, Muslims, especially those who have made construction of Islam their mission need to understand the basic and fundamental principles of the Islamic law or Shari'a, which among other guidance, provides a simple and clear manifesto of the do’s and don’ts, and of the halal and the haram. Such rulings are based on Allah’s absolute wisdom, and His sole authority to legislate.

In his book *The Lawful and the Prohibited in Islam* Sheikh Yusuf al-Qaradawi defines the lawful or al-halal as that which is permitted; with respect to which no restriction exists, and the doing of which the Law-Giver has allowed. The unlawful or al-haram is that which the Law-Giver has prohibited absolutely, and anyone who engages in it is liable to incur Allah’s punishment in the hereafter, as well as legal punishment in this world. The detested or al-makruh actions are those that are disapproved by Allah (SWT), but are lesser in degree than al-haram. However, one must refrain from them lest committing them leads one to committing the haram.

Some of the preliminary points relevant to the topic of the lawful and the prohibited are as follows:

The general rule is that everything is lawful except what has been declared to be unlawful. This is in contrast to the trend of thinking that everything is unlawful except what has been declared to be lawful. Such distorted premise can only discourage, demotivate, and depress one rather than encourage, motivate, and elate him or her. A hadith tells us, “What Allah has made lawful in His Book is halal and what He has forbidden is haram, and that concerning which He is silent is allowed as His favor. So accept from Allah His favor, for Allah is not forgetful of anything.” It is reported that after saying this, the Prophet (SAW) recited ayah 64 of Surat Maryam, “Your Lord is not forgetful” (Maryam, 19:64). Another version of the hadith says, “Allah has prescribed certain obligations for you, so do not neglect them; He has defined certain limits, so do not transgress them; He has prohibited certain things, so do not do them; and He has kept silent concerning other things out of mercy for you and not because of forgetfulness, so do not ask questions concerning them.”

It is only Allah’s prerogative and privilege to ordain what is halal and what is haram. “Say, Who has forbidden the adornment of God, which He has brought forth for His servants and good things, clean and pure, which God has provided for His servants?” (al-A’raf, 7:32). The next ayah tells us, “Say, My Lord has forbidden indecency, both open and hidden, sin and wrongful oppression and that, without His sanction, you associate things with Him, and that you say things about Him without knowledge” (al-A’raf, 7:33).

The Prophet (SAW) was given the privilege to enact laws subject to God’s laws, and in this sense, he did exercise the right of legislation under divine supervision and approval. The Prophet (SAW) never spoke of his own. “He (the Prophet) does not speak from his own desire. It is but a divine inspiration” (al-Najm, 53:3-4). There are issues not addressed directly in the Qur’an. Prophetic rulings forbidding men to wear silk or adorn themselves with gold, for example is not to be found in the Qur’an. There is no choice for Muslims in matters which Allah (SWT) and His messenger have decreed. “It is not fitting for a believing man or woman when a matter has been decided by Allah and His Messenger to have any choice in their decision. And whoever disobeys Allah and His Messenger has indeed gone far astray” (al-Ahzab, 33:36).

Prohibiting what is lawful and making unlawful permissible is transgressing the limits of Allah (SWT). “O you who believe, do not forbid the good things God has made lawful for you; and do not transgress. God does not love transgressors” (al-Ma’idah, 5:87). Doing so is tantamount to shirk. No human being regardless of his worldly or religious position and status has any right in matters of halal and haram. “Do they have partners (with Allah) who ordain for them matters of faith that which Allah has not authorized?” (al-Shura, 42:21). The Qur’an severely chastises the Jews and the Christians for empowering their rabbis and monks to decree what is lawful and unlawful. “They have taken their rabbis and their monks, as well as the Messiah, son of Mary, as lords beside God, when they were commanded to worship only the One God. There is no deity but He. Exalted is He above whatever they associate with Him” (al-Taubah, 9:31). It is reported that when the Messenger of Allah recited this ayah, Adi bin Hatim (RAA), who was a Christian during the time of ignorance (jahiliyyah) commented, “They did not worship them.” The Prophet said, “Yes they did. They (rabbis and monks) prohib-
itted the allowed for them and allowed the prohibited, and they obeyed them. This is how they worshipped them.” According to the Qur’an, *shirk* is the only unpardonable sin in Islam. “Verily, Allah does not forgive those who join partners with Him, while He may forgive whomever He wills for anything less than that. And whoever ascribes partners to Allah is guilty of the greatest sin” (al-Nisa’, 4:48). It is clearly stated elsewhere, “And do not knowingly set up rivals to God” (al-Baqarah, 2:22).

The divine injunction prohibiting anything is due to its impurity and harmfulness. It is Allah (SWT) alone who knows through His infinite wisdom what is ultimately good for us and what is not. If something is entirely harmful, it is *haram*, and if it is entirely beneficial, it is *halal*. If the *haram* of it outweighs its benefits, then it becomes *haram*, while if its benefit outweighs its harm, it becomes *halal*. This principle is explained in the Qur’an. “They ask you about intoxicants and gambling. Say, There is great sin in both, although they have some benefit for people: but their harm is greater than their benefit” (al-Baqarah, 2:219). The Qur’an tells us that all good things have been made lawful in Islam. “If they ask you what has been made lawful for them, say, All good things have been made lawful for you” (al-Ma’idah, 5:4).

Whatever leads to *haram* is also *haram*. Islam employs the principle of *Sadd al-Zarai’* (blocking the means to unlawful ends). For example, to prevent the unlawful practice of sex outside marriage, all doors that may lead to it have been closed. Obscene literature, vulgar songs, display of nudity, putting on sexually appealing or scanty clothing, private and casual mixing between men and women, and all actions that may lead to the evil of adultery or fornication have been prohibited. It is also important to note that the sin of the *haram* is not limited to the perpetrator of the sin, but extends to all those who have contributed to or have been a party to that sinful act. This principle is very clearly illustrated in a *hadith* that says, “Allah's Messenger (SAW) cursed ten people in connection with wine: the wine-presser, the one who has it pressed, the one who drinks it, the one who conveys it, the one to whom it is conveyed, the one who serves it, the one who sells it, the one who benefits from the price paid for it, the one who buys it, and the one for whom it is bought.” Each one is held accountable according to his share.

Good intentions do not make the *haram* acceptable. Any ill-gotten wealth, for example cannot be used toward investing in a cause, however noble it may be. Islam does not consent to employing *haram* means to achieve praise-worthy ends. It does not subscribe to the maxim, “End justifies the means.” The intention, the means employed, and the end should all be honorable. The Prophet (SAW) said, “Allah is pure and accepts nothing but what is pure.”

Allah (SWT) has made it explicitly clear what is *halal* and what is *haram*. However, there is a gray area between the clearly *halal* and the clearly *haram*. This is the area of what is doubtful. Some people may not be able to decide whether a particular matter is permissible or forbidden. In relation to such matters, Islam considers it an act of piety for the Muslim to avoid doing what is doubtful in order to stay clear of doing something *haram*.

‘Necessity dictates exception’ is one of the legal maxims formulated by the *fuqaha* (Muslim jurists). Islam takes cognizance of the demands of life and to human weakness and capacity to face them. For example, it permits the Muslim, under the compulsion of necessity to eat a prohibited food in quantities sufficient to remove the necessity and save himself from death. After listing the prohibited foods in the form of dead animals, blood, and pork, Allah (SWT) says, “But if one is compelled by necessity, neither craving (it) nor transgressing, there is no sin on him; indeed, Allah is Forgiving, Merciful” (al-Baqarah, 2:173). The Qur’an also informs us, “He (Allah) has chosen you and placed no hardship in your deen” (al-Hajj, 22:78). We are also reminded that “God desires ease for you, not hardship” (al-Baqarah, 2:185).

Edited by Dr. Munawar Haque
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