

Ibn `Abbas said, "The Messenger of Allah (may Allah bless him and grant him peace) only prohibited the wearing of a garment of uniform silk. As for a silken badge, or the warp of a garment, there is no objection to it." [Abu Dawud]

one who has a skin disorder like scabies, in which wearing any other fabric is harmful.

`Abdur-Rahman ibn `Awf and al-Zubayr complained to the Messenger of Allah (may Allah bless him and grant him peace), meaning about lice, and so allowed them a dispensation for [wearing] silk." [Bukhari]

Jewelry

Men may not wear gold, as we have seen. Similarly, they may not wear silver, except for a single ring of silver. There is also no objection to silver decorations on a sword or belt, and to silver (or even gold according to some jurists) being used to fill or replace a tooth if there is no other alternative.

Rings of gold are clearly prohibited for men.

"The Prophet forbade the wearing of a gold ring." [Bukhari]

And, another hadith narrated by Muslim tells us that the Prophet (may Allah bless him and his Household and grant them peace) saw a man wearing a gold ring, and therefore pulled it off and threw it down. Later, people suggested to the man to pick up the ring, and perhaps sell it, but he said, "No, by Allah! I will never pick it up after the Messenger of Allah has thrown it down."

Rings of brass, iron and the like are also prohibited.

"A man came to the Messenger of Allah (may Allah bless him and grant him peace) wearing an iron ring, whereupon he said to him, "Why is it that I see upon you the jewellery of the People of the Fire?" So, [the man] discarded it, and then came to him with a ring of brass, whereupon he said to him, "Why is it that I find the odor of idols from you?" So, he discarded it and said, "O Messenger of Allah! Of what should I take a ring?" He said, "Of silver, and do not make it [any more than] a mithqal [in weight]." [Nasa'i, Ibn Hibban; there is some disagreement about its chain of narration, but the same story has been narrated with different wordings through other channels by Ahmad, Tahawi and others.]

Vessels

It is prohibited for both men and women to use utensils of gold or silver. Jurists have excepted from this utensils which are merely plated with gold or silver such that no gold or silver could actually be recovered by melting down the item. Similarly, some allowed vessels which have some gold or silver decoration, on condition that one does not touch any of the gold or silver (with one's hand, mouth, etc.).

"Do not drink from vessels of gold and silver, nor wear brocade or silk, for it is for them [i.e. the unbelievers] in the world, and it is for you in the Hereafter and on the Day of Resurrection." [Muslim]

FOOD

We have talked about some general regulations related to the lawful and prohibited, and have also mentioned, last time, the status of wilayah; a rank which we would all like to attain. We have up to now discussed some guidelines related to our daily activities, and now let us proceed to discuss food.

The importance of consuming only Halal food is indicated by the following hadith:

"Indeed, Allah is good, and accepts only good. And, indeed, Allah has commanded the believers with that with which He commanded the messengers. He says, (translated) "O Messengers! Eat of that which is good, and do work righteousness." and He says, (translated), "O you who believe! Eat of the good things with which We have provided you.") Then, he mentioned a man who undertakes a long journey, dusty and disheveled, raising his hands to the sky [saying] 'My Lord! My Lord!' Yet, his food is Haram, his drink is Haram, his clothing is Haram, and [in fact] he is nourished on Haram, so how then can such a one be responded to?" **[Muslim]**

If our food, drink, clothing and lifestyle are Haram, how can we hope for our supplications to be answered?

We mentioned last time that the general rule regarding worldly things is that of permissibility unless and until prohibition is known, but that there are a couple of exceptions. These exceptions are: meat and sexual intercourse. So, if one comes across a woman on a dark night, and cannot identify her, he may not assume that it is his wife and behave with her accordingly. Similarly, if one finds some unidentified meat, he may not assume that perhaps it is beef and perhaps it was slaughtered correctly, unless and until he identifies its source. This is because meat and marital relations are by default, prohibited; one may not have marital relations with all and sundry, nor may one eat a live animal. They only become permissible by specific procedures (appropriate slaughter and a valid marriage contract, respectively), such that if there is doubt as to whether that procedure has occurred, the default ruling of prohibition remains in effect.

Hence, we may divide food into two categories : meat, and other foods. For foods other than meat, the default rule of permissibility applies. So, if one encounters a fruit or vegetable that one has never seen before nor is aware of its name, then one may eat it as long as it has not been proven to be harmful. Hence, exotic fruits and the like are generally permissible, whereas smoking tobacco is not.

As for meat, there are essentially five regulations which must be satisfied (with some disagreement over some of them, as we shall mention) in order for it to be Halal:

1) The identity of the animal

The animal itself should be of a species which is not prohibited to eat. Again, the default rule of permissibility applies in as far as identifying lawful species. The flesh of all animals whose meat is not harmful is lawful to consume, except for those which have been specifically prohibited in the Qur'an or Sunnah. They are:

a) The Pig

"Say: I do not find, in that which has been revealed to me, anything to be prohibited for the consumer to eat, unless it be carrion, or flowing blood, or the flesh of the pig for it [i.e. the pig] is unclean, or abomination which has been dedicated to other than Allah. But, whoever is forced [by starvation], being neither rebellious nor transgressing, then indeed your Lord is Most-Forgiving, Most-Merciful." **[Qur'an, 6: 145]**

Hence, the pig is unclean, and it is not lawful to consume its flesh, nor to consume any other part of its body (such as its fat).

b) Predatory animals and birds

The Messenger of Allah (peace and blessings be upon him) prohibited the eating of every fanged beast of prey, and every taloned [predatory] bird." [Narrated by Muslim and others]

c) Domesticated Donkeys

Bukhari and others have narrated that the Prophet (peace and blessings upon him) prohibited the flesh of domesticated donkeys. Similarly, mule flesh should not be eaten. There is disagreement over horse-flesh. Abu Hanifah and Malik (and Ibn `Abbas before them) considered it disliked or prohibited. Other scholars considered it permissible. The disagreement arises because there are narrations that state that the Companions ate horse-flesh, and others that it is not permissible, such that they disagreed over which reports are more authentic, and which abrogates the other.

d) Vermin

According to the majority of scholars, vermin - such as rats, snakes and scorpions, are prohibited. If they are poisonous such that eating them would be harmful, then they are prohibited unanimously.

Allah's Messenger said, "It is not sinful of a person in the state of Ihram to kill any of these five animals: The scorpion, the rat, the rabid dog, the crow and the kite." [Bukhari]

In addition to their being pests, these creatures are also generally loathed by people and considered repulsive. And, the Qur'an tells us that the Prophet (peace and blessings upon him) is "the unlettered Messenger Prophet, whom they find written with them in the Torah and the Injeel (revelation given to Jesus(peace be upon him). He enjoins the right upon them, and forbids them from the wrong, and makes lawful for them the wholesome and prohibits for them the foul, and he releases them from them their burden and from the shackles which were upon them. So, those who believe in him and honor him and support him, they are the successful ones." [Qur'an, 7:157]

Some Hanafi scholars also considered the lizard impermissible, but the Shafi`is consider it lawful.

e) Certain sea-creatures (according to some scholars)

"Lawful to you is the game of the sea and its food, as a provision for you." [Qur'an, 5:96]

Based on this verse, and on the hadith:

"Its water is purifying and its carrion is lawful." [Ibn Majah, Ibn Hibban, Daraqutni, Ahmad, al-Hakim]

some scholars, such as Imam Malik, considered all sea creatures to be lawful. The Hanafis, however, maintain that the permissibility of sea creatures is not absolute. According to a hadith, a doctor asked the Prophet (peace and blessings upon him) about using the frog in medicine, but that the Prophet (peace and blessings upon him) forbade killing it [Abu Dawud, Nasa'i, al-Hakim]. This indicates that not all aquatic creatures are lawful. They deduce further that it is specified by the hadith, "Two carrions have been made lawful to us, and two bloods. The two carrions are fish and locusts, and the two bloods are the liver and the spleen." [Ibn Majah, Ahmad, Daraqutni, Bayhaqi] Hence, the Hanafis regard as impermissible any aquatic creature which is not termed a fish. There is some disagreement among them as to whether the shrimp is considered a fish.

There is agreement that lawful sea-creatures may be eaten without slaughter. There is disagreement, however, about fish which die a natural death (e.g. those that are found floating dead on the water). The Hanafis prohibit them, while the majority do not.

2) The identity of the slaughterer

The slaughterer should ideally be a Muslim. However, there is a concession to eat also the meat slaughtered by People of the Book (i.e. Jews and Christians), provided the other conditions for slaughter are satisfied.

"This day are the wholesome things made lawful for you. The food of those who were given the scripture is made lawful for you, and your food is lawful for them." [Qur'an, 5:5]

Ibn `Abbas said : it means their slaughtered animals.

Although it has been suggested that today's Christians do not qualify, due to their belief in trinity, the sounder opinion appears to be that this is not a consideration for this particular issue. The belief in trinity is condemned in the Qur'an itself, indicating that it was present among them even at the time of the Prophet Muhammad (peace and blessings be upon him and his Household), and that the concession was in spite of it. Yes, if the Christian invokes over the meat the name of Jesus (peace be upon him) or anyone else besides Allah, or violates any other of the conditions for slaughter, then it should not be eaten.

According to Imam al-Shafi`i, not every Jew or Christian qualifies for the concession. He considered that only those qualify whose parents and ancestors, back to the time of the Prophet Muhammad (peace and blessings be upon him), were Jewish or Christian. Otherwise they would not be of those who were given the Book, for since then the previous scriptures have been abrogated.

Meat slaughtered by people of any other religion than these, such as Zoroastrians, Hindus, Buddhists, etc., is not lawful to consume, regardless of how it was slaughtered. Hence, if it were to be determined that the other conditions were being fulfilled in regular (non-Muslim) slaughter-houses, one would have to ascertain whether or not the slaughterers who work there are overwhelmingly People of the Book. If there is a significant percentage of people of other (or no) religions then this would introduce a reasonable enough doubt to require abstaining from the meat, in accordance with the principle that if Halal and Haram become mixed in finite quantities, then the overall verdict is one of prohibition.

3) The implement used for slaughter

The animal should be killed with a sharp implement which causes the blood to flow out.

The Prophet said, "Use whatever causes blood to flow, and eat the animals if the name of Allah has been mentioned on slaughtering them. Do not slaughter with teeth or fingernails...." [Bukhari]

Narrated Shaddad ibn Aws: "Two are the things which I remember Allah's Messenger (peace be upon him) having said: Verily Allah has prescribed goodness for everything; so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife, and let the slaughtered animal die comfortably." [Muslim]

4) The method of killing

The animal should be killed by cutting the throat. There are four vessels which should be cut: the oesophagus (food-pipe), the trachea (wind-pipe) and the two jugular veins. According to the Hanafi school, at least three of these must be cut. According to Imam Malik, the two jugular veins and the trachea have to be cut. According to the Shafi`i the oesophagus and trachea have to be cut.

The Qur'an lists various types of deaths that make the animal's meat unlawful.

"Prohibited are you are carrion (unslaughtered animals), [flowing] blood, swine-flesh, that which has been slaughtered for other than Allah, that which has been killed by strangulation, or by a blow, or by a fall, or by the goring of horns, and that which has been [partly] eaten by a wild animal - unless you are able to slaughter it before its death." [Qur'an, 5:3]

Hence, animals killed by strangulation, or electric shock, or other such means, should not be eaten.

5) Mention of the name of Allah at the time of slaughter

The name of Allah should be recited at the time of slaughter. It is only fitting that we recognize that the animal has been created and given life by Allah, and that we are only entitled to take its life by the permission of Allah.

"Do not eat of that on which the name of Allah has not been mentioned." [Qur'an, 6:121]

Based on the above verse, the majority of scholars have ruled that it is obligatory for a Muslim to mention the name of Allah at the time of slaughter, and that if he deliberately omits it, the resulting meat is carrion and unlawful to consume. If one was intending to say it, but forgot to, then according to the majority the meat is

lawful, for forgetfulness is excused in such a case. As far as the slaughter of Jews or Christians, the Hanafis and Hanbalis made no distinction in the requirement, due to the generality of the evidences. The Malikis, however, do not stipulate the requirement of mentioning the name of Allah for slaughter by a Jew or Christian.

According to the Shafi`is, mentioning the name of Allah is recommended, but not required, for slaughter by Muslims, as well as for those by People of the Book (although, naturally, the other conditions still have to be satisfied for the meat to be halal). Imam al-Shafi`i's view is that the prohibition mentioned in the Qur'an is of that on which something other than the name of Allah has been recited, not of that on which nothing has been recited.

"A group of people said to the Prophet, "Some people bring us meat and we do not know whether they have mentioned Allah's Name or not on the slaughter of the animal." He said, "Mention Allah's Name on it and eat." Those people had embraced Islam recently." [Bukhari, Malik, Abu Dawud]

Imam al-Shafi`i reasoned that if those people had mentioned the names of idols, then mentioning the name of Allah at the time of eating would not make the meat halal. And, if mentioning the name of Allah at the time of slaughter had been essential, then mentioning it at the time of eating would not suffice. Hence, the Shafi`is conclude that mention of the name of Allah at the time of slaughter is recommended, but not required.

The majority provide a number of responses to the hadith above:

1. The people in the hadith were Muslims, and with a Muslim one generally assumes that he is doing things correctly. [I`la al-Sunan] For example, we will pray behind an imam, assuming he has wudu', even if we did not actually see him perform wudu', since he assumes the best of him and has no grounds for suspicion.
2. It could be postulated - as has been done by the Hanafis - that the hadith is an evidence that mentioning the name of Allah is waived from someone who is unaware of the obligation (due to being new to Islam), just as it is waived from the forgetful one. [al-Bunayah]
3. Imam Malik has a different interpretation. He states, after narrating this hadith in his Muwatta', "That was in the beginning of Islam". i.e. he considered that the concession was later cancelled.
4. Furthermore, the hadith is actually an evidence in favor of the majority, for the fact that the Companions asked about this situation indicates that they considered mention of the name of Allah over slaughter to be required.

Also in favor of the majority view, that mention of the name of Allah is a requirement, is other evidence, such as the following hadith:

Adiyy ibn Hatim said, "Sometimes I send my dog for hunting and find another dog with it. The Prophet said, "Do not eat the game for you have mentioned Allah's name only on sending your dog and not the other dog." [Bukhari]

"Use whatever causes blood to flow, and eat the animals if the name of Allah has been mentioned on slaughtering them." [Bukhari]

Even Imam al-Ghazzali - a prominent imam in the Shafi`i school - has stated that the position of the majority is very strong, and that even a Shafi`i is strongly advised to follow it.

Avoiding Doubtful Things *[See : [Avoiding Doubtful Things for further details](#)]*

Clearly, there are going to be cases where meat is unquestionably halal (such as if one slaughtered it himself, or if he bought it from a trustworthy, upright Muslim butcher). There will be other cases where it is clearly haram, and yet others where the verdict may be unclear, or scholars may disagree on it. To cases of uncertainty - be they regarding meat or any other matter - we may apply the hadith, "Leave that which makes you doubt for that which does not make you doubt." [Tirmidhi, Nasa'i] It should also be stressed that the mere fact that we have

quoted the views of different scholars for various issues above does not at all give one a license to indiscriminately choose whatever one desires or finds easiest from among those views. To adopt such a course is actually pursuit one's desires and whims, and hence is prohibited by the consensus of all scholars. "And do not follow desire lest it mislead you from the Path of Allah." [Qur'an, 38:]

On the subject of doubtful things, we may also mention here the following hadith,

"That which is lawful is plain and that which is unlawful is plain and between the two of them are doubtful matters about which not many people know. 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, like the shepherd who pastures around a sanctuary, all but grazing therein. Verily, every king has a sanctuary, and truly Allah's sanctuary is His prohibitions. Verily, in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all of it is diseased. Verily, it is the heart." [Bukhari and Muslim]

Doubtful Things (Shubuhat)

Doubtful Things (*Shubuhat*)

summarized from "*Mukhtasar Minhaj al-Qasideen*"

(being Ibn Qudamah's abridgement of Ibn al-Jawzi's summary of al-Ghazzali's "*Ihya' `Ulum al-Deen*")

"That which is lawful is plain and that which is unlawful is plain and between the two of them are doubtful matters about which not many people know. 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, 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. Truly in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all of it is diseased. Truly it is the heart." [Bukhari and Muslim]

The clear halal is that which has no element of haram, such as rain water which is falling on one's own property.

The clear haram is that which has some haram element, be it in substance (such as pork, or eating in gold vessels) or in manner of acquisition (such as *riba*, or a bribe).

The doubtful is that which is between these, and we can discuss it under the following three sections :

A. WHERE THERE IS DOUBT WHETHER THERE HAS OCCURRED A PROCEDURE WHICH RENDERS THE PERMISSIBLE IMPERMISSIBLE, OR VICE-VERSA

There are four cases:

1) That the original prohibition is known, and then doubt ensues as to whether the procedure for rendering permissible has occurred.

e.g. A hunter wounds an animal, which he later finds dead in the water, such that he is unsure whether it died from the wound or from drowning. It is obligatory to keep away from this category of uncertainty.

2) That the original permissibility is known, and then doubt ensues as

to whether some process rendering it haram has occurred.

e.g. One man says that if the next bird to fly past is a crow, then his wife is divorced, and another man says that if it is a raven then his wife is divorced. Then, a bird flies past, but its identity cannot be determined. In this case, neither of the wives are divorced.

It is precautionary to abstain from things in this category of uncertainty.

3) That the default prohibition is known, but reasonable conjecture suggests that the process of rendering halal has occurred.

e.g. A hunter wounds an animal, and then later catches up to it, to find it dead, with no mark on it other than the wound he inflicted.
The apparent status of this category is that of permissibility.

4) That the original permissibility is known, but reasonable conjecture suggests that a process of rendering haram has occurred.

e.g. there are two containers of water; if one arrives at the conclusion that the water of one of the containers is unclean, based on certain indications that one sees in it, then it is not permissible to use that water for drinking, nor for wudu'.

B. DISPERSION OF HALAL AMONGST HARAM

There are three cases:

1) Where a finite quantity of haram has become mixed with a finite quantity of halal.

e.g. a single dead animal (or a finite number of dead animals) becomes mixed amongst a finite number of correctly-slaughtered animals.

It is obligatory to abstain from them all.

2) Where a finite quantity of haram has become mixed with a non-finite (i.e. extremely large) quantity of halal.

e.g. someone who was separated from his sister at birth, such that he does not know her, although they continue to live in the same large city.
In this case, he is not required to abstain from marrying a woman from the same city, for that would pose a hardship.

A claim of precaution in such a case is a false misgiving.

3) Where a non-finite (i.e. very large) quantity of haram has become mixed with a non-finite (very large) quantity of halal.

e.g. as is the case nowadays, when money from riba, bribery, etc is in wide circulation in the market.

In this case, it is not prohibited to partake of something of the entire quantity, unless there is some indication that this particular amount or

portion is from the haram. Otherwise, to abstain from it is precautionary, but not forbidden.

C. ASKING

The only valid motivation for asking someone about the source of what s/he is presenting to you is the existence of some suspicion about it. This may occur in one of two ways:

1) There is something suspicious about the person

e.g. his appearance is unquestionably that of a criminal, or he is wearing the uniform of an oppressive army.

In the absence of any such indication, it is neither obligatory nor even permissible to ask him, because it would involve distressing a Muslim without basis. Nevertheless, to abstain (without asking) is precautionary.

2) There is something suspicious about that which you are being given

e.g. if it is known that some stolen goods have found themselves into the market.

In this case, it is not obligatory for buyers to ask about the source of the merchandise, unless it transpires that the majority (of that available in the market) is haram. Otherwise, abstention is precautionary. Similar is the case of accepting a gift from someone who has both halal and haram sources of income. However, if the person is unreliable, or has some vested interest in your accepting that which he is giving you (gift or merchandise) then his word is of no value, and one should ask someone else.

Oaths

OATHS

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)

Abridged from "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

- ✚ Types of Oath
- ✚ Enactment of an Oath
- ✚ Expiation for a Broken Oath
- ✚ Vows

1.0 TYPES OF OATH

Oaths are of three varieties:

1. An engulfing oath (*ghamus*).
2. An enacted oath.
3. A mistaken oath.

1.1 The Engulfing Oath is :

swearing to something past, deliberately lying about it. The undertaker of this oath is sinful, but there is no expiation for it other than seeking forgiveness [from Allah].

1.2 The Enacted Oath is :

swearing to something future, that one will perform it - or not perform it. Then, if he breaks his oath, expiation is binding upon him.

1.3 The Mistaken Oath is :

that one swear to something past, thinking that it is as he has said, whereas the [reality of the] matter is contrary to it. This [type of oath], we hope that Allah will not take its undertaker to task.

2.0 ENACTMENT OF THE OATH