

1. The deliberate and the coerced are equal in [the enactment of] an oath.
2. Oaths are [sworn]
 - ✦ by Allah, the Exalted, or
 - ✦ by one of His names, such as *Ar-Rahman* or *Ar-Rahim*. or
 - ✦ by one of His attributes, such as the Might of Allah, His Majesty or His Grandeur [and the like], except for one's saying, "By Allah's Knowledge!" for that is not an oath. If one swore by one of the Attributes of Action, such as the Wrath and Displeasure of Allah, he is not [considered to have] sworn.

Whoever swears by other than Allah is not [considered to have] sworn, such as [if he swore by] the Prophet, the Qur'an, or the Ka`bah.

3. Swearing is [effected] by [use of] the swearing letters. The swearing letters are :
 - ✦ The *waw*, such as one's saying, "*Wallahi*"
 - ✦ The *ba*, such as one's saying, "*Billahi*"
 - ✦ The *ta*, such as one's saying, "*Tallahi*"
 - ✦ The letters may be concealed, in which case one is [still considered to] have sworn.
4. If one says :
 - ✦ "*Uqsimu*" (I take an oath) ,or "*Uqsimu Billahi*" (I takes an oath by Allah), or
 - ✦ "*Ahlifu*" (I swear), or "*Ahlifu Billahi*" (I swear by Allah),
 - ✦ then he is [considered to have] sworn. And, similarly [by] his saying,
 - ✦ "*Wa `Ahdillahi wa-Mithaqih*" (by the Covenant of Allah and His Pact!), or
 - ✦ "*`Ala Nadhr*" (Upon oath!), or "*Nadhrun Lillahi*" (An oath to Allah!), or
 - ✦ "If I do such a thing then I am a Jew, or a Christian, or an unbeliever,"

then it is [considered] an oath.

5. If one says, "[If I do such-and-such then] upon me be the Wrath of Allah!" or "I am an adulterer," or "A drinker of wine," or "A consumer of interest," then he has not [considered to have] sworn.
6. If one swore an oath but said, "If Allah wills," joined to his oath, then no [penalty for] breaking it is [due] upon him.
7. If one swore that he will not do such-and-such, then he must refrain from it forever. But, if one swore that he will surely do such-and-such, and then does it

once, he is freed from his oath.

3.0 EXPIATION OF A BROKEN OATH

3.1 The Form of the Expiation

1. The expiation of an oath is:
 - ✦ Freeing a slave. There suffices for it that which suffices in [the expiation of *zihar*]. [Or]
 - ✦ If one wishes, he may clothe ten destitute people, [giving] each of them one garment or more, the minimum of [each] being that in which salah is valid, [or]
 - ✦ If one wishes, he may feed ten destitute people, like the feeding in the expiation of *zihar*.
2. If one is not capable of any of these three things, one fasts three consecutive days.

3.2 When the Expiation becomes Due

1. If one paid the expiation before the breaking of the oath, it does not suffice him.
2. Whoever does the sworn thing under coercion or forgetfully is equal [in the requirement for expiation to one who did it deliberately and willingly].

3.3 Cases in which Expiation Is or Is not Binding

1. Whoever swore to [commit an act of] disobedience [to Allah], such as [swearing] that he would not pray, or that he would not speak to his father, or that he would certainly kill so-and-so, it is essential that he break his oath and expiate it.
2. If an unbeliever swore and then broke the oath in his state of unbelief, or after his [acceptance of] Islam, then there is no [penalty of] breaking the oath upon him.
3. Whoever prohibited something upon himself which he possesses, it does not become inherently prohibited, but he must expiate the oath if he takes it as permissible.
4. Whoever swore that he will surely ascend into the sky, or [that] he shall surely turn this stone into gold, his oath is enacted, and he should expiate it thereafter.

4.0 VOWS

1. One who makes an unrestricted vow must fulfil it.

2. If one attached his vow to a condition, and then the condition occurred, then he must fulfil the very vow. But, it has been narrated that Abu Hanifah revoked that [verdict] and said : If he said, "If I do such-and-such then [obligatory] upon me is a hajj," or "fasting a year," or "giving what I own in charity," [then] expiation suffices him for that, and that is [also] the verdict of Muhammad.

Food and Drink

Food and Drink

- ✚ [Meat](#)
 - ✚ [On the Prohibition of Pork](#)
 - ✚ [Seafood](#)
- ✚ [Regulations of Lawful and Prohibited Foods \(including Meat\)](#)
- ✚ [Fiqh of Food and Drink \(from Mukhtasar al-Quduri\)](#)

MEAT

Introduction

Praise be to Allah Who created mankind in the best proportion, and Who sent down the regulations of permissibility and prohibition for their benefit. I testify that there is no god but Allah, alone without any partners, and I testify that Muhammad is His servant and worshipper. O Allah ! There is nothing easy except that which You make easy, and You make the difficult things easy when You will.

To proceed : the issue of Halal meat, being of almost universal relevance, is one discussed by all and sundry. Fatawa, discussions, arguments, personal opinions and confusion all abound concerning it. In such a situation, more so than in others, it is useful to review the issue in the light of the Qur'anic verses, the authentic hadith, and the analysis of the scholars. In for some time, I have been intending to write a detailed article on this, and I pray that Allah grant me the guidance and ability to perform this task well, and that what follows can serve as the basis for a more comprehensive and thorough article at a later time.

Before we delve into the details of this issue, let us remind ourselves of the importance of Halal food. The Messenger of Allah (may Allah bless him and grant him peace) has said, "Indeed, Allah is good, and does not accept other than good. And indeed, Allah has ordered the believers with that whereby He has ordered the messengers, for He has said, (translated), "O Messengers! Eat from the good/wholesome things, and do righteous deeds," and He has said, (translated), "O you who believe! Eat from that which is in the earth Halal and wholesome." Then, he mentioned a man who undertakes a long journey [presumably for Hajj or jihad or da`wah], dusty and dishevelled, raising his hands to the sky, [saying] 'O my Lord! O my Lord!' and yet, his food is Haram, his drink is Haram, his clothing is Haram, and he is nourished on Haram. How then can that one be responded to? [Muslim]

1. Qur'anic Evidences

The fundamentals here are of three categories:

- i) General texts of permissibility of wholesome things
- ii) Specific texts of prohibition
- iii) Texts of concession

1.1 General texts permitting the wholesome

Let us cite first some examples of the first category: "[Allah] is Who has created for you all that is in the earth." [al-Baqarah] This verse is a basis for the fact that, in general, everything is permissible. Other texts clarify further that what is permissible is that which is wholesome, for it is not in keeping with Divine wisdom to permit that which is injurious or harmful. "Say : Who has prohibited Allah's adornment which He has brought forth for His servants, and [similarly] the wholesome things of sustenance? Say : They are for those who believe in this world, and exclusively [for them] on the Day of Resurrection." [al-An`am]

1.1.1 Clarification of the principle "The Default in all things is Permissibility"

As for prohibition, it requires a clear declaration in the textual evidences, since the default is that all is permissible (based on the preceding category of evidences) except that which has been explicitly forbidden for the welfare of mankind and as a test of their faith. "Say : Bring forth your witnesses who testify that Allah has prohibited this. Then, if they testify, do not testify with them." [al-An`am]

This having been said, I wish to draw attention to a commonly-held misconception, arising from a misapplication of the above-mentioned principle. Some people are under the illusion that they can eat any meat unless they know with certainty that it is Haram. This is not correct, because although the default is permissibility _in general_, this flawed approach ignores the texts of prohibition. Simply stated, since it has been established by clear evidences that meat only becomes permissible upon completion of a very specific slaughter procedure (details of which are to follow, Allah willing), the default for meat is thus prohibition unless it can be established that the required procedure has been performed. [Refer to Ibn `Allan's "Daleel al-FaaliHeen li-Turuq RiyaaD al-SaaliHeen." for discussion of this.] In this light, the scholars have stated explicitly that the default in all things is permissibility, with the exception of meat and sexual intercourse. [See : Hukm al-LuHoom al-Mustawradah, by `Abdullah `Azzam] So, in the same way as a man cannot have intercourse with a woman he finds in a tent on a dark night on the pretext that there is a chance she is his wife, similarly one cannot eat meat indiscriminately on the mere basis that there is a chance it was slaughtered correctly.

1.2 Specific texts of Prohibition

Let us proceed now to mention the most prominent of the specific

Qur'anic texts related to prohibition of certain types of meat. We will suffice ourselves, in this section, with citing the verses, postponing discussion of them, Allah willing, to a later section.

1.2.1

"And eat not of that on which the name of Allah has not been mentioned, for verily it is transgression. And indeed, the devils inspire their comrades to dispute with you, but if you obey them you are polytheists." [al-An`am, 121]

1.2.2

"Prohibited to you are :

- carrion,
 - [flowing] blood,
 - the flesh of the pig,
 - that which has been dedicated to other than Allah,
 - that which has been strangled to death,
 - that which has been killed by a blow,
 - that which died by falling from a height,
 - that which was gored to death [by an animal] and
 - that from which wild beasts have eaten,
- except for that which you make pure [by slaughtering before it dies]. And [forbidden also is]:
- that which has been slaughtered on stone altars [to idols], and
 - [it is forbidden] that you raffle by arrows.

That is an abomination

But whoever is forced by [extreme] hunger, without the will to sin, then indeed Allah is Most Forgiving, Most Merciful." [al-Ma'idah, 3] There are several other verses which mention some of the prohibitions mentioned in the above verse.

1.3 Texts of concession

There exist concessions:

- to eat the prohibited in a dire situation where no other food is available. Scholars have said that a dire situation is one where one has not eaten for 24 hrs, and there is no Halal food available, even for a price. We have already mentioned above the textual basis for this concession.
- for hunting. When one sends forth the hunting dog, or shoots the animal, one pronounces the name of Allah. "They ask you what is lawful for them. Say : the wholesome things are lawful for you, and those beasts and birds which you have trained as hounds are, teaching them what Allah has taught you. So, eat from that which they catch for you, and mention the name of Allah over it. And fear Allah. Indeed, Allah is swift in taking to account." [al-Ma'idah, 4]
- to eat the slaughtered meat of the People of the Book (i.e. Jews and Christians). "This day are wholesome things made permissible for you. And the food of those who were given the Scripture is lawful for you, and your food is lawful for them." [al-Ma'idah, 5] Ibn `Abbas said it means their slaughtered meat.

! *[See: Regulations of Lawful and Prohibited Foods (including Meat) for further information]*

SEAFOOD

Regarding seafood : the fundamentals here are the saying of Allah, the Exalted, (translated), "Made lawful for you is the harvest of the sea, and its food is provision for you" [Surah al-Ma'idah] and the saying of the Prophet (may Allah bless him and grant him peace), with regard to the sea, "Its water is purifying and its carrion is lawful."

Some scholars, such as Imam Malik, considered all sea-creatures to be lawful, based on the above-mentioned verse. However, according to the Hanafi school, the license to eat seafood is restricted by the words of the Prophet (may Allah

bless him and grant him peace), "Two carrions and two bloods have been made lawful for us. As for the two carrions, they are fish and locusts, and as for the two bloods, they are the liver and the spleen." (or as he said it.) So, the meaning of "harvest of the sea" (as mentioned in the verse) is clarified by the hadith, which is taken as explaining that this 'harvest' refers to fish (samak) rather than every sea-creature without exception. The understood implication is thus that any carrion other than fish and locusts is not permissible, and hence, according to the Hanafis, non-fish sea-creatures, such as lobsters, are makruh taHreemi (not permissible).

As for creatures which live both inside and outside the water, such as crabs, they are not considered permissible, since

- they are not wholly aquatic.
- they are not fish (samak).

And Allah, the Flawless, knows best.

Regulations of Clothing

Regulations of Clothing

(As deduced from the Qur'an and Sunnah by jurists of the Hanafi school)

In the Name of Allah, Most Gracious, Most Merciful.

Praise be to Allah, Lord of the Worlds. Blessings and peace be upon his Trustworthy Messenger, and upon all of his Household and Companions.

1.0 INSIDE SALAH

1.1 Its Obligation

Among the prerequisites of salah is covering one's nakedness. This obligation is established by the Qur'an, sunnah and consensus (*ijma`*).

From the Qur'an : Allah's words, (translated),

"O Children of Adam! Wear your [apparel of] beauty in every place of prayer" [Qur'an 7:31]

i.e. that which covers your nakedness.

From the sunnah : the Prophet (upon him be blessings and peace) said,

"Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf." [Narrated by : Abu Dawud (Book of Salah, "Chapter : A woman praying without a scarf", p. 101), Tirmidhi (who classified it as hasan in "Chapter : Allah does not accept the salah of an adult woman without a scarf", p. 50), Ibn Majah (Book of Menstruation, "Chapter : When a woman passes menstruation, she shall not pray except with a scarf", p. 48), Al-Hakim (who authenticated it in "Chapter : Allah does not accept the salah of an adult woman except with a scarf", vol. I, p. 251), Bayhaqi (vol. II, p. 233), and Ibn Khuzaymah (in his Sahih); vide Bulugh al-Maram # 221, Sahih Ibn Hibban (Book of Salah).]

From consensus:

Numerous scholars have reported consensus on the fact that covering the nakedness is a prerequisite for salah. [See Ibn al-Humam's *Fath al-Qadir*, vol I, p224 of *al-Hidayah* with its commentaries.]

1.2 For Men

The nakedness of a man is from below his navel upto (and including) the knee, because of the hadith :

On the authority of `Ata' ibn Yisar, on the authority of Abu Ayyub, who said : I heard the Messenger of Allah (may Allah bless him and grant him peace) say, "That which is above the knees is [part] of nakedness, and that which is below the navel is [part] of nakedness." [Narrated by : Daraqutni (p.85) and Bayhaqi (vol. II, p. 229).]

And, in part of a long hadith :

On the authority of Siwar ibn Dawud, on the authority of `Amr ibn Shu`ayb, on the authority of his father, on the authority of his grandfather, that the Messenger of Allah (may Allah bless him and grant him peace) said, ". . . for that which is below the navel, upto the knee is [part] of nakedness." [Narrated by Daraqutni. Siwar ibn Dawud has been regarded as a mediocre narrator by `Uqayli, but as trustworthy by Ibn Ma`in and Ibn Hibban. Imam Ahmad said there is nothing wrong with him. The hadith is *hasan*, inshaAllah.]

It is clear that the navel is not part of the nakedness. However, the knee is included in the nakedness because:

- i. A mentioned limit may either be included or excluded, but this matter is one of precaution, and so we rule that it is included.
- ii. The knee is the intersection of a bone of the area of nakedness [i.e. the thigh] with another that is not [i.e. the shin], so that the lawful and the prohibited are combined therein and therefore cannot be differentiated. Further, if the knee is left uncovered, there is a danger of the thigh being exposed, and hence covering the knee can also be considered necessary to ensure covering of the thigh.

Strictly speaking, (ii) is really the reason that makes this matter one of precaution.

(iii) The hadith of Siwar ibn Dawud starts out by saying 'that which is below the navel,' which is an expression of generality (*sighat al-`umum*), indicating that everything below the navel, upto the feet, would be included. The next part of the statement, 'upto the knee' specifies the knee as the limit, and hence everything beneath the knee is excluded, but the knee itself remains included.

As for the hadith :

On the authority of `Uqbah ibn `Alqamah, on the authority of `Ali, who said : the Messenger of Allah (may Allah bless him and grant him peace) said, "The knee is [part] of the nakedness." [Narrated by

Daraqutni]

it contains a weak narrator, and may not be used as a proof, although it may be used for substantiation.

1.2.1 :

It is disliked for a man to pray with his shoulders bare, for the Prophet (may Allah bless him and grant him peace) has said,

"None of you must pray in a single garment of which no part comes over his shoulders." [Narrated by : Bukhari and Muslim; vide *Bulugh al-Maram* #223]

1.2.2 :

It is forbidden for a man to keep his lower garment below his ankles out of arrogance, and severely disliked / close-forbidden (*makruh tahrimi*) to do so even without arrogance, for the Prophet (may Allah bless him and grant him peace) has said,

"Allah will not look, on the Day of Resurrection, at that man who lets his lower garment below the ankles out of arrogance." [Narrated by : Bukhari and Muslim; vide *Riyad al-Salihin*]

This is especially important during salah, for another hadith says,

"Allah does not accept the salah of a man who drags his lower garment." [Narrated by : Abu Dawud, with an isnad which is authentic according to the criteria of Muslim; vide *Riyad al-Salihin*]

1.3 For women

1.3.1

The entire body of the free-woman is nakedness, except for her face and hands.

"The woman is a nakedness, and so when she goes out, Satan raises his glance to her." [Narrated by: Tirmidhi, in the Chapter on Suckling, on the authority of Ibn Mas`ud (may Allah be pleased with him). He classified it as *hasan sahih gharib*. Also reported by Ibn Khuzaymah; vide *Sahih Ibn Hibban* (3.66)]

A woman should not cover her face or hands while in *ihram*, based on the authentic narration by Tirmidhi prohibiting a woman in ihram from wearing a veil or gloves. Similarly, she should not cover her face during salah, unless there are stranger-men around and a danger of fitnah. It may be noted that according to Imams Ahmad ibn Hanbal and Dawud al-Zahiri, the hands are a nakedness.