

dead fetus, it may not be eaten, whether its features are discernible or not.

2.3 Methods of Slaughter

1. Domesticated game must be slaughtered, and wild livestock may be wounded [as in hunting].
2. The recommended [technique] for camels is piercing, but if one slaughters them, it is valid but disliked.
3. The recommended [technique] for cows and sheep is slaughtering, but if one pierces them, it is valid but disliked.

3.0 WHAT MAY AND MAY NOT BE EATEN

1. It is not permissible to eat any canine-toothed beast of prey, nor any taloned [predatory] bird.
 - ✦ There is no objection to [eating] the agrarian crow, but the speckled one which eats corpses may not be eaten.
 - ✦ It is repugnant to eat the hyena.
2. [It is repugnant to eat the] lizard and all vermin.
3. It is not permissible to eat the flesh of the domesticated donkey or mule.
 - ✦ The meat of the horse is repugnant according to Abu Hanifah.
4. There is no objection to eating the rabbit.
5. Nothing may be eaten of the animals of the water except fish.
6. It is repugnant to eat floating [fish which died on their own].
7. There is no harm in eating the *jirriṭh* and eel
8. It is permissible to eat locusts, and there is no slaughter [needed] for them.

4.0 BEVERAGES

1. The [unanimously] prohibited beverages are four:
 - ✦ Wine, which is the juice of grapes when it ferments, becomes intoxicating and emits froth.
 - ✦ [Tila : grape-]juice when it is boiled until less than two-thirds of it disappear [and it becomes intoxicating].
 - ✦ [Sakar :] infusion of dates [when it ferments and is

- intoxicating].
- ✦ [Naqi` :] infusion of raisins when it [ferments and] is intoxicating.
2. Fermented juice of dates and raisins, if each of them is cooked [with] the slightest cooking, is permissible, even if it is intoxicating, provided one drinks from it [such an amount] that one is reasonably sure that it will not intoxicate him, [and provided it is not drunk] for fun or amusement. [Under the same conditions:]
- ✦ There is no objection to khalitan .
 - ✦ The fermented juice of honey, fig, wheat, barley and corn is permissible even if it has not been cooked.
 - ✦ Grape-juice, if it is cooked until two-thirds of it disappears and one third remains, is permissible even if it is intoxicating.
 - ✦ [All of this is according to Abu Hanifah and Abu Yusuf. Muhammad said : the above are all prohibited, even in small quantities, and regardless of the reason for drinking, and his is the verdict of the madhhab.]
3. There is no objection to preparing juice in gourds, earthenware, pitch-coated vessels, or hollowed wooden vessels.
4. When wine turns to vinegar, it becomes permissible, whether it turned to vinegar on its own, or because of something cast into it. It is not repugnant to make it into vinegar.

Prohibition and Permissibility

Prohibition and Permissibility

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

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

- ✦ Silk
- ✦ Gold and Silver
 - ✦ Jewellery and Decorations
 - ✦ Vessels
- ✦ Looking and Touching
 - ✦ Looking at women
 - ✦ Looking at men
- ✦ Credibility
- ✦ Trade

✦ There is no harm in reclining on it according to Abu Hanifah. Abu Yusuf and Muhammad said : It is repugnant to recline on it.

- ✦ a ring
- ✦ [decorations of] a belt
- ✦ the decoration of a sword from silver.

correct reading].

6. There is no harm in decorating the mushaf, engraving mosques and decorating them [on the outside] with gold-water.

2.2 Vessels

1. It is not permissible to eat, drink, use oil or perfume from vessels of gold or silver, for men and women.
 - ✦ It is permissible to drink from a silver-decorated vessel according to Abu Hanifah, and [similarly] to ride on a silver-decorated saddle and to sit on silver-decorated bed.
2. There is no harm in using vessels of glass, crystal or cornelian.

3.0 LOOKING AND TOUCHING

3.1 Looking at Women

1. 1. It is not permissible for a man to look at a stranger-woman, except at her face and hands. But, if he did not consider himself safe from lust, he may not look at her face except out of need.

[But] it is permissible for

- ✦ the judge, when he wishes to pass judgement over her
- ✦ the witness, when he wishes to testify concerning her
- ✦ [the suitor, when he is considering proposing marriage to her]

to look at her face, even if he fears he may experience lust.

- ✦ It is permissible for the doctor to look at the place of affliction on her.

The [regulation] of a eunuch regarding looking at a stranger-woman is like [the regulation for] a non-eunuch.

A slave may not look at his mistress, except at that [part] of her which it is permissible for a stranger-man to look at.

2. A man may look at his mahram female relatives' face, head, chest, shins and arms, but he may not look at their back or belly. There is no harm in touching what it is permissible to look at [of the mahrams].
 - ✦ A man may look at that [much] the slave-girl of someone else as he may look at of his mahrams. There is no harm in him touching that if he intends to buy, even if he fears he may experience lust.
3. A man may look at his slave-girl who is lawful to him, and at his wife, [entirely, even] upto her genitals.
 - ✦ One may practise coitus interruptus with his slave-girl without her permission, but he may not practise it with his wife except with her permission.
4. A woman may look at that [much] of another woman that a man may look at of another man.

3.2 Looking at Men

1. A man may look at all of the body of another man except for what is between his navel to his knee.
2. It is permissible for a woman to look at that [part] of a man which another man may look at.
3. It is disliked to employ the service of eunuchs.
 - ✦ There is no harm in castrating cattle, nor in mating a donkey with a horse.

4.0 CREDIBILITY

1. It is permissible to accept, in [the matter of] a gift or permission, the word of a child or slave.
2. The word of a transgressor is accepted in transactions.
3. Only the word of a reliable person is accepted in religious matters.

5.0 TRADE

1. Hoarding is repugnant in staple-foods of humans and cattle, if that is in a land in which hoarding harms the inhabitants.
2. One who hoards the produce of his [own] estate, or what he has imported from another land, is not [termed] a hoarder.
3. It is not appropriate for the authority to regulate prices for people.
4. It is repugnant to sell weapons in times of sedition.
5. There is no [judicial] objection to selling juice to someone whom it is known will produce wine from it.

On the Prohibition of Pork

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Someone enquired about the prohibition of pork, saying :

"True, it's meat is not entirely healthy since it has a high cholesterol content, but surely this cannot be the only reason since smoking, which is deadly for you too, is not "haram". As far as health reasons are concerned, there are a number of things that are not entirely good for you (such as fatty food, even beef in large quantities), but they have not been declared haram. Plus, the animal is no longer "dirty" since the pig breeding farms are kept extremely clean these days. So what is it about the pig that makes it so revolting, and has been specifically mentioned in the Quran as the forbidden animal?"

Firstly, it should be clarified that the existence of -definite- harm -is- a cause for prohibition in Islam, based on the generality of Qur'anic and hadith texts prohibiting contributing to one's own destruction, and harming oneself or others. Hence, the correct view is that smoking is indeed prohibited, due to its scientifically proven harmful effects. As for the harmful effects of beef, and the like, in large quantities, we may comment that :

i) Excessiveness -is- prohibited in Islam

ii) Assuming beef is eaten only within moderation, the ill-effects of cholesterol, etc, can be minimized and the risks reduced significantly by other factors, such as a balanced diet whose other elements offset some of the effects of red meat, and also by exercising, etc. Hence, there is not a direct link between beef and ill-health; rather it is a combination of numerous factors.

Now, as for pork's prohibition : The Qur'an clearly prohibits pork, and informs us of its uncleanness. As believers, we believe and affirm, with conviction and submission, that the pig is unclean. It is possible that this includes sanitary uncleanness (it is said that pigs eat their own excrement, for example), and the presence of microbes, etc in pork, but this does not rule a spiritual uncleanness, such that even if one hypothetically postulates a pork free of all microbes, that would not justify making it permissible. Allah's knowledge is greater and deeper than ours, and perfect and all-embracing, whereas science is incomplete and constantly changing -- new discoveries are made, old theories are abandoned. Hence, even if we cannot discover the wisdom behind a particular divine injunction, this does not exempt us from following it.

After writing the above paragraph, I came to learn that pigs contain viruses 'built into' their genes, and such viruses would not disappear merely through clean breeding conditions and the like. The following was stated in the [Los Angeles Times of 06/15/97](#) :

"Genes from an animal virus could mingle with those of a human virus in an organ recipient, creating a hybrid virus with unpredictable behavior.

Keeping animals isolated from infection may not be enough. Some viruses scientists are concerned about aren't caught; they're inherited.

They're just part of being a pig, for example. That's because, eons ago, these viruses infected the ancestors of modern pigs and planted their DNA in sperm and egg cells. As a result, the virus genes mingled with the pig genes and are now passed on through the generations."

The Associated Press, on 10/15/97, and Reuters also carried articles about these 'porcine endogenous poxviruses,' in the context of xenotransplantation (using organs from one species for another). Reuter quoted Jonathan P. Stoye, a virologist at the National Institute for Medical Research in London, as saying,

"Although we do not yet know which proviruses are capable of yielding infectious virus, the number of poxviruses present suggest that the breeding of virus-free pigs, if at all feasible, will represent a complex task."

It has also been reported that pork has a high likelihood of containing trichinae worms, and that it can bear microbes which lead to meningitis.

It may be noted, that the Bible too, condemns swine-flesh.

"And the pig, though it has a split hoof completely divided, does not chew the cud; it is unclean for you. You must not eat their meat or touch their carcasses; they are unclean for you." [Leviticus, 11:7,8]

"The pig is also unclean; although it has a split hoof, it does not chew the cud. You are not to eat their meat or touch their carcasses." [Deuteronomy 14:8]

As for the practice of consuming pork, which is widespread among Christians today, it can be traced back to Paul's lifting of most of the obligations of the Jewish Law. Paul claims to 'know and be persuaded':

"that nothing is unclean in itself; but it is unclean for any one who thinks it unclean." [Romans 14:14]

I know of no explicit statement or practice of Prophet Jesus (peace be upon him) reported in the New Testament which supports this. The incident reported in Mark 7 and Matthew 15 is not entirely explicit in its evidentiary capacity, and one might do well to examine the 'original' Greek statements of those books, and then to reflect over how accurately those Greek writings might have recorded the actual, Hebrew/Aramaic statement of Prophet Jesus (assuming that the incident in question did in fact take place), especially given the statement attributed to Jesus (peace be upon him) in Matthew 5:17-20:

"Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them.

For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished.

Whoever then relaxes one of the least of these commandments and teaches men so, shall be called least in the kingdom of heaven; but he who does them and teaches them shall be called great in the kingdom of heaven.

For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven."

It is perhaps worth noting here that not all Christian sects condone the consumption of pork; the Seventh-Day Adventists, for example, prohibit it. In any case, even if, for the sake of argument, one were to postulate that Jesus (peace be upon him) had allowed pork (which, incidentally, is a shaky postulation, given the medical evidence of its harmfulness), it should be realized that the Law of Jesus, like the Law of Moses, is now abrogated. And, when Jesus, son of Mary, returns to this world, he will observe the Law of Muhammad (peace and blessings upon him), and will therefore affirm the prohibition of pork. Furthermore, he will slay pigs, among his other activities, as testified to by the authentic hadith literature.

And Allah knows best.

The Meaning of Wajib

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In the name of Allah, Most Gracious, Most Merciful. All praise is due to Allah, the Lord of the Universe. Peace and blessings be upon The Final Prophet and Leader of the God-fearing, Muhammad, and upon his virtuous Household, his righteous Caliphs and noble companions, his heirs from among the practising scholars, and upon all who follow them in goodness upto the Day of Judgement.

Assalamu `alaykum

But the obligation to recite surah al-Fatihah in salah, or to perform salat al-witr ... are on the other hand classified under wajib, as they are both established in the authority of hadith whose authenticity is not completely free of doubt.

Some clarification is in order here. It is not strictly true that a wajib is based on a hadith whose authenticity is doubtful. In fact, a weak hadith cannot, generally, be used in legislation of rulings (aHkaam). What is more accurate is to say that a Wajib, in the Hanafi school, is an obligation which is almost Fard, except that there is some (margin of uncertainty, which may occur in the form of counter-evidence, which suggests non-obligatory nature of the deed), and the scholars have therefore refrained from pronouncing a decisive verdict of "fard" on it. Nevertheless, for purposes of action, a wajib is treated like a fard, in that it should not be deliberately discarded, and it must be made up if it was missed for some reason. For this reason, 'wajib' of the Hanafi school is also known as "fard `amali" (i.e. an 'action fard') as opposed to fard i`tiqadi ('belief fard'), the normal fard, which one is required not only to act upon, but also to believe with full certainty and conviction that it is without doubt a duty.

I will illustrate the meaning of the Hanafi term wajib by reference to the 2 examples cited above.

1. Witr

There is no dearth of authentic ahadith about the Witr prayer, the

fact that the Prophet (may Allah bless him and grant him peace) performed it himself on a regular basis, and that he encouraged others to observe it. There is evidence indicating that the Witr prayer is obligatory, e.g. the various narrations of the hadith: "Witr is a binding obligation, and so whoever does not perform witr is not one of us." Hafiz Zayla`i has recorded these ahadith, with their sources, in "Nasb al-Rayah". However, Imam Abu Hanifah refrained from pronouncing witr as fard, due to the existence of counter-evidence, e.g. the hadith reported by Bukhari and others, about the Bedouin who asked the Prophet about the 5 pillars of Islam. When the Prophet told him about the 5 daily prayers, he asked, 'is there anything in addition to this?' and the Prophet said, 'No, unless you wish to do something optional.' Yet, the Witr is certainly not an ordinary sunnah either, because of the warnings to those who abandon it, and because of the Prophet's regular observance of it - the Witr prayer and the 2 sunnah of Fajr are prayers which he never abandoned, even on a journey. Thus, witr is wajib according to Imam Abu Hanifah.

Incidentally, witr is also considered one of the most important non-fard prayers by the other schools, and it can be made up later if it was missed for some reason. It has been reported that Imam Ahmad ibn Hanbal said that if a person who used to be regular in performing witr gives it up, he loses his respectability and credibility, so that his testimony will not be accepted in an Islamic court. Imam al-Shafi`i was asked about witr, and he said it is sunnah, but that he will not permit anyone to leave it off.

2. Recitation of the Fatihah

Again, there are abundant authentic ahadith about recitation of the Fatihah, such as that extracted by Bukhari and others, "There is no prayer for the one who did not recite the Opening of the Book (i.e. the Fatihah)". Based on these ahadith, the 3 Imams (Malik, al-Shafi`i and Ahmad) said that the Fatihah is a fard, and the prayer is invalidated if it is omitted deliberately. The Hanafi view is that it is wajib rather than fard, and their reasoning is as follows:

The first primary source of legislation is the Noble Qur'an, and in it Allah says, ("Recite what is easy for you of the Qur'an"). The applicability of this verse to salah is confirmed by the hadith, reported by Bukhari and others, of the man who was performing his salah badly, and was told repeatedly by the Prophet to repeat it. Finally, the Prophet taught him how to pray, and part of Bukhari's narration says, "idha qumta ilaS-Salaati fa-kabbir, thumma qra` maa tayassara ma`aka min al-qur'aan" (When you stand up for prayer, pronounce Takbir, then recite whatever is easy for you out of (those portions of) the Qur'an which you have memorized.)

The basis here is still the verse of the Qur'an mentioned above (it is in Surah al-Muzzammil). Now, one of the principles of the Hanafi