Synopsis of the Friday Sermon delivered by Ameer Mustapha Elturk on May 17, 2013

The Lawful and the Unlawful in Islam (Part 2)

Today’s sermon is a continuation of the previous sermon on the topic of ‘the lawful and the unlawful in Islam.’ It is to be remembered that the hadith on the issue under discussion is considered by Imam Nawawi and many other scholars to be one of the four or five ahadith around which the entire deen of Islam is understood.

An ayah in Surat Ibrahim says, “We have never sent a messenger who did not use his own people’s language to make things clear for them” (Ibrahim, 14:4). This implies that any prophet or messenger of Allah (SWT) while speaking the language of his people would also communicate with them in a way that made his message clear to them. The role of the messenger was to convey the message clearly so that no ambiguity remained about what Allah (SWT) expected from his slaves (‘ibad). Muhammad (SAW)’s role par excellence in conveying and sharing the message of the deen (al-Islam) pleased Allah (SWT) as reflected in the ayah, “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).

The general jurisprudential rule stating that everything is lawful except what has been declared to be unlawful has already been discussed in the last sermon. The lawful and the unlawful are clear without any shadow of doubt. However, the Prophet (SAW) did inform us that between these two positions, there are matters which are ambiguous and which most people don’t know about; whether they are permissible or impermissible. These are matters about which there are differences of opinion among the scholars of Islam. The issue of consumption of meat found in a market dominated by the Judeo-Christian population and the issue of a Muslim working in a bank or an insurance company are just few among the many issues where differences of opinion exist. Practical solutions are required for such problems.

In this regard, the Prophet (SAW) gave some practical solutions that are known through the prophetic traditions. Wabisah bin Ma’bad (RA) reported, “I went to Messenger of Allah (SAW) and he asked me, “Have you come to inquire about piety?” I replied in the affirmative. Then he said, “Ask your heart regarding it. Piety is that which contents the soul and comforts the heart, and sin is that which causes doubts and perturbs the heart, even if people pronounce it lawful and give you verdicts on such matters again and again.” In another hadith, on being asked about piety and sin, he said, “Piety is good manner, and sin is that which creates doubt and you do not like people to know of it.” When having to encounter a doubtful matter, the teachings of these ahadith guide us to follow the instincts of our heart rather than blindly rely on the fatwas (juridical rulings) of muftis (those entrusted to issue fatwas).

There is another beautiful advice given through a hadith reported by Hassan ibn Ali ibn Abu Talib, the grandson of the Prophet (SAW) who said, “I memorized from the Messenger of Allah (SAW),” “Leave that which makes you doubt for that which does not make you doubt.” A God-fearing and God-conscious person (muttaqi) follows such recommendations without any hesitation. Following the advice of the Prophet (SAW) who was sent as a mercy to the worlds ensures true contentment and tranquility of the heart. This is all about God-consciousness, righteousness and piety (taqwa). A hadith tells us, “No one will attain complete righteousness until he abandons certain unobjectionable but doubtful things so as to remain on his guard against something objectionable.” This is the position that a true righteous believer maintains. He remains at the center of a...
circle inside which all is lawful (halal) and outside which all is unlawful (haram).

The parameter of this imaginary circle represents the limits (hudood) set by Allah (SWT). “These are the bounds set by Allah; do not transgress them” (al-Baqarah, 2:229). Another ayah says, “These are the limits set by Allah; whoever oversteps Allah’s limits wrongs his own soul” (al-Talaq, 65:1). Getting closer to the parameter of the circle is getting into the doubtful matters. Hence, “These are Allah’s limits, so do not go near them. It is thus that Allah makes His revelations clear to the people that they may be righteous” (al-Baqarah, 2:187). The concept of staying away from the doubtful is clearly explained in the part of the hadith that says, “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.” The pasture refers to a private pasture. A person who grazes his sheep near such a pasture is not trespassing at that moment, but will certainly have a difficult time keeping his flock from straying into it, eventually leading to breaking the law.

It becomes difficult for a person who engages in doubtful matters to prevent himself from falling into sin. On the other hand, by staying away from doubtful matters, he protects himself from falling into sin. Therefore, staying at the center of the circle or sphere of the permissible is the safest way to remain happy and content. A person should never regret for having to abandon the doubtful in order to please Allah (SWT). Allah (SWT) will bless such a person in ways he cannot imagine. “Whoever has taqwa of Allah, He will give him a way out” (al-Talaq, 65:2). “Whoever has taqwa of Allah, He will make matters easy for him” (al-Talaq, 65:4). “Whoever has taqwa of Allah, He will erase his bad actions from him and greatly increase his reward” (al-Talaq, 65:5).

Scholars may be asked for clarifications and rulings when confronted with matters that are doubtful. After all, trusted, well-known, authentic scholars carry the trust (amanah) of guiding the believers to the straight path. This is why Allah (SWT) says, “Ask the People of the Reminder (People possessing knowledge of the Divine Revelation) if you do not know” (al-Nahl, 16:43). However, one should be prudent and discreet enough not to rely on rulings of unauthentic scholars or on information gathered through searches conducted on the internet.

A point to note is that the scholar should preferably be living in the community or vicinity of the person who is seeking a fatwa. This enables the scholar to better understand the nature of the query made, as fatwa on certain matters may change radically with variations of time place, and circumstances. It is said that Imam Shafi would not give the same fatwa in Iraq that he gave in Egypt. We learn from the seerah of the Prophet (SAW) that he did not permit a young man to kiss his wife in the state of fasting during Ramadan while he allowed an old man to do so, the reason being that the former could get sexually charged and engage in intimate relation with his wife while no such reaction was expected from the old man whose sexual urge had diminished with age.

Despite the issuance of any fatwa, it is basically the heart that should be engaged in the decision making process. The heart is the seat of intellect, logic, and reasoning. Moreover, it is the abode of taqwa. In a well-known hadith, the Prophet (SAW) is reported to have said, “Taqwa is here”, and he pointed to his chest. After making one’s heart the last resort for arriving at a decision, if one is still fumbling to choose between options, then one should exercise the use of the Istikhara prayer. Istikhara means to ask Allah to guide one to the right thing concerning any affair in one’s life, especially when one has to choose between two or more alternatives. The text of the supplication, which is made after offering two rakas of nafil prayers, clearly reflects our plea to Allah to make the desired decision work for us if it’s good for us, or to ward it off if it’s not. By doing so, we consciously put our faith in Allah (SWT) to guide us.

The meaning of the text of the Istikhara prayer in the English language is, “O Allah, I consult You as You are All-Knowing and I appeal to You to give me power as You are Omnipotent, I ask You for Your great favor, for You have power and I do not, and You know all of the hidden matters. O Allah! If you know that this matter is good for me in my religion, my livelihood, and for my life in the Hereafter, (or he said: ‘for my pre-
sent and future life,’) then make it (easy) for me. And if you know that this matter is not good for me in my religion, my livelihood and my life in the Hereafter, (or he said: ‘for my present and future life,’) then keep it away from me and take me away from it and choose what is good for me wherever it is and please me with it.”

This is the attitude toward decision making that a God-fearing and God-conscious person possessing a sound heart has. One who follows Allah’s instructions given in the Qur’an and follows the Prophet’s teachings through his ahadith is the one who has a spiritually healthy heart, and hence his whole body is healthy and wholesome. And the one who does not do so has a spiritually sick heart, and consequently his whole body is sick. The former is the one who holds on to the lawful and the latter is the one who gets stuck to the unlawful.

Indeed, Allah (SWT) chose Islam as the complete and perfect deen for us, showered His favors upon us, and blessed us with the best of humanity—Muhammad (SAW), who taught us our deen.

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