

# The Basic Asl Refers to the Permissibility of Things

Zahidi Ahmad

# The Basic Asl Refers to the Permissibility of Things

## The Basic Asl Refers to the Permissibility of Things

ARTICLE - ISLAMIC INVESTMENT

The first *asl* (Asl, plural usual, denotes origin, source, foundation, basis, fundamental or principle. (Trans.)), or principle, established by Islam is that the things which Allah has created and the benefits derived from them are essentially for man's use, and hence are permissible. Nothing is *haram* except what is prohibited by a sound and explicit *nas* (*Nas* denotes either a verse of the Qur'an or a clear, authentic, and explicit *sunnah* (practice or saying) of Prophet Muhammad. These are the two main sources of Islamic law, i.e., its *Shari'ah*. (Trans.)) from the Law-Giver, Allah Subhanahu wa Ta'ala. If the *nas* is not sound, as for example in the case of a weak *hadith*, or if it is not explicit in stating the prohibition, the original principle of permissibility applies.

The scholars of Islam have derived this principle of the natural usability and permissibility of things from the clear verses of the Qur'an. For example, Allah says: **It is He who created all that is in the earth for you.... (2:29) He has subjected to you, from Himself, all that is in the heavens and all that is on the earth.... (45:13) Do you not see that Allah has subjected to you whatever is in the heavens and what is on earth, and has showered upon you His favors, both apparent and unseen? (31:20)**

It cannot be that Allah, may He be glorified, would create all these things, give man control over them, count them as His favours upon him, and subsequently inform him that their use is prohibited; how could this be when He created all this for man's use and benefit? Indeed, He has prohibited only a few things for specific reasons, the wisdom of which will be discussed later.

In Islam the sphere of prohibited things is very small, while that of permissible things is extremely vast. There is only a small number of sound and explicit texts concerning prohibitions.

# The Basic Asl Refers to the Permissibility of Things

While whatever is not mentioned in a *nas* as being lawful or prohibited falls under the general principle of the permissibility of things and within the domain of Allah's favour. In this regard the Prophet (peace be upon him) said: **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. He then recited, "And thy Lord is not forgetful." (19:64)** (This *hadith* was reported by al-Hakim, classified as *sahih* (sound), and quoted by al-Bazzar.)

Salman al-Farsi reported that when the Messenger of Allah (peace be upon him) was asked about animal fat, cheese, and fur, he replied, **"The *halal* is that which Allah has made lawful in His Book and the *haram* is that which He has forbidden, and that concerning which He is silent He has permitted as a favour to you."** (Reported by al-Tirmidhi and Ibn Majah.)

Thus, rather than giving specific answers to what the questioner had asked, the Prophet (peace be upon him) referred to the general criterion for determining the *halal* and the *haram*.

Accordingly, it is suffice for us to know what Allah has made *haram*, since what is not included in it is pure and permissible. The Prophet (peace be upon him) also said: **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.** (Reported by al-Darqutni and classified as *hasan* (good) by al-Nawawi.)

# The Basic Asl Refers to the Permissibility of Things

The principle of natural permissibility is not only limited to things and objects but also includes all human actions and behaviour **not related to acts of worship**, which may be termed living habits or day-to-day affairs. Here again, the principle is that these are allowed without restriction, with the exception of a small number of things which are definitely prohibited by the Law-Giver, Allah SWT, Who says: “...**He (Allah) has explained to you what He has made *haram* for you...**” (6:119) including both objects and actions.

Anyone who invents or originates a form of worship on his own has gone astray and must be repudiated, for only the Law-Giver Himself has the right to originate acts of worship through which human beings may seek nearness to Him. Living habits and day-to-day matters, however, did not originate with the Law-Giver; they were originated and acted upon by human beings themselves. Thus the Law-Giver intervenes only to rectify, to moderate, or to refine them, and occasionally to identify some practices which are harmful or which may lead to strife.

The case is different, however, in relation to acts of worship. These are purely religious acts which can be taken only from what Allah Himself reveals. Concerning this we have a sound *hadith*: **“Any innovation in our matter (worship) which is not a part of it must be rejected.”** (This *hadith* is classified as *muttafaq'alayh* (“agreed upon” by the two great scholars al-Bukhari and Muslim).)

The great Islamic scholar Ibn Taymiyyah states, Peoples' sayings and actions are of two kinds: acts of worship by which their religion is established, and customary practices which are required for day-to-day living. From the principles of the *Shari'ah*, we know that acts of worship are those acts which have been prescribed by Allah or approved by Him; nothing is to be affirmed here except through the *Shari'ah*. However, as far as the worldly activities of people are concerned, they are necessary for everyday life. Here the principle is freedom of action; nothing may be restricted in this regard except what Allah SWT has restricted. This is the case because commanding and prohibiting are both in Allah's hands.

# The Basic Asl Refers to the Permissibility of Things

As far as worship is concerned, there has to be a command from Him concerning it. Thus, when it requires a command (from Allah) to establish something, how can we say that something is restricted without His command?

This is why Ahmad (bin Hanbal) and other jurists, who base their judgements on *ahadith*, (Plural of *hadith*. (Trans.)) say: In relation to acts of worship, the principle is limitation (*tawqeef*); that is to say, nothing can be legislated in this regard except what Allah Himself has legislated. To do otherwise is to incur the risk of being included in the meaning of the *ayah*: **“Do they have partners (with Allah) who have prescribed for them in religion that concerning which Allah has given no permission?”** (42:21) But as far as living habits are concerned, the principle is freedom because nothing can be restricted in this regard except what Allah Himself has prohibited. Here, to do otherwise, is to be included in the meaning of His saying: **“Say: Do you see what Allah has sent down to you for sustenance? Yet you have made some part of it *halal* and some part *haram*”** (10:59)

This is a great and beneficent principle, on the basis of which we can say that buying, selling, leasing, giving gifts, and other such matters are necessary activities for people, as are eating, drinking, and the wearing of clothes. If the *Shari'ah* says something concerning these mundane matters, it is in order to teach good behaviour. Accordingly, it has prohibited whatever leads to strife, has made obligatory that which is essential, has disapproved that which is frivolous, and has approved that which is beneficial. All this has been done with due consideration for the kinds of activities involved, their magnitudes, and properties.

Since this is the stand of the *Shari'ah*, people are free to buy, sell, and lease as they wish, just as they are free to eat and to drink what they like as long as it is not *haram*. Although some of these things may be disapproved, they are free in this regard, since the *Shari'ah* does not go to the extent of prohibiting them, and thus the original principle (of permissibility) remains. (*Al-Qawa'id al-Nuraniyah al-Fiqhiyah* by Ibn Taymiyyah, pp. 112-113.

# The Basic Asl Refers to the Permissibility of Things

In accordance with this principle, Ibn Taymiyyah, his pupil, Ibn al-Qayyim, and the Hanbali jurists in general hold that contracts and the conditions laid down in them are essentially permissible, as any contract not involving any matter which is textually established as *haram* is valid.)

This principle is also supported by what is reported in a sound *hadith* by the Prophet's Companion, Jabir bin 'Abdullah. He said, "We used to practice *'azl* (*coitus interruptus*, or withdrawal before ejaculation during intercourse) during the period when the Qur'an was being revealed. If the practice were to have been prohibited, the Qur'an would have prohibited it." He therefore concluded that if the divine revelation was silent about something, it was permissible and people were free to practice it. Assuredly the Prophet's Companions (may Allah be pleased with them) had a perfect understanding of the *Shari'ah*. Accordingly, this great principle—that no worship can be legislated except by the command of Allah, and no practice can be prohibited except by His prohibition—is firmly established.

Except from:

<http://www.2muslims.com/directory/Details>  
(Yusof Al-Qaradawi)

## Zahidi Ahmad

Islamic Financial Planner, IFP  
MMA (Muamalat)  
Principal  
Emzek Associates

Contact

 **Emzek Associates**  
WE SERVE YOU BETTER

TRAINING • CONSULTANCY • ADVISORY