

الْحَلَالُ بَيْنَ وَالْحَرَامِ بَيْنَ، وَبَيْنَهُمَا مُشَبَّهَاتٌ

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THE **LAWFUL** IS EVIDENT AND THE **UNLAWFUL** IS EVIDENT AND BETWEEN THEM ARE THE DOUBTFUL MATTERS ¹

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

التُّعْمَانُ بْنُ بَشِيرٍ، يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ " الْحَلَالُ بَيْنَ وَالْحَرَامِ بَيْنَ، وَبَيْنَهُمَا مُشَبَّهَاتٌ لَا يَعْلَمُهَا كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الْمُشَبَّهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ كَرَعَ يَزْعَى حَوْلَ الْحَمَى، يُوشِكُ أَنْ يُوَاقِعَهُ. أَلَا وَإِنَّ لِكُلِّ مَلِكٍ حَمَى، أَلَا إِنَّ حَمَى اللَّهِ فِي أَرْضِهِ مَحَارِمُهُ، أَلَا وَإِنَّ فِي الْجَسَدِ مُضْغَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ. أَلَا وَهِيَ الْقَلْبُ ".

On the authority of an-Nu'mān ibn Basheer who said that he heard the Messenger of Allah (ﷺ) say, "The lawful is evident and the unlawful is evident and between them are the doubtful matters which many people do not know. So he who stays clear of all doubtful matters, he has protected his religion and reputation from defamation, but he who falls into the doubtful matters is just as a shepherd who is grazing around a sanctuary on the verge of transgressing its boundaries. For indeed, every king has his sanctuary and surely Allah's sanctuary on earth is His prohibitions in the land. Verily, there is a piece of flesh in the body—if it is whole, the whole body remains whole. However, if it is corrupted, the whole body becomes corrupted. Certainly, it is the heart".

Explanation

The Prophet's (ﷺ) statement "The lawful is evident and the unlawful is evident and between them are the doubtful matters which many people do not know. So he who stays clear of all doubtful matters" means that the rulings of Islam are three: lawful and unlawful, which are

¹ Translated by Abu Amīnah AbdurRahmān Bennett from Shaykh Uthaymeen's explanation of Saheeh al-Bukhārī.

no problem and have been jointly mentioned in Allah's statement:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ﴿٢٧٥﴾

But Allah has made **lawful** trade and has made **unlawful** interest.

They are also both mentioned in His statement:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ ﴿٢٣﴾ وَأَجَلٌ لَكُمْ مِمَّا
وَرَاءَ ذَلِكَ ﴿٢٤﴾

23. **Unlawful** for you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters... 24. And **lawful** to you are [all others] beyond these....

So the legal rulings are of three types: **evidently lawful** and **evidently unlawful**—both are unequivocally clear. The lawful is carried out and the unlawful is avoided. After these two types is a third type of ruling: **doubtful matters** and the reasons for why they are doubtful are many. They are obscure to the general masses and even the students of knowledge due to **a)** a lack of knowledge **b)** a lack of understanding or **c)** harbouring wayward ardent intent. **The first cause:** a lack of knowledge is an obvious cause for uncertainty. A person who memorises one hundred hadith is not like the one who has memorised one thousand hadith. The first is greater in knowledge. **The second cause:** a lack of understanding—for example, a person who commits to memory lots of knowledge but his understanding is lacking. Such a person experiences uncertainty because he does not understand the legal texts accordingly. **The third cause:** wayward ardent intent whereby he interprets the legal texts according to his beliefs. This is the type of person who comments on the Qur'an and the Sunnah based on his own opinion, forcing the legal texts to agree with his own beliefs. When such a person comes across a legal text which challenges his belief, you find him “twisting the neck” of said text [to comply with his belief], and if it refuses to comply, he puts an end to it or butchers it. These are the causes for uncertainty.

As for the one whom Allah gives knowledge, comprehension and truthful intent, he renders the legal texts something to be principally followed and not something subordinate [to his wayward beliefs]. With every fibre of his being, he seeks out and demands the evidences, and in most cases, such a person is brought into harmony with the truth and arriving at the truth is made easy for

him.

As for a person's standpoint with regards to doubtful matters (المُشْبِهَات) then the Messenger (ﷺ) himself clarified by stating: **“So he who stays clear of all doubtful matters, he has protected his religion and reputation from defamation”**. He has safeguarded his religion before Allah and safeguarded his honour before the people. For this reason, those who relish grazing in [the pastures of] the doubtful matters are disgraced and dishonoured and he becomes known for dabbling in the doubtful matters. Thus, whoever wishes to protect his religion and reputation from defamation, let him stay clear of the doubtful matters.

These doubtful matters which are unknown to many people, if it is possible for a person to reach a point of certainty in them then doing so becomes mandatory, but he may not be able to and so the best thing is to avoid such matters by adopting the safe approach. Imam Ahmed never used to prioritise anything over taking the safe route. A good example is of a man who states, **“Should I delve into such-and-such an issue or should I refrain?”**. In most cases, the safe approach is to refrain and this also applies to embarking boldly into the [unchartered lands] of the doubtful matters. In most cases, the safe approach is to avoid them.

Then the Prophet (ﷺ) gave a parable: **“but he who falls into the doubtful matters is just as a shepherd who is grazing around a sanctuary on the verge of transgressing its boundaries”**. The term ‘sanctuary’ (الْحِمَى) customarily means a place off limits to the general public which is reserved for monarchs, head of states or prominent personalities etc. More often than not, this reserved place is a superior pasture to the grassland around it. Thus, if a shepherd were to graze his herd near it, his herd would head to it. So the person who encroaches on the doubtful matters is like the shepherd who is grazing around a reserve on the verge of transgressing its boundaries.

Then the Prophet (ﷺ) said, **“For indeed, every king has his sanctuary”**. This statement was said to reflect something de facto and not said to show approval. The Prophet (ﷺ) sometimes makes a statement just to reflect something de facto and not necessarily to show lawful approval. For example, the Prophet (ﷺ) said, **“You will surely follow the ways of those who came before you... The Jews and the Christians”**. Is this statement for purposes of lawful approval or is it just a statement of [prophetic] fact, given that we have evidences which prohibit resembling the Jews and the Christians? It is the latter. Similarly, the Prophet's statement, **“If you should live for a long time, you will certainly see that a lady in a Howdah traveling from Al-Hira will**

(safely reach Mecca and) perform the Tawāf of the Ka`ba, fearing none but Allah.” Is this statement an endorsement for women to travel without a mahram? The answer is no. Some of the students of knowledge struggle to make a distinction between the Prophet’s statements intended for something de facto and something intended for lawful approval.

So the Prophet’s (ﷺ) statement “**For indeed, every king has his sanctuary**” is not for purposes of approval; rather it is a de facto observation which reflects reality, since it is a common thing for monarchs to secure their livestock, horses and camels in sanctuaries. That being said, the jurists have mentioned that it is permissible for the head of state to use public funds to secure sanctuary for their livestock and the livestock of the Muslims provided that it not to the detriment of the Muslims. For example, such sanctuaries should be far away from all other local places of pasture because if these reserved places of pasture were close to local ones, it would cause great inconvenience to the people.

His statement, “**and surely Allah’s sanctuary in the land is His proscriptions**”. The proscriptions have been made off limits by Allah—the people do not violate them. Unfortunately, however, the Shaytān has sugar coated the proscriptions and made them fair seeming to the [human] self. You find Shaytān sugar coating all things forbidden in order that the people transgress their boundaries. On reflection, he knows fully that he is sinful but the Shaytān has made the deed fair seeming to his heart. This is a chronic disease about which Allah states,

أَفَمَنْ زُيِّنَ لَهُ سُوءُ عَمَلِهِ فَرَآهُ حَسَنًا فَإِنَّ اللَّهَ يُضِلُّ مَنْ يَشَاءُ وَيَهْدِي مَنْ يَشَاءُ فَلَا تَذْهَبُ
نَفْسُكَ عَلَيْهِمْ حَسْرَاتٍ ﴿٨﴾

8. **Then is one to whom the evil of his deed has been made attractive so he considers it good [like one rightly guided]? For indeed, Allah sends astray whom He wills and guides whom He wills. So do not let yourself perish over them in regret.**

Things which are detrimental to a person’s worldly and religious affairs are sometimes jewelled and adorned. For Shaytān reimages His prohibitions as good and lawful things and sometimes he clears the way for people to violate His prohibitions by whispering, “**It is not a big thing! Indulge and then simply repent, for the door of repentance is [forever] open!**” Sometimes he whispers, “**Look at him doing such and such,**” tempting you into evil. And so when you take a bribe of one hundred pounds, for example, he says “**look at him who has taken a bribe of**

one thousand pounds” This time you just take a bribe of one hundred pounds but the next time it rises to a thousand and slowly but surely he secures your descent into destruction—there is no might nor power except with Allah!

His (ﷺ) statement, **Verily, there is a lump of flesh in the body—if it is whole, the whole body remains whole. However, if it is corrupted, the whole body becomes corrupted. Certainly, it is the heart”**. The expression ‘lump of flesh’ (مُضْغَةً) refers to a chewed morsel of flesh which is small in size. However, this morsel of flesh [referred to here] **“if it is whole, the whole body remains whole. However, if it is corrupted, the whole body becomes corrupted. Certainly, it is the heart”**. This statement unequivocally proves that the heart controls and directs the body’s limbs, and there is nothing complicated about that.

What exactly is this heart? If you asked a doctor, they would tell you it’s the brain since the brain is the organ that regulates the body. Consequently, if the brain were to degeneratively stop functioning, it would end all bodily function. However, this is not entirely accurate. We said earlier that when a person has ardent intent, he attempts to ‘twist the neck’ of the texts [to be in alignment with his desires]. Glorified be He! How is it possible for the heart to be the brain when Allah Himself has stated,

فَإِنَّهَا لَا تَعْمَى الْأَبْصَارُ وَلَكِنْ تَعْمَى الْقُلُوبُ الَّتِي فِي الصُّدُورِ ﴿٦٦﴾

For indeed, it is not eyes that are blinded, but blinded are the hearts which are within the breasts.

This statement originates from the One who created the hearts and He knows their reality. And likewise, He created the bodies and knows fully well that they unconditionally comply to the demands of the heart. The Companion, Abu Hurairah once compared the heart to a king who has total rule over his subjects—the obeyed king commands and his subjects carry out his commands. However, Shaykh al-Islam said regarding the Messenger’s statement that comparing the heart to the obeyed king falls short of the mark because sometimes a king is obeyed and other times he is disobeyed. As for the principal-subordinate relationship between the heart and the limbs, it is inescapably necessary— if it is whole, the whole body remains whole. However, if it is corrupted, the whole body becomes corrupted.

This prophetic narration contains a refutation against a clichéd retort used by a group of people

who become defensive when you forbid an external evil, such as shaving the beard, drinking alcohol, smoking, garments below the ankle. They retort by saying, **“My taqwā is right here”** and then they pound their chests until their hearts nearly palpitate due to such an excessive pounding. However, if *taqwā* were truly right here in the heart, the limbs would stay well clear [of such prohibited acts] because the Prophet (ﷺ) said, **“if it is whole, the whole body remains whole. However, if it is corrupted, the whole body becomes corrupted. Certainly, it is the heart”**.

In summary, this prophetic narration is a tremendous narration, and it is from Imam’s an-Nawawi’s Forty Hadeeth. Al-Hāfidh ibn Rajab has done a commentary on Imam’s an-Nawawi’s Forty Hadeeth and it is the most comprehensive and complete commentary I have come across. Moreover, these forty hadeeth contain a lot of good and blessings which are memorised by the children because they are easy to memorise. If they are memorised in infancy, they are engraved in the heart and benefitted from in adulthood.

This hadith makes clear that the lawful may not be clear for some people. Right now, for example, the matter of allowing garments to drop below the ankle is unclear for some people, since some of the scholars state that it is not forbidden for the garment to drop below the ankle except if it is done out of pride and conceitedness. They restrict the ruling of one hadith by contextualising its meaning by another hadith; although [in this case], it is incorrect because restricting one text to another text should only be done when there is textual conformity. If there are textual discrepancies between the texts then restricting one text to the other is incorrect.² The important point here is that some matters may initially be unclear to the scholars, but in due course they become a united body. For example, they disputed initially on the ruling of smoking but afterwards [due to medical reports] its illegality became a settled matter.

² [TN]: Perhaps a good example to illustrate the Shaykh’s argument with regards to the problem of restricting text where there is a lack of textual conformity is found in the conflicting punishments prescribed for the practice of *isbāl*. In the unrestricted hadith it states, **“What is below the ankles of a lower garment is condemned to the Fire”** but in the hadith which restricts the practice to arrogance, it states, **“Whoever allows any part of these to trail on the ground out of arrogance, Allah will not look at him on the Day of Judgement.”** The Shaykh argues that two different punishments denote two different rulings: *isbāl* done in arrogance and *isbāl* done without it. Both are forbidden but they differ in severity due to an internal factor.