



ḤALĀL O ḤARĀM

ḤALĀL O ḤARĀM, a pair of Islamic legal terms: *ḥalāl* meaning permissible, and *ḥarām* meaning prohibited. Both terms occur in the Qurʾān numerous times (ʿAbd-al-Bāqī, pp. 197-99 and 215-16). In Islamic legal theory, there are two sets of rules that categorize human acts and transactions, known collectively as *al-aḥkām al-šarʿiyya*. The first set, known as *al-aḥkām al-waḥʿiyya*, or declaratory rules, constitutes the scale of validity or nullity of an act or transaction. The other set, *al-aḥkām al-tašriʿiyya*, represents five categories through which human acts are evaluated from the standpoint of divine reward or punishment and their spiritual effects (Ġazālī, pp. 42-53; Kamali, pp. 406-33). These are: (1) *wājeb*, a mandatory or obligatory act, omission of which incurs divine punishment. (2) *mandub*, a recommended act, performance of which earns a reward, while its omission does not incur any divine punishment. (3) *mobāḥ*, a neutral act which Muslims may choose either to commit or omit without sanction or reward. (4) *makruh*, a disapproved act, omission of which earns divine reward although its commission is not punished. 5) *maḥẓur*, a forbidden act the commission of which incurs divine punishment. Another term that describes the last category of *maḥẓur*, or forbidden, acts is *ḥarām*, the opposite of which is the category of *ḥalāl*, or permissible, acts. The term *ḥalāl* encompasses all of the first four categories listed above, although the category of *wājeb* dominates *ḥalāl* since it designates what is not merely permissible, but obligatory (cf. Schacht, p. 121, n. 2).

One of the first questions that Muslim jurists would have had to address is that



of the original presumption of law: whether things are permitted until their prohibition is established by *šar'*, or vice versa. While there appears to have been no unified opinion, even within the respective legal schools, a consensus seems to exist today that things are ḥalāl until proven otherwise (Kudari Bek, pp. 352-54; Reinhart, pp. 177-84). This principle of presumption of lawfulness, *aṣālat al-ebāḥa*, derives from several Koranic verses (e.g., 2:29, 5:87).

The *ḥalāl-ḥarām* dichotomy is usually applied for the purpose of evaluating conduct which falls within the realm of quotidian and mundane individual and social acts. Since it is incumbent upon the Muslim to avoid the forbidden, *ḥalāl o ḥarām* as a categorizing scheme also serves to screen new social phenomena or technological possibilities in order to determine whether they are consistent with an Islamic way of life. Books of the ḥalāl o ḥarām genre and collections of *fatwās* (q.v.) on the issue have become popular in the 20th century as a result of the migrations of Muslims to the West, and the rapid changes in the technology of daily life. Questions of ḥalāl o ḥarām that have arisen during this century have included: the permissibility of Western style dress, television, contraception, artificial insemination. The following is a representative, but by no means exhaustive, list of acts generally regarded as ḥarām, classified according to the topics under which questions of ḥalāl o ḥarām are usually treated in legal manuals: (1) Diet: pork, alcohol, blood, and carrion. (2) Personal Appearance: immodest dress, wearing pure gold and pure silk (for men). (3) Sexual Relations: any sexual relationship outside marriage. (4) Marriage and Divorce: marriage to close relatives linked by blood (mother/father, sister/brother, daughter/son, aunt/uncle), marriage ties (mother-in-law/father-in-law, etc.), or by virtue of being “suckling kin” (the woman who breast-feeds a child is considered his/her suckling mother). Muslim men are not allowed to marry women outside the Muslim and *demmi* (Christian and Jewish) communities. Muslim women are neither allowed to marry outside the Muslim community, nor to take a second husband while married (see Qur’ān, 4:23 for a general list of prohibitions related to marriage). Shi’ite law allows temporary marriage (Ar. *mot’a*, Pers. *siġa*), whereby a couple may enter into a marriage contract for a finite period of time. (5) Family Relations: cursing or disobeying one’s parents. (6) Social Customs: gambling, showing excessive signs of grief when mourning the dead, seeking the help of supernatural forces through astrologers, magicians, talismans, etc. (7) Public Morality: gossiping, cheating, lying, slandering, eavesdropping and spying, name-calling, stealing, extortion, homicide (unless justifiable), arrogance, excessive spending, discrimination based on class, family background or race.



(8) Occupation and Income: usury is forbidden, and hence also any occupation or transaction that entails usury. Occupations or transactions that involve any forbidden conduct, forbidden foods, or items mentioned above, such as buying and selling wine, prostitution, cheating in a business transaction. (9) Entertainment: any entertainment that entails a prohibition mentioned above, such as gambling.

It is important to note that there is some disagreement between the schools whether or not something is prohibited, as a result of which works on the ḥalāl o ḥarām genre tend to contain lengthy analytical discussions (e.g., Qarażāwi). However, all schools of law, including both Shi'ite and Sunnite, agree that prohibitions are suspended in life-threatening situations.

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