

## Permission in Islamic Jurisprudence

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### ABSTRACT

The permission (Rokhsat) in Islamic jurisprudence plays significant roles in Islamic legislation and the present paper also introduces different discussions on it. Islamic teaching and laws significantly tend to permission (Rokhsat) and facilities on and facilitation of their tasks. And they care for hardship only in the cases that faith and morality is subject to deterioration. Quran refers explicitly to such permission (Rokhsat) and when legislate decrees, pays special attention to that and in Al-Nessa Chapter says: <sup>1</sup> "Allah desires that He should make light your burdens, and man is created weak"(Al-Nessa , verse28) The Prophet's tradition highlights such permission (Rokhsat) and facilities on Islamic regulations. The current paper describes lexical and idiomatic concept of the permission (Rokhsat) and also jurisprudences and principles, because the permission (Rokhsat) is an exception to a general principle and consequently we must have some reasons from Quran and tradition.

**KEYWORDS:** permission, Islamic jurisprudence, Quran and tradition.

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### INTRODUCTION

All praise is due to Allah the lord of the world which did not afflict Islam with hardship, and greeting to the Mohammad Prophet (peace be upon him) which God selected Him as a mercy to the entire world. God endowed Islamic scholars with good rewards, those who recounted some important points on permission (Rokhsat) and its regulations.

The permission (Rokhsat) is a significant issue in Islamic religion and Islamic people must recognize it as a vital issue, comprehend its narrative documents and rational fundamentals and use it at necessary situations.

The permission (Rokhsat) refers to facilitating religious decrees due to a excuse and it is originally for showing facilities to the Muslims. Therefore, jurisprudences, scholars and the past principles have defined the permission (Rokhsat) based on their own religious principles and regulations and they have used at in different contexts and many new scholars have written several books in this area, because as it was told before it plays significant roles in the life of Islamic people.

#### The Concept of Permission (Rokhsat)

Permission (Rokhsat) verbally means softness and easiness. In "Mokhtar Al-Sehah it is said that:<sup>2</sup> permission (Rokhsat) is opposite to hardship and severity. Sheikh Allaeddin Samarghandi in "Mizan Al Osool" narrates that:<sup>3</sup> "the permission (Rokhsat) causes facilitation for those who have an excuse".

As permission (Rokhsat) is an exception to a general principle, then we must have some evidences from Quran and tradition in order to confirm it. And in this area Ebn Hazm says that:<sup>4</sup> "All scholars unanimously believe that no one can regard an unlawful as lawful and vice versa, otherwise he has an evidence from Quran and tradition". In addition, the permission (Rokhsat) without any evidence from Quran and tradition is not lawful.

There are various verses in Quran which often include Islamic legislation Rokhsat (permission) and they are categorized into three groups including:

- 1) The verses those are indicative of eradicating hardship
- 2) The verses those are indicative of eradicating sins
- 3) The verses those are indicative of eradicating punishment.

The first group: the verses those are indicative of eradicating hardship

"There is no blame on you in seeking bounty from your Lord"<sup>5</sup>

This part of the verse relates to its precedent, and as God prohibits individuals from waging war, then trade in Hajj is forbidden as well. Because trade in Hajj frequently leads to war and battle, but this part of the verse is a permission stating that trade is lawful during conducting Hajj tradition, even though it leads to war and battle. Ebne Abbas narrates that there were markets such as Okaz and Majnae and Zo-al-Majaz in the ignorance age in Hijaz, which if people would conduct business in those markets, they were regarded as sinners, until the above mentioned verse was descended<sup>6</sup>.

The most of jurisprudences indicate that trade, hire and different kinds of businesses in Haj for pilgrims are lawful and they do not reduce reward and as God has mercy on this people, provide them with facilities<sup>7</sup>.

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2) "It is no sin in you that you enter uninhabited houses wherein you have your necessities; and Allah knows what you do openly and what you hide"<sup>8</sup>

Aboubakr the Great narrates that when the verse "O you who believe! Do not enter houses other than own houses until you have asked permission and saluted their inmates; this is better for you, that you may be mindful"<sup>9</sup> were descended, we told the Prophet Mohammad that: O God Messenger! Qoraysh tribe conducts business in Mecca, Medina, Sham and Jerusalem and there are definite places in their way but no inhabitants live there, so how can they do greeting and take permission. Hereafter, God endowed people with a new permission and descended the above mentioned verse, and Abobakr the Greta's intention of the mentioned places is the ones built in their way such as commercial shops, bathes, study hall, libraries, motels and those which are occupied by people but not residential<sup>10</sup>. Therefore, the above mentioned verse indicate that entering the houses which are not naturally occupied by people such as libraries, motels and bathes, etc. does not require any permission because they are built for common use.

Second group: the verses which are indicative of eradicating sins

"He has only forbidden you what dies of itself , and blood , and flesh of swine , and that over which any other(name) than (that of) Allah has been invoked ; but whoever is driven to necessity , not desiring , not exceeding the limit , no sin shall be upon him ; surely Allah is forgiving , Merciful"<sup>11</sup>

The verse preceded by 173 indicates that all immaculate things are lawful. "O you who believe! eat of the good things that we have provided you with , and give thanks to Allah if Him it is that you serve"<sup>12</sup>

The question posed here is that what are good things ; The stated verse is the answer to the question which has also limited the ill gotten (moharamat) , in the previous verse , the corrupted idea about some healthy food was rejected and all good food were supposed to be permissible(Mobah) ; however this verse will prohibit some of the corrupted and malignant food which are harmful for body and spirit ; the things which are prohibited in the verse are based on specific wisdoms and the situation of human's body and spirit.

All the statements in the mentioned verse are ill gotten(haram)but they are allowed for those who needs for use them , and "compelled" is a person who is forced to eat something which is forbidden and there is no sin for him.

"Not desiring , not exceeding" shows the status of a man who is forced and the cause of permission in this verse is not only aggression and hostility removal but also is protection on human life and it may be allowed due to keeping life in injustice and anger.

The essence of this verse has two dimensions: a) an extreme hungriness when there is no good (Halal) food to eat. b) a force in eating these ill gotten (Haram).in this way, man is allowed to eat and use the ill gotten and there is no sin on him, and the end of the verse says: "Surely Allah is Forgiving, Merciful "meaning that the Lord will forgive sins and men are not questioned because of prohibited actions and allowance is of his mercy.

The verse which deny questioning:

"Allah does not call you to account for what is vain in your oaths, but He will call you to account for what yours hearts have earned, and Allah is Forgiving, Forbearing"<sup>13</sup>

In this verse , God has referred to two kinds of oaths , the first one is abolition type which does not have any effects and shouldn't be cared about ; these oaths are those which many people use in their usual and routine words and speeches. Most of the people are habited to abolition oaths.

Abolition literally means all purpose less words and activities that are not done based on free will or determinism.<sup>14</sup> rewardingly human oaths during outrage and angriness are classified in abolition oaths. According to this Quran verse, there is no Questioning for oaths which are not based free will and determinism and one should not give effect to them<sup>15</sup>; so God has given permission to abolition oaths which are not questioned. The second types of oaths are those which are done based on free will and determinism; therefore, they are valuable and one should be careful about them. Disregarding them not only is sinful but also it causes atonement.

There are several reasons in tradition which specifically indicate permission (Rokhsat) including:

1) There are holy narrations which regard delay in midday prayer as recommended: in hot seasons, the Muslims are allowed to recite midday prayer with a delay and holy narrations on this issue include:

- A) Quoting from Prophet Mohammad, Abu Horaireh narrates that when heat increasingly raises, the Muslims are allowed to delay the prayer, as if the hot weather is a fire that flowing from the hell<sup>16</sup>.
- B) Abouzar narrates that the Prophets' muezzin recited the midday izan and the Prophet said "wait and be patient because the severity of heat is same as the fire from hell, so when heat increasingly rises, delay prayer, until the shadow of stones appear on the earth surface."<sup>17</sup>

some indispensables have more time such as times of performing prayers, which the best time for prayer is the starting moments and oral and practical evidences confirm this issue.<sup>18</sup>: so the time of midday prayer in summer, in particular in tropical regions is performed when the weather is so hot. Therefore, the prayers in their way to the mosque suffer from extreme heat and the prophet decrees that delay prayer in such situations. These holy narrations confirm appropriateness of the delay and the delay could be regarded

as an example of the permission (Rokhsat), until midday prayer is not finished. And the Prophet Mohammad regards this issue as a recommended one.

2- Holy narrations that indicate we can verbalize unlawful saying in the case of necessity and the permission (Rokhsat) could be considered in this situation as well. Ahmad and Muslim have narrated that the Prophet states "the liar is not a person who establish peace between people and express good word"<sup>19</sup>. Ebn Shahab says that lie is permitted in three cases including: war, reconciliation of individuals and a man's saying to his wife.

The least inferences from this holy narration include A) in the religious meaning of the permission (Rokhsat), saying the word "unlawful" is not solely limited to the profanity itself but it is generalized with regard to any inappropriate act that individual is forced to do it, when its cause is obvious. B) Despite the lie is among the most inappropriate sins and most obvious defects and it is a disease to language and according to Quran it is a sign of unfaithfulness, which God narrates: "Only they forge the lie who do not believe Allah's communications, and these are the liars"<sup>20</sup> the Prophet underlines that lie is the worst sin but the Holy Tradition has regarded it as permitted in three cases that mentioned in above.

### Conclusion

As it was seen in this paper the permission (Rokhsat) is a decree applied to prohibit the continuation of an original excuse for some Muslim adults and originally it works for facilitating on these adults; so some evidences from Quran and tradition were reported in this paper, indicating that anybody searching in the area of Islamic religion clearly comprehends that Islamic regulations and teaching significantly tend to facilitation on people, and Quran explicitly refers to this permission (Rokhsat) and says : "Allah does not desire to put on you any difficulty , but he wishes to purify you and that He may complete His favor on you , so that you may be grateful ."<sup>21</sup> In addition to Quran verses, the Prophet Mohammad's tradition clearly highlights the permission (Rokhsat) and facilitation in the area of Islamic regulations, so that the Prophet said that he was selected in an easy divine religion, and He also narrated that as this religion is consistent and robust, then conduct with softness and flexibility and do not spoil the slavery of God for its servants.

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2 Mohammad Ibne Aboubakre Al-Razi , Mokhtar Al – sehah , v. 1 , p. 101

3 Allaedin Samarghandi , Mizan Al osool , p. 55

4 Abne – Hazm , maratebo Alejmae , p. 175

5 Sura 3, Al-baghare, verse 198

6 Ibne – Hajar , Fathou Al bari , v. 4 , p. 321

7 Al – Alousi , Rohou Al – maani , v. 2 , p. 87

8 Sura 24, Nour, verse 29

9 Sura 24, Nour, verse 27

10 Al – Alousi , Rohou Al – maani , v. 18 , p. 137

11 Sura 3, Al-baghare, verse 173

12 Sura 3, Al-baghare, verse 172

13 Sura 3, Al-baghare, verse 225

14 Al – Alousi , Rohou Al – maani , v. 2 , p. 127

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16 Al-shaukani , neilo Al – avtar , v. 2 , p. 304

17 Ibne – Hajar , Fathou Al bari , v. 2 , p. 20

18 Ibno – Alaseer , jama-o-Alosool , v. 2 , p.175

19 Ibne – Hajar , Fathou Al bari , v. 3 , p. 36

20 Sura 16, Nahl, verse 105

21 Sura 5, Maidah, verse 6