



PSSST...!

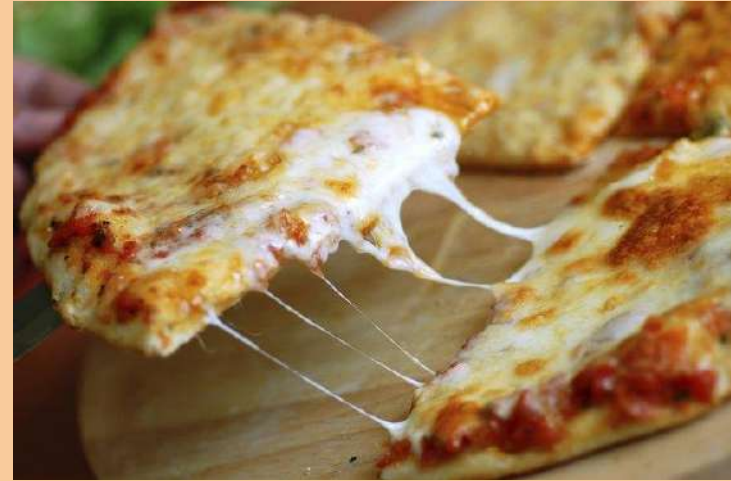


MODULE 9: HALAL & HARAM



UTENSILS

Utensils of disbelievers are divided into two types: utensils that were used for consumption of haram or impure foods and utensils which were not. As for such utensils which were not used for impure substances, they are permissible to use; utensils that were used for impure substances, may be used after being washed, however, it would be disliked [makruh], especially when other utensils are available. (Nawawi)



RENNET

In the Hanafi School, rennet obtained from an animal slaughtered by a non-Muslim or Muslim in accordance with Islamic law or contrary to it, in all cases, is permissible, as long as the animal in question is not a pig. Rennet, Rennin as an enzyme, is used in the food industry for the preparation of cheese by curdling milk.

The lawfulness of rennet does not depend on the slaughterer being a Muslim or non-Muslim, in fact, it depends upon whether there is life in it or not. The circulation of blood in an organ is the cause of life. No blood flows through the rennet. Therefore rennet is not a living thing. Therefore, it cannot “die,” and it is thus permissible to consume rennet.

It has been narrated in the major hadith collections from Abdullah ibn ‘Umar (Allah be pleased with him and his father) that the Prophet (Allah bless him and give him peace) was brought cheese in the Battle of Tabuk. He asked for a knife, then recited “bismillah” and cut the cheese. [Abu Dawud]

Some scholars say it is better to avoid when its source is unknown because of the difference of opinion between the Sunni schools of fiqh regarding its permissibility and the doubt therein.

FOOD COOKED WITH ALCOHOL

Spiritually, alcohol is najisa. Physically, alcohol is *najisa*, too, according to all four schools of law, so anything cooked in alcohol is cooked in impurity. Even if the alcohol is cooked and evaporates; if the flavor of the alcohol remains the food item is forbidden because of the impurity of alcohol. It is not a case of complete chemical change (*istihala*).

This is regarding wine and other alcoholic drinks added to food during the cooking process. What about food flavoring with synthetic alcohol? The precautionary practice is to avoid foods produced with these things. In the Hanafi school, however, there is some leeway.

SYNTHETIC ALCOHOL

The Hanafi view is that synthetic alcohols and other alcohols not derived from dates and grapes are Tahir and can be used provided:

- 1] It is not used as an intoxicant.
- 2] It is not used as intoxicants are used (for alcoholic consumption, even a little)
- 3] It is not used in an amount that would normally intoxicate (most of the ingredients are less than 5 percent and not listed in the ingredients)
- 4] Is not used in lahw (idle passtime)

This only applies based on need and *'umum al-balwa*, and not adding alcohol after the fact in cooking.

ASSUMPTIONS

Is it permissible to eat an item of food that may be haram, but it is not known for sure?

The assumption on all things and food is that is pure, and therefore edible. For this reason, you can just assume it is halal, and eat it.

CAN I TRUST THAT RESTAURANT THAT SAYS IT'S HALAL?

Are there local scholars who know about the restaurant in question, and what do they say? Are the restaurant owners practicing and God-fearing Muslims? If that is the case, then the meat is lawful since the seller is Muslim, and the actions and arrangements are considered legal till proven otherwise, with clear evidence and not based on doubts or suspicions.

If you have confirmed with reliable sources or know that the seller deals with meat not slaughtered according to Islamic Law, you should not purchase from them. Allah knows best.

QUESTIONING MUSLIMS ABOUT THEIR MEAT

If you are invited by a Muslim and are served meat, do you have to avoid it or investigate its source to make sure it is halal?

The classical works of Islamic law state that one does not need to ask when at another's house. However, those works were written in Islamic societies where halal was the default. In non-Muslim countries where things are less clear, precaution is best.

If you take the stricter view, it would be good to inform the host before coming that you take the stricter view. They should respect that.

All things considered, unless you have a clear reason to believe they are not serving halal meat, you should say Bismillah and not refuse to eat it or question them in a way that would appear offensive.

DRUGS

Marijuana, cannabis, hashish, opium, etc. are substances called *narcotics*, or *Mukhaddirat* or المَخْدِرَات.

Khadr means ‘that which is covered’. The word Khadar refers to when someone is feeling lazy and languid. Technically, a narcotic in medicine is a drug which induces narcosis-like symptoms such as stupor, insensibility, numbness, drowsiness and pain relief.

When looking to see what the Islamic ruling on a substance is, one looks to those effects or “states of being” as a whole.

Thus if a narcotic’s primary effects include elation, euphoria and delirium, alongside its normative effects of drowsiness and insensibility, then in the Shariah it is also classed as an intoxicant or a مُسَكِّر i.e. it changes one’s perception, behavior, judgement and cognition.

NULLIFIERS OF DHABH AND NAHR

Many scholars in the Hanafi and Shafi' schools allow for the usage of unlawful substances for medicinal purposes when there is NO ALTERNATIVE available and it is known empirically that the treatment is beneficial.

Shaykh Badr al-Din al-Zarkashi, a Shafi'i jurist, wrote an entire work on marijuana entitled *Zahr al-Arish fi tahrim al-Hashish*. In it he says: 'It is permissible to us as medicine if it is confirmed that it benefits against some illnesses.'

Imam al-Nawawi said in Majmu' and Rawda al-Talibin: "Ruwayani said: **It is permissible to use it for medicine, even if it leads to intoxication, as long as it is necessary.[However] if it benefits in terms of medication, [then] it is permissible to use as a medicine. And Allah Knows Best**"

CONDITIONS

- 1] The need for the use of such substances must reach the level of necessity (darura). Symptomatic relief for chronic pain/conditions or severe acute pain is considered such a medical necessity.
- 2] The substance being used in order to induce a narcosis-like state of relief must be genuinely beneficial and attested as such by trustworthy and specialist doctors and experts of the field. There is a disagreement among the fuqaha' about the condition of such a doctor, with some stipulating that he must be a Muslim!

TOBACCO/SMOKING

Tobacco and smoking are not explicitly mentioned in the Quran or the Sunna (*nass*). For this reason, scholars have given different rulings over the centuries.

1. Mubah
2. Makruh
3. Haram



TOBACCO/SMOKING

History: The earliest fatwa regarding smoking was issued in Morocco in 1602. Following the introduction of tobacco to the kingdom in 1598, King Ahmad al-Mansur sought guidance from religious scholars in Fez. The kingdom's Grand Mufti and the Wali of Sila both ruled that smoking was forbidden in Islam. This ruling failed to have much effect on tobacco use in the kingdom, leading the Mufti to issue a second ruling forbidding its use, as the use of all "intoxicants and harmful substances" is forbidden in Islam. This categorical prohibition was unsuccessful, and the Mufti and the other scholars who joined him in his ruling were either killed by a mob angry at this ruling or fled the country.

TOBACCO/SMOKING

Basis for Prohibition

- 1] 'Do not cast yourselves into ruin.' (2:195)
- 2] 'Do not kill yourselves.' (4:29)
- 3] It is not from the 'pure and wholesome things' (al-tayyibat)
- 4] It is a waste of money, and Allah prohibits waste.
- 5] 'There is to be no harm or reciprocating harm.' (la darar wa la dirar)
- 6] Second hand smoke is a harm to others, or at least an annoyance
- 7] The smell is offensive to others.
- 8] It is a kind of intoxicant.

TOBACCO/SMOKING

However...

- If the ‘illa (ratio legis) for the prohibition of smoking is harm, what about foods and drinks that cause long term bodily harm? Would this mean sugar, seed-oils, corn syrup, and “junk food” are haram, too? One could argue that these are also wastes of money.
- As for the offensive smell, that is not sufficient reason to declare it haram. At the most, it would prohibit someone who has smoked from coming to the masjid with cigarette odor on his person or clothing. (Onions are garlic are not haram).
- As for the claim that it is from the khaba’ith, this is questionable because it is a pure plant. It is not carrion, an impurity, or a predator or animal that consumes filth.
- As for the claim that it is haram because it is an intoxicant, this is false.
- Those who permitted it said that if an individual is experiencing bodily harm because of it, it is prohibited for him.

JUNK FOOD

There are several legal maxims that guide our understanding of food.

- The default with all things is permissibility (except for meat and intercourse)
- There is to be no harm or reciprocating harm.
- Harm is to be removed
- Harm is not to be removed by another harm
- One bears the minor harm to alleviate the greater harm

The harm principle goes back to the hadith: ‘There is to be no harm or reciprocating harm.’ (Muwatta)



JUNK FOOD

Imam Abu Ishaq al-Shirazi says in ‘the book of foods’ in the Muhaddhab: ‘The pure things are two categories: pure things that harm and pure things that do not harm. Anything that harms is impermissible to consume, such as poison, earth, and stones...’

Imam al-Nawawi says in al-Majmu’: ‘It is impermissible to eat pure things that cause harm, such as deadly poison, glass, and dirt that causes harm to the body.

However, there are certain foods that cause relative harm—no harm to one but harm to another. This must be considered. Imam al-Juwayni said: ‘Were it conceivable that a person could eat pure poison without it harming him at all, it would not be prohibited for him to eat it since it does not cause him any harm.’ (Majmu’)

Foods that are permissible in origin but harmful in certain quantities or combinations might be impermissible.

JUNK FOOD

We cannot group junk food with glass or dirt, which are immediately harmful. The harmful effects of junk food are cumulative and not certain.

Almost any food, if taken to excess, can cause bodily harm, but that does not change the base ruling on eating that food (e.g., honey, sugar)

Therefore, the closest ruling the scholars have given for junk food is the following:

1] If it is consumed in a form or amount that will cause certain harm, it is haram. This must be certain and not speculative. For example, one will clearly be harmed if they drink a dozen energy drinks in one sitting, or eats five pounds of sugar in one sitting.

2] If it is consumed occasionally in amounts that do not normally harm, it is permissible.

3] If it is consumed regularly in such a manner that is known to cause harm (but not certain) it would be makruh.