

SHARIAH PRINCIPLES IN HALAL PRODUCTS

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The Growing Market: Halal Industry

- The halal industry is estimated to be worth US\$500 billion, with the number of producers, halal ports and certification bodies growing at an impressive rate every year
- It is not a market for Muslims alone.
- According to Mintel (A UK consumer and market research firm), Halal meats make up 11 % of all meats in the UK and Muslim only account for 3 % of the entire UK population.

Understanding The Halal Concept

- What is halal?
 - Is it food products only?
 - Avoiding haram food: No pork, liquor etc?
 - Slaughtering animal in accordance to Islamic law?
- Halal refers to that which Allah has made lawful
- The realm of the Halal extends beyond the obvious references to food and clothes on all matters that relate to human life.

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- It includes foods, all goods and services, entertainments, finance and commerce, tourism, lifestyles and all aspects of human life that come under the judgement of halal and haram
- Examples:
 - Islamic Banking and Takaful
 - Business and Investment Funds
 - Import & Export
 - Livestock farming & Abattoirs
 - Food Processing – supply chain management
 - Storage, Packaging & Shipping
 - Food Retailing
 - Restaurants & Caterers
 - Halal Travel Industry
 - Pharmaceuticals, Cosmetics & Toiletries
 - Islamic Fashion & Clothing
 - Music, book and website reviews
 - Halal Lifestyle

Media

The Forgotten Aspects

- ▶ All Muslims are very concerned about what they eat and drink.
- ▶ At all times, they will ensure that what they consume shall be halal
- ▶ But sometimes, people forget about halal business, investment, banking and finance
- ▶ Forgetting that “haram” finance may put them in bigger situation of sin

Hadith On the Sin of Riba'

- Narrated Abu Huraira: The Prophet said, "Avoid the seven great destructive sins." The people enquire, "O Allah's Apostle! What are they?" He said, "To join others in worship along with Allah, to practice sorcery, to kill the life which Allah has forbidden except for a just cause, (according to Islamic law), to eat up Riba (usury), to eat up an orphan's wealth, to give back to the enemy and fleeing from the battlefield at the time of fighting, and to accuse, chaste women, who never even think of anything touching chastity and are good believers. [Sahih al-Bukhari, Sahih al-Muslim]
- Imam Ahmad reported in an authentic hadith that the prophet (S.A.W.) said, "Dirham of riba' eaten by a man with knowledge is more severe than thirty-six acts of fornication or adultery."

The importance of Understanding Principles in Halal

- ▶ Wide spectrums of halal
- ▶ The interaction between halal and practice of times
- ▶ Makes it difficult for us to detail all aspects of halal
- ▶ Hence, understanding principles will assist us in putting the right framework for halal

1) The Original Ruling is Permissibility

- ▶ In non worshipping acts, nothing is haram except what is prohibited by a sound and explicit evidence
- ▶ In case of differences of opinion due to unauthenticated text (nas) or imprecise understanding, no one can claim his opinion is the only right one
- ▶ Role of jurists → to assist in revealing what he believes the right ruling in Shariah.

2) The Basic Ruling in Anything Beneficial is Permissible and in Anything Harmful is Prohibition

- ▶ Establishes that the reason for any prohibition in non worshiping acts are because their harmful nature
- ▶ If this harmfulness is not found and this is no clear evidence (nas) to the prohibition, then that thing should be considered halal

3) The Role of Custom in Determining Halal and Haram

- ▶ Custom plays a very important role in determining rulings of Shariah
- ▶ Need to differentiate between what is the practice of people and what is the principles of Shariah
- ▶ Role of jurists when dealing with classical writing of jurists is to differentiate between what is shariah principle and what is the practice of the time
- ▶ E.g: 1) Conclusion of contract by email & internet
2) Slaughtering of poultry by mechanical knife

4) Rules of Necessity

- ▶ Two maxims:
 - 1) Difficulty begets facility
 - 2) necessity renders prohibited things permissible
- ▶ Yet, the practice is different
- ▶ E.g. Alcohol:
 - 1) Cannot be used, even in necessitous circumstances
 - 2) Can be used, in necessitous circumstances, provided several conditions are fulfilled
 - 3) Can only be used when it is extremely diluted (istihlak), not when it is unadulterated and unmixed

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- ▶ Shafi'i School: Differentiated between alcohol & other filthy items.
- ▶ Other filthy items can be used as medicine in case of necessity, even if it is unadulterated and unmixed, but in case of alcohol, it can only be used in case of istihlak

5) Doubtful Things Are To Be Avoided

- ▶ Shubhat : Something if which its status is unclear, whether it is halal or haram
- ▶ Has to differentiate between unwarranted hesitation (waswas) and avoiding syubhat.

6) Istihalah (Transformation)

- ▶ a process that the original substance of a particular product goes through, and the end result is that the product/ingredient has completely transformed from the original product into another product of different nature and attribute
- ▶ It can happen naturally or by human intervention
- ▶ Consensus: Wine transforms to vinegar, without human intervention → lawful
- ▶ Jurists differ in:
 - 1) Wine transforms with human intervention
 - 2) Principles of istihalah, is it applicable to other things?

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- ▶ 1) The Shafi'ies and Hanbalis: only applicable to wine when it transformed into vinegar naturally, without any human intervention
- ▶ 2) The Malikis, Ibn Taymiyyah: if a thing which was initially impure transformed to a new item which is pure, the new thing should be considered halal, notwithstanding whether this transformation happened naturally or by human intervention: Total acceptance of principle of istihalah
- ▶ 3) The Hanafis: Some details

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- ▶ “ 8. "Transformation", i.e. the process that causes an object to change into another, totally different in properties and characters, turns the unclean, or what is deemed to be unclean, into a clean object, and therefore turns prohibited things into things permissible by the Shariah. On this account the following is concluded:
 - a. Gelatine made of unclean animal's bones, skin and tendons is clean and permissible for consumption.
 - b. Soap produced by treating and transforming pig fat or fat obtained from a dead animal turns into a clean compound by the process of transformation and therefore using this soap is permissible.
 - c. Cheese processed with rennet, obtained from animals which are dead but are permissible to eat, is clean and eating it is permissible.
 - d. Ointments, creams and cosmetics which contain pig fat are all unclean. Their use is impermissible in Shariah except when transformation (of the material into one of totally different properties) is ensured.

- ▶ 9. All narcotic drugs/substances are prohibited and under no circumstances are they permissible except for specific medical treatment as determined by physicians. These substances are inherently clean themselves. There is no objection, however, to the use of nutmeg as an aromatic for food, in small amounts which do not lead to sedation or narcosis

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- ▶ Transformation, from the Fiqh point of view, is defined as "changing the nature of the defiled or forbidden substance to produce a different substance in name, properties and characteristics." In common scientific terms, this refers to all new compounds produced by chemical reaction, such as the manufacture of soap from oils and fats, or the decomposition of substances such as fats and oils into various compounds such as fatty acids and 'glycerol. Chemical reactions result from deliberate technical and scientific processes as well as due to invisible processes, as the Islamic Fiqh experts had pointed out, such as acidification, tanning and burning. This leads to the following conclusions:
 - ▶ **1. Additive compounds extracted from prohibited animals or defiled substances which are "transformed" as given above, may be considered as clean and permissible for consumption or as medicine.**
 - ▶ 2. Chemical components extracted from prohibited or defiled substances, such as blood or sewer water that have not undergone a chemical transformation, according to the terms given above, are not permitted for consumption or for use as medicine. Transformation, from the Fiqh point of view, is defined as "changing the nature of the defiled or forbidden substance to produce a different substance in name, properties and characteristics." In common scientific terms, this refers to all new compounds produced by chemical reaction, such as the manufacture of soap from oils and fats, or the decomposition of substances such as fats and oils into various compounds such as fatty acids and 'glycerol. Chemical reactions result from deliberate technical and scientific processes as well as due to invisible processes, as the Islamic Fiqh experts had pointed out, such as acidification, tanning and burning. This leads to the following conclusions:
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Examples of Application

- ▶ 1) White wine vinegar
- ▶ 2) Gelatin
- ▶ 3) Newater

8) Istihlak (Assimilation or Extreme Dilution)

- ▶ Blending (or mixing) of a small amount of a prohibited or defiled substance with a dominant clean and permissible one resulting in the obliteration of the prohibited or defiled substance altogether
- ▶ The basic proposal of this principle states that when a prohibited substance is diluted in a lawful medium to the extent that none of the known properties of the prohibited substance are noticeable in the lawful medium, then the prohibited substance can be ignored

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▶ **“B. Consumption or Assimilation**

- ▶ This refers to the blending of a small amount of a prohibited or defiled substance with a dominant clean and permissible one resulting in the obliteration of the prohibited or defiled substance altogether. This would be the case if the properties of the dominant substance, such as taste, colour and smell overwhelm the weaker substance which is completely assimilated into the dominant one, as in the following examples:
- ▶ 1 .Additives containing very small amounts of alcohol which are used in foods or medicines, such as colourings, preservatives, emulsifiers and anti-acids.
- ▶ 2 .Lecithin and cholesterol, extracted from defiled non-transformed substances may be used in food and medicine in very small quantities, having been assimilated into a dominant clean and permissible mixture.
- ▶ 3. Enzymes obtained from pigs, such as pepsin and most digestive yeasts, used in negligible (infinitesimal) quantities in food and medicine.”

Not Allowing

- ▶ 1) International Fiqh Academy, Jeddah, declaration no 23 (3/11): Disallowing any non halal item be added into food or medicine even though it has been diluted is also held by
- ▶ 2) Brunei State Mufti's Office: Differentiate between food or drink laced with alcohol and food or drinks that naturally contain alcohol through the process of fermentation.

Conclusion

- ▶ Understanding Shariah principles on halal is of paramount importance to serve as general guidelines in determining the lawfulness or otherwise of a particular product or instrument.
- ▶ Two remarks:
 - 1) End to end halal process and procedure, starting from financing of the capital up to consumption of the products by client
 - Only 5% to 10% of halal businesses utilize Shariah compliant financial services
 - Best practices in halal products
 - 2) Ijtihad maqasidi that is anchored by a strong understanding of the principles of the Shariah is very important for the jurists in the course of deducing a ruling from the sources of the Shariah.

Quotation

- ▶ Ibn al-Qayyim said:
- ▶ “The unerring mufti and the prudent faqih is the one who connects the idea and right situation with the real circumstance. He does not live in his own idealistic environment, and neglecting (when giving fatwa) the real situation on the ground”

THANK YOU
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