Halal pages

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الجامعة المرابعة العالمية ماليزيا INTERNATIONAL ISLAMIC UNIVERSITY MALASSIA فونيتوني في المرابع (فالجار) الجار الجار HALAL INDUSTRY RESEARCH CENTRE





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Istihalah (Transformation Of Things) & Halal Industry

... Not Based Upon What It Was, But Based Upon What It Is



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Introduction

hings that are clean and pure are halal, lawful and fit for human consumption. Hence, it is of great importance that food and drinks are processed in a place that complies with the relevant requirements as prescribed by the relevant authority. Besides, the ingredients, additives, and preservatives must all fit and suitable for human. However, during the process there is a likelihood that raw materials may come into contact with certain materials that are not clean or unlawful for consumption. Nevertheless, through transformation process, the unlawful item maybe less identical and the food rendered lawful to be eaten.



Definition and Opinions of Muslim Jurists

Istihalah is an Arabic term that literally means transformation. Technically, it is when a substance is changed or transform from its original nature to another attribute. The concept of istihalah is a fiqh (jurisprudence) principle. 'Ruling upon an object is upon what it is named (what it is), if the name (what it is) changes then so does the ruling'. Putting in another way: 'the ruling is not based upon what it was, the ruling is based upon what it is'. The transformation of things can occur naturally or by human intervention. A wild or stray animal excrement in a farm got transformed into a fertilizer is a simple example of a transformation without human intervention. So is the case of a dead animal (carcass) that decomposes under natural conditions. An example of transformation involving human intervention is when fresh grapes are processed and become wine or are processed and become vinegar.

Since the concept of istihalah is a figh principle, there tend to be some variations among Muslim jurists when making a ruling on an item. The majority of Muslim jurists believe that some unlawful things could be transformed into lawful entities by acetifying, burning, corning and using any means of transformation techniques known in today's world. The Muslim jurists, however, differ upon transformation of a dirty food or object into edible food by burning. For example, if a flesh of dead animal transform to salt after falling in it, it (salt) can be eaten and also a refuse turning into ashes has become clean. Another Muslim jurist opined that if the unclean food or unlawful object turns either by burning or acetifying, it has become clean due to the fact that, it has transformed from its former stage to another stage.

The Maliki school of thought maintains that, if something transforms into a good thing it is good, but if it transforms into a dirty thing it must be considered dirty. By this view, the Malikis consider musk a clean thing even if it transforms from the gazelle's blood due to the fact it has left its first nature to another nature. Jurists from the Shafie school of thought consider what is naturally clean to be clean if it transforms, and whatever transforms into halal has become halal. For example, if blood transforms to flesh it becomes halal. and a handful of sand mixes up with water to form dates is halal for eating.

Muslim scholars agree among themselves that two things can transform to become clean namely, liquor if it acetifies and skin if it is tanned. They differ upon other things. Some scholars say other things used for food can become clean if they transform through burning, corning or boiling. With regard to a reference concerning bees in the Qur'an, Muslim scholars explained that the substances eaten by the bees are transform into honey of different colors which become a cure for mankind.

The Case of 'Unclean Water'

The majority of scholars agree that unclean water could be transformed into clean water by removing its impurity. Jurists from the Hanafi school of thought consider it allowable that if unclean water mixes with clean water, it transforms the remaining

water to become clean water. Malikis

consider water to be clean if a chemical substance transforms the water or the chemical substance transforms with clean water. According to Shafies and Hanbalis, unclean water is divided into three categories: 1) to be more than two kullas {10 liters}; 2) to be exactly two kullas {10 liters} and 3) to be less than two kullas {10 liters}. If it is more than 10 liters it can transform to 'clean' by three ways:

- 1) adding another water to it;
- decreasing it so that the remaining will automatically transform; or
- to transform by itself through sunshine, weather or any other way transformation process takes place.

If it is exactly 10 liters, it can be transformed as mentioned above. If it less than 10 liters, it can transform to clean when clean water mixes up with it. According to Muslim jurists from the Hanafi school of thought if filth (nais) falls into a well, its water is still considered clean. If a human being or dog dies in it, all the water must be drained out, then any water springs afterward is considered clean. In general, if a dirty substance falls in a water and do not change its color, smell and taste, the water remains clean. This ruling is also applicable on any liquid things like oil and mud. The majority Muslim scholars also considered that crop irrigated with unclean things is clean and the crop is allowed to be eaten.

Muslim scholars have differences of opinion with regard to an animal that feeds on dirty things (jallalah). Most of them say, if the animal (for example fish, chicken, etc.) is kept for some days and feed with clean forage, it (animal) is permissible for consumption and its milk also is permissible. A small minority says it is not permissible for eating and drinking, whereas some others say, it is clean but disliked, not that it is forbidden for eating.

Selected Fatwas (Religious Edicts) on Istihalah-Related Matters in Malaysia

- 1. Biotechnology in Foods and Drinks:
 - (i). Goods, foods and drinks which are made through the process of the pork's DNA biotechnology contravened with the syarak is prohibited.
 - (ii). Using the pork's DNA biotechnology in the goods, foods and drinks industries is not yet reach the level of dharurat (emergency) as there are many other alternatives

Fertilizer Made from Pig's Excrement Pig's excrement is najs mughallazah (severe filth). However to use it as a fertilizer is permissible. {The 2nd Session of the Fatwa Committee Convention, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Islamic Development Malaysia): May 12-13, 1981}

3. Animal Feed from Unclean Materials The processed feed for livestock, like chicken, that is made by mixing substance such as excrement, cow's blood, pig's blood and others is halal and permissible to use it.

{The 2nd Session of the Fatwa Committee Convention, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Islamic Development Malaysia): May 12-13, 1981}

 Gas Made from Pig's Excrement Gas which has been processed from pig's excrement by using fire is 'filthy' while if it is using other than fire it is clean.

{The 2nd Session of the Fatwa Committee Convention, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Islamic Development Malaysia): May 12-13, 1981}

Cheese as Source of Foods
 Using cheese as a source of foods
 is permissible whether the enzyme
 that has been used as one of its
 substances is taken from plants,
 moulds or halal slaughtered animal.
 {The 27th Session of the Fatwa
 Committee Convention, Jabatan
 Kemajuan Islam Malaysia,
 JAKIM (Department of Islamic
 Development Malaysia): 3rd
 October 1990}

6. The Use of Active Agent in Foods Using active agent in the surface of any food is permissible with the condition that the source of such agent is taken from plants and if it is taken from animal remits, then the animal should be slaughtered through Islamic way.

{The 26th Session of the Fatwa Committee Convention, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Islamic Development Malaysia): 7-8th March 1990}

- 7. FSH-P (Biomolecule from Pig Brain) for Enhancement of Farm Animals
 - FSH-P is a hormone obtained from pig brain and it is considered as najs mughallazah (severe filth). Therefore, it is prohibited to use this hormone as an enhancement substance or else for any purpose such as animals breeding. This prohibition is based on doubt (shubhah).
 - The young animals' breeding made from Hormone FSH-P is prohibited to eat and this prohibition includes their meats and milks as well.

{The 39th Session of the Fatwa Committee Convention, Jabatan Kemajuan Islam Malaysia, JAKIM (Department of Islamic Development Malaysia): September 21, 1995}

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