

Assalamu 'Alaikum wa Rahmatullahi wa Barakatuh

From Abu Muntasir,

Assalaam 'alaikum wa rahmatullaahi wa barakaatuhu.

Innal hamdalillaah was-salaat was-salaam 'alaa rasoolillaah.

We need to be very careful when pronouncing anything to be forbidden by Allah. In addition we should also fear Allah in creating difficulties for Muslims or subjecting them to the inconveniences of unnecessary restrictions.

Recently some query and discussion has been taking place with regards to Pepsi and possibly Coca Cola containing a small amount of alcohol and how we should view such beverages. Shaikh Albani's view is that change purifies substances that had originally been deemed prohibited.

A brother Tamim kindly pointed out with due care and caution that Shaikh Albani apparently also hold it permissible to eat e.g., chocolate bars containing intoxicating substances in small quantities. This is because even if one were to eat say a 100 such chocolate bars, one would not become intoxicated. He drew our attention to the shaikh mentioning the hadith of when a rat fell in some ghee (clarified butter). They simply removed the rat and threw out the ghee that they saw had been contaminated around where the rat had fallen. The rest of the ghee was still considered pure. The shaikh's analogy was with regards to the fact that some remnants of the rat falling in the container of ghee were still in there, but it was still considered pure.

He also clarified the other hadith, "that if something is considered impermissible then small quantities are also impermissible" where the shaikh agreed that if the small quantity is enough, where you take it numerous times it will have the same effect as the original dose, then it is not permissible. However, in the case of alcohol in the chocolate which is so minute, that even if one eats a 100 bars one will not become drunk, then this ruling doesn't apply here...thus harmonizing the aforementioned situation and the latter hadith.

Subsequently Ali Al-Timimi confirmed that Ibn Baz has a similar Fatwa which can be found in a booklet distributed by the Saudi Embassy entitled Fatawa al-Mughtarib.

He said the rule is does consumption lead to drunkenness even if large quantities are drunk. Since it is apparent that drinking large amount of Pepsi does not lead to intoxication it is therefore not haram to consume.

Here are some notes from Dr. S. Darsh (may Allah have mercy on him) where he discusses the issue of food additives. He wrote the following in 1992!

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## ADDITIVES

Additives are chemical elements. They are no more considered as the original material from which they are derived, the fiqh rule is: any change in the

substance entails change in the rule'. This is the answer I give to those who inquire about what foods today are Halal. Many try to argue that any additive which contains an element of Haram makes a food itself Haram, based on the hadith, "any flesh grows out of suht (unlawful food) will not enter Paradise'. But there are two aspects to this: first, suht means unlawful. Ibn Mas'oud explained this word which is recorded in chapter 5 verse 42 of Tafseer Ibn Katheer as meaning 'one who takes bribes'. Thus, Ibn Katheer first explained suht generally as anything unlawful or derived from unlawful means. Second, this hadith is weak, (see Kashful Khafa vol.2 page 176).

### The Hanafi Position

Going to the substance of the letter. The purity of an additive is based upon the principle described (the change of the nature of the substance) . In vol. 1, page 314, Hashiya ibn Abedin, Radd al Muhtar ala ad-durr al Mukhtar, a standard Hanafi fiqh text book, written by Muhammad Ala'a al Deen Al Hasafki, there are more than thirty purifying things mentioned by Al Hasafki (rendered into a poetry form to make it easy to memorize) . In one line he said, 'and change of substance" .

Ibn Abedin said, "the swine which drowns in a salt lake, after decomposition, becomes salt and thus halal". Ibn Abedin based his comments on the saying of Al Hasafki regarding the manufacturing of vinegar made from wine. "According to the principle of change of substance, vinegar made of wine is lawful". He then went on to say, "Vinegar made by mixing wine with water, according to the correct opinion, is pure"

One page 315, Al Hasafki has said that "soap made from impure oil is pure and can be used. Ibn Abedin, commenting on this said, "This is an example of change of substance". he then went on to quote a statement issued by Al Mugtaba which reinforced Al Hasafki's view that pure soap could be derived from oil that was not pure. A similar position was reflected by Muhammad ibn Al Hasan, the second great pupil of Abu Hanifa.

According to Ibn Abedin, the fat of a dead animal, used to make soap is subject to the same conditions. The expression used was impure (najas) as opposed to mutanajjis which means to make impure. However, oil is usually used in preference to other fatty substances. However, reading Al Munyah, I found an explanation which supports the first view, he states, "If a man or dog falls into the container in which soap is being made, it remains pure".

Ibn Abedin goes on to say, "Know that a compound is deemed pure, according to Muhammad ibn Al Hasan, from the rule which allows for change of substance". In addition, he adds that any product or substance, not only soap, can also be judged pure on account of its widespread use.

One page 326, on the subject of change of substance, as if to reinforce the point, al Hasafki says that dust and smoke particles rising from burnt human or animal excrement cannot be judged impure. If it were, he says, then we would be forbidden to eat bread baked on fires in which such impurities were used as fuel. The same can be said for salt filtered from animal-contaminated lakes.

This, concludes Ibn Abedin, is how any product or substance is judged to be pure or otherwise. Muhammad Al Dakhira, Al Muhit and Abu Hanifa are all of the same opinion. Other shaikhs choose to follow this ruling as well. This is the chosen rule for the Shar'iah ruled that these things were impure in their nature. The reality of a thing changes with the change of some of its implied parts, not to mention all of

them. Salt is totally different from meat and bones. If they become salt, they are salt. What is similar to that in the Shar'iah is the life-germ (sperm), the beginning of human life. From a Hanafi point of view it is impure, then it is turned into a clot, it is still impure, then it becomes a lump of flesh and at this point it becomes pure.

The same goes for wine juice. It is pure, when it becomes wine it becomes impure, but when it turns to vinegar, it becomes pure. This is as far as the Hanafi school is concerned.

#### The Hanbali position

The Hanbali school's attitude is quite different. In *al Mughni* by Ibn Qudamah, a Hanbali standard book, in the book of purity, section on utensils, he writes: 'No impure thing could turn into pure as a result of the change in its substance except wine when it changes by itself into vinegar'.

But it could be deduced that all impure things become pure as a result of the change of its nature, analogous to the change of wine to vinegar is the skin of a dead animal when tanned and the domestic, edible birds and animal which eat excretion.

#### The Literalist position

According to the Literalist School: Ibn Hazm, the exponent of the Literalist school wrote in his manual (*Al Muhalla*) volume 1, page 166, problem no. 132: 'If the excretion of the animal is burnt down or changed and becomes ashes or dust, all that becomes pure and can be used for tayammum (earth purification). The proof of that is the fact that rules are in accordance with what Allah Most High, has ruled regarding the objects in what the object is named. If the name of the object is changed or dropped, the previous rule is dropped as well. It is something from that which Allah has named'. As such, excretion is different from dust, as it is different from ashes. The same thing with wine which is different from vinegar and human being is different from the blood from which he is created. The dead thing is different from dust or ashes.

In problem 136, page 178, he goes on to say: 'If the quality of the substance of a naturally impure object changes the name which was given to it so that it is no more applicable to it and it is given a new name which is given to a pure object, so it is no more an impure thing. It becomes a new object, with a new rule.

The same thing is true of a pure thing changing into impure thing such as juice becoming wine or the wine becoming vinegar. The pork flesh eaten by a chicken and becoming a chicken flesh. It is halal. The water becoming wine or the food turning into excretion, the excretion and the wine used as fertilizer or becoming a fruit and so many other things.

#### Al Qur'an

The basis of all these is the Qur'anic verse:

'And surely there is a lesson for you in the cattle we give you to drink of what is

in their bellies from between the faeces and blood, pure milk, wholesome to those who drink it' (16-66)

Allah Most High, considers it one of the favours He bestowed upon people that a healthy pure animal product comes out of these impure things.

## Conclusion

In the light of what is mentioned above, and the widespread use of so many things which are becoming essential needs for Muslim communities living in a non-Islamic environment, any substance which chemically changed from its original character becomes a new product and acceptable to use. This includes:

1. Chemical preservatives, i.e. all E' numbers
2. Soap made from fat, animal products or oil, deemed impure in its original form
3. Toothpaste
4. Wine Vinegar
5. Gelatin and products containing it

To obtain gelatin from animal protein, it has to undergo a lengthy chemical process described in the Oxford dictionary of science as follows:

'A colourless or pale yellow, water-soluble protein obtained by boiling collagen with water and evaporating the solution. It melts when water is added and dissolves in hot water to form a solution that sets to a gel on cooling' (page 290)

This description shows the great change it undertakes and the new name it takes. On considering part of the Qur'anic verse of chapter 16 I quoted earlier, it is clear this process is like or similar to the process of obtaining milk out of the dirt inside the belly of the animal which Allah described as wholesome, palatable and pure.

In fact, most of the new products which are containing such chemical elements are obtained by chemical processes. These processes are not a mere mixing up of what is Haram with what is Halal. It is a real change. Protein is different from gelatin. As such it is pure and can be used in products which are allowed. Vinegar, milk and salt are all examples of products extracted from impure substances.

In fact the Hanafi view in this connection is much more advanced and liberal, particularly when we study the purifying aspects mentioned by Ad-Durr Al Mukhtar, which, by the way, includes boiling, tanning, slaughtering and dividing.

To hasten to say Haram without considering the process of change, to look into the original without considering the new product shows the inability to understand the world of science and chemistry advanced as it is nowadays and ignoring the needs of the Muslim communities in their new environment.

May Allah guide us on the right way.