

TheSunniWay 



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Presided by Qazi-ul-Quzzat fil Hind, Mufti Asjad Raza Khan

DECREE 1: FOOD AND MEDICINAL PRODUCTS CONTAINING GELATINE

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QUESTION 1

What is the technical definition for ‘change in essence’¹? Does this definition apply to the making of gelatine from collagen? On this basis, will the gelatine made from pig and other sources be ruled unlawful?

ANSWER

- a. Upon unanimous agreement² it is confirmed that, ‘change in essence’ is the changing of a thing when, considering its origin or specific attribute, it becomes another thing. This definition is taken from the following texts,

أن النجاسة لما استحالت، وتبدلت أو صافها ومعانيها خرجت عن كونها نجاسة؛ لأنها اسم لذات موصوفة، فتتعدم بانعدام الوصف، وصارت كالحمر إذا تخللت (بدائع، ج ١، ص ٢٣٤)

جو چیزیں ایسی ہیں کہ وہ خود نجس ہیں (جن کو ناپاکی اور نجاست کہتے ہیں) جیسے شراب یا غلیظ، ایسی چیزیں جب تک اپنی اصل کو چھوڑ کر کچھ اور نہ ہو جائیں پاک نہیں ہو سکتیں، شراب جب تک شراب ہے نجس ہی رہے گی اور سہر کہ ہو جائے تو اب پاک ہے۔ (بہار شریعت، حصہ دوم، نجس چیزوں کے پاک کرنے کا طریقہ، صفحہ ٣٩٦)

- b. Considering the detail submitted in the inquest³ regarding the making of gelatine from collagen and after thorough examination and scrutiny, it is confirmed with agreement of the delegates that this definition for ‘change in essence’ does not apply to the making of gelatine from collagen.
- c. Gelatine made from pig and other *Haraam* sources is unlawful and Allah, Most High, knows best.

QUESTION 2

If ‘change in essence’ has not occurred, will the gelatine be ruled unlawful based on ‘dominant suspicion’⁴ that it is sourced from pig when there is a lack of certainty whether it has been sourced from *Haraam* or *Halaal* sources and either is probable, or will it be ruled lawful based on the probability of it being sourced from *Halaal* sources?

¹ انقلاب ماہیة – which means the transformation or change of the origin or essence of a thing or substance.

² Of the delegates

³ سوالنامہ

⁴ ظن غالب

ANSWER

The gelatine is *Halaal* if its acquisition from *Haraam* sources is not known with certainty⁵. It is in *Al-Ashbaah*,

شك في وجود النجس فالأصل بقاء الطهارة (ص ٦٢)

It is in *Hadeeqah Nadiyyah*,

لا حرمة الا مع العلم لا مع الشك والظن لأن الاصل في الأشياء الحل (ج ٢، ص ٧٣٨)

and Allah, Most High, knows best.

QUESTION 3

Food and medicinal products that contain gelatine have become common in the markets. The common Muslim also uses and consumes them; however, it is not difficult for the prominent⁶, who give importance to *Halaal* and *Haraam* to abstain. Lawful alternatives are also available in the markets. In such a situation, will it be ruled lawful, based on the directive of *Umoom Balwaa*⁷, due to the practice of common Muslims?

ANSWER

When the impurity and unlawfulness of the food and medicinal products containing gelatine available in the markets is doubtful and there is no legal means to prove a specific product contains unlawful gelatine, then it is lawful according to the essential law⁸. It is legitimate to buy, sell and use it. There is no need to seek support of *Umoom Balwaa* for this matter.

It is in *Al-Ashbaah*,

إذا اختلط الحلال بالحرام في البلد، فإنه يجوز الشراء والأخذ إلا أن تقوم دلالة على أنه من الحرام (ج ١، ص ٣٨٥)

It is in *Ghamz Al-Uyoon*,

كون الغالب في السوق الحرام لا يستلزم كون المشتري حراماً يجوز كونه من الحلال المغلوب والأصل الحل (ج ١، ص ٣٨٥)

⁵ يقين

⁶ خواص

⁷ A prohibited matter that the common and prominent are engaged in and to abstain is near impossible due to the harm it causes either the Faith, Life, Intellect, Kinship or Property. (Translator's Note)

⁸ That all things are in essence lawful.

and Allah, Most High, knows best.

QUESTION 4

Is it necessary upon the common Muslim to check the ingredients at the time of buying such products? If it is, then does he have to inquire if it is from an unlawful source?

ANSWER

When both lawful and unlawful products are available in the market then it is not necessary⁹ upon a Muslim to research whether it contains gelatine or not at the time of buying food or medicine; however, it is better to do so.

It is in Fataawa Ridawiyah,

بلکہ صرف اس قدر حکم ہے کہ وہ چیز تصدیر میں لائیں جو اپنی اصیل میں حلال و طیب ہو اور اُسے مانع و نجاسیت کا عارض ہونا ہمارے علم میں نہ ہو لہذا جب تک خاص اس شے میں جسے استعمال کرنا چاہتا ہے کوئی مظنہ قویہ حذر و ممانعت کا نہ پایا جائے تفتیش و تحقیقات کی بھی حاجت نہیں مسلمان کو روا کہ اصل حل و طہارت پر عمل کرے اور ممکن و یکتامل و شاید و لعل کو جگہ نہ دے۔ (ج ۳، ص ۵۶۶)

It is in Hadeeqah Nadiyyah,

ولا يلزمه السؤال عن شيء حتى يطلع على حرمة ويحقق بها فيحرم عليه (ج ۲، ص ۶۶۶)

and Allah, Most High, knows best.

QUESTION 5

If products containing gelatine are ruled unlawful, are there any instances whereby their use is permitted for nutritional or medicinal purposes? If affirmative, then what are these instances?

ANSWER

It is permissible to use products containing gelatine because they are not ruled unlawful. However, if certainty is attained regarding a specific thing that it contains unlawful gelatine then its use is unlawful without legal necessity¹⁰ and Allah, Most High, knows best.

⁹ واجب

¹⁰ ضرورة شرعية – a Legal necessity that endangers one's Faith, Life, Intellect, Kinship or Property.

QUESTION 6

If *Umoom Balwaa* is not affirmed, is there any mitigation in its rule of unlawfulness and impurity¹¹ because such products are wide spread in the markets and to avoid them is difficult if not impossible?

ANSWER

Until certainty is not attained regarding the unlawfulness and impurity of the gelatine, it is permissible and lawful according to the law: *in essence all things are lawful*¹². There is no need to seek an escape clause in *Umoom Balwa* in favour of its permissibility.

QUESTION 7

If the label of a product has gelatine written on it followed by, 'kosher', will it be ruled pure and lawful? Similarly, will it be ruled pure and lawful if it is known after observing the label or contacting the production company that the gelatine is extracted from plants?

ANSWER

The word, 'Kosher' written by Jews is not legal evidence for it to be ruled lawful. If the thing is pure and lawful considering its essence¹³, then it will be ruled pure and lawful. If it is impure and unlawful then it will be ruled impure and unlawful. According to the Jews, the term, 'Kosher' is synonymous with *Halaal*, as mentioned in the inquest, and the information with regards to a thing being lawful or unlawful is from the matters of faith¹⁴ in which the word of a non-Muslim is not considered. It is in Hidayah,

أما الديانات فلا يكثر وقوعها حسب وقوع المعاملات فجاز أن يشترط فيها زيادة شرط فلا يقبل فيها إلا قول المسلم العدل لأن الفاسق منهم والكافر لا يلتزم الحكم فليس له أن يلزم المسلم بخلاف المعاملات لأن الكافر لا يمكنه المقام في ديارنا إلا بالمعاملة ولا يتهيأ له المعاملة إلا بعد قبول قوله فيها فكان فيه ضرورة ولا يقبل فيها قول المستور في ظاهر الرواية (هدايه، ج، ص ٤٣٨)

and Allah, Most High, knows best.

¹¹ *Karaahah Tahreemi* or *Tanzeehi*

¹² الاصل في الأشياء الحل

¹³ Origin

¹⁴ ديانات pl. ديانة

QUESTION 8

If a non-Muslim provides information with regards to an unlawful admixture¹⁵ in a lawful thing, is it legally permissible to rely on it or not?

ANSWER

The information of lawful and unlawful is from the chapter of the matters of faith and therefore, if a non-Muslim provides information on a thing being lawful or unlawful, it is not considered. It is in Fataawa Ridawiyah,

گوشت خریدا ہو کافر کہے اس میں لحم خنزیر ملا ہے مسلمان کو اُس کا کھانا حلال اگرچہ اس کا صدق ہی غالب ہو (ج ۳، ص ۵۴۹)

However, if it is information regarding an admixture, which is legally unlawful, in a thing prepared by the non-Muslim then his information is not from the matters of faith and thus, considered. It is in Al-Durr Al-Mukhtaar,

وأصله أن خبر الكافر مقبول بالإجماع في المعاملات لا في الديانات (ج ۹، ص ۴۹۷)

and Allah, Most High, knows best.

¹⁵ آمیزش