ISTIHALAH: BROADENING THE HORIZONS FOR HUMAN IN SCIENCE AND TECHNOLOGY'S ADVANCEMENT

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ABSTRACT

Istihalah is defined as change, transformation, transmutation and impossibility of a matter. It has been a topic of debate among the Islamic scholars for a long time; whether it is halal or haram after a matter has been through a changing process. In general, the scholars gave the description of istihalah along with examples that does not limited to transformation of wine to vinegar only. Instead, they also gave many variations including carcasses bone becomes ash and status of dogs’ or pigs’ carcasses buried in salt to name a few. In the case for halal and haram of istihalah products, there has been many opinions arose from the scholars; rigid, moderate, and loose. One thing that is clear is amidst the rigid opinions are being practiced in the society, the moderate opinions are considered as the most nearest to religion. Thus it is apparent that the objective of the Islamic syariah is to realize the moderate opinions in life.

Keywords: Istihalah, halal, haram, transformation, islam

1. INTRODUCTION

As Muslims around the world concern about halal and haram in their everyday life, the knowledge regarding that has been excavated throughout the years. This happens especially in this new era of science at the time of advancement through modern technology in order to enhance our life. The issue becomes more prominent when Muslims constitute 1.65 billion people around the world in 2010 and expected to increase by over one percentage point each decade with the ratio of one out of four by 2020 and increase by one out of three by 2075 (Kettani, 2010). The awareness does not only affect the Muslims, but the non-Muslims as well as the marketability of various products that is halal is more extensive then the haram ones since both Muslims and non-Muslims can acquire it.

Halal is an Arabic word derived from the verb *Hala* which bears the meaning of “opening a node, unwind, unscrew, unravel, untangle, disentangle, disengage, or resolving something”. In Islamic concept, its definition is “things, food, or actions permitted by God’s will or instruction, clean, pure, and opposed to haram” (al-Jallad, 2008)(Malboobi & Malboobi, 2010) (Latif, 2011). On the other hand, haram is derived from the verb *Harrama*; the opposite of halal which bears the meaning of “taboo, inviolable, sacred, holy, ill-gotten, sin, wrongdoing, offence, illegal, prohibited, not allowed” (al-Jallad, 2008) (Latif, 2011). The development of new technology in genetic engineering and modern biotechnology especially gave rise to religious concerns for ijithad by Muslim scholars of various Islamic Schools of

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Thought to describe the status of products produced from them. Even though halal and haram in Islam has been clearly defined in the al-Quran and Hadith, there are still elements which are still in need for more information. Alternative methods to determine halal and haram are al-Istihalah (transformation), al-Istihlak (decomposition), al-Dharurah (necessity), and al-Istibra’ (quarantine) (Jamaludin, Zaki, Ramli, Hashim, & Rahman, 2011). But, this paper will be focusing on istihalah only.

The Al-Quran and As-Sunnah are two of the most important religious sources of Islamic teaching. In the Al-Quran, there are pointers and teachings which are definite (absolute) and then there are certain laws which are general and subject to interpretations and elaborations as provided by the As-Sunnah. Principles that are still not definite beyond the As-Sunnah are subject to interpretation by the Muslims, more specifically, those in the society that are qualified to dissect the laws (ulama’) that are mentioned in both the Al-Quran and As-Sunnah via ijithad.

Fiqh knowledge is the product of ijithad by the ulama’ on the Al-Quran and As-Sunnah which allow proper understanding of the sacred texts. Fiqh knowledge extents to encompass explanations on principles and laws in the Al-Quran and As-Sunnah, spanning situations and conditions that are relevant to those principles and laws. Activities related to ijithad in various stages are documented in various Fiqh scriptures and is carried out in a frame responding to changes and dynamics in each generation. It is not uncommon that changes are made to previous ijithad with the inclusion of the differences in opinion between the former and the latter.

2. UNDERSTANDING ISTIHALAH

Istihalah is derived from the root word of Arabic; Hala with the root word حلال (nw) which literally means changing from one form, state, nature or character to another (Malboobi & Malboobi, 2010) (Jamaludin, Zaki, Ramli, Hashim, & Rahman, 2011)(Mohamad, Sidik, & Omar, 2012). Scholars in Islamic School of Thought has been doing research or ijithad regarding to its meaning by conceptual, thus it can be defined as transformation of materials to other materials (non-reversible transformation) that involves the conversion of compositions and properties includes the conversion of filth’s (nafs) physical appearance and its properties such as name, odour, taste, colour, and nature into pure (thahir) (Jamaludin, Zaki, Ramli, Hashim, & Rahman, 2011).

In a term of Fiqh Law, Al-Istihalah describes change in a substances etc, for example, the change from wine (khamar) to vinegar (khalil). Dispute arises in question of the halal/haram status of those things that undergo istihalah; both product (before undergoing istihalah) and end product (after istihalah). Among them, wine undergoes istihalah to produce vinegar whereby wine and vinegar are at two ends of the spectrum, the former haram for consumption, while the latter halal. Fiqh laws and the ijithad concerning istihalah related products have been around since the early days of Islam and the growth of Fiqh laws. Disciples of the Prophet Muhammad S.A.W. have asked the Prophet in a friendly manner of the do’s and don’ts that surround istihalah as in the change of khamar to khalil, which are found in several stories of the Prophet’s life.

According to Wahbah al-Zuhayli, istihalah is the “process of change that occurs to a najs (ayn najasah) substance to a pure substance either naturally or through mediation”. He also gave examples like “the change of deer blood to musk; the change of wine to vinegar through naturally or via mediation by some other (which speeds the fermentation); the change of animal carcass or dog to salt as a result of the dog falling into salt; the change of faeces to ash as a result of burning it; the change of fats to soap; the change of soil from drains (tainted with faeces) which has dried and lost the trace of the faeces; the change of faeces that has been buried in soil and lost all traces of the faeces after a certain period of time” (Wahbah al-Zuhayli, 1997: 1:100).
3. THE OPINIONS OF 4 SECTS OF ISLAM ABOUT ISTIHALAH

Mentioned many times in ancient Fiqh scriptures, istihalah is often an issue that causes difference in opinion among ulamas. In general, the istihalah concept is accepted through means of ittifaq in only certain cases. A predominant part of istihalah is practiced within certain sects with discretion. Ulamas of the Hanafi sect mostly accept the concept of istihalah although there has been a bit of a dispute between Muhammad and Abu Yusuf. The view of the Maliki sect with regards to istihalah is similar to the Hanafi sect.

The Syafie sect however, only accepts three scenarios where istihalah is concerned;

i) The natural conversion of wine to vinegar;
ii) Dead animal skin (hide) except dog and pig after it is being tanned;
iii) Something that transforms into an animal, for example when a carcass is infested by maggot, thus becoming new life; (Wahbah al-Zuhayli: 1: 101).

Wine that is artificially transformed into vinegar (human act of adding fermenting agents etc. into it for speedy transformation) is rendered unacceptable.

The Hanbali sect stands similar to the Syafie sect point of view whereby istihalah is only accepted in the context of wine transformation to vinegar naturally. It is also accepted if wine is unintentionally put in a place (with certain conditions) that cause acceleration of transformation.

4. CURRENT ULAMA’S POINT OF VIEW

Points of views by current ulamas or Muslim scholars in this issue are abundant albeit not extensively documented. In the resolution of Muslim Ulama conference on medical issues, held in Kuwait in May 1995, it was decided that (Wahbah al-Zuhayli: 660-665);

i) Gelatine formed by istihalah from najs animal sources (skin, bones and veins) are halal and safe for consumption.
ii) Soap made by istihalah from porcine (or dead animal/carcass) fat is pure and should be used.
iii) Cheese made from rennet originating from dead animal/carcass is halal and pure for consumption.
iv) Cosmetics with porcine fats are not usable unless it has undergone istihalah process and has changed in form and in nutrients.
v) Food (certain foods like cheese, oil, butter, yoghurt, biscuits, chocolate and ice cream) containing porcine fat as part of it ingredients without change in composition and nutrients is haram for consumption.

5. CONCLUSION

The fatwas by ulama’ both from the past and current is an indicator that istihalah is indeed an important concept for application especially in existing situations where usage of non-halal food ingredients have come into play. Now more than ever, food technologists, biotechnologists, pharmaceutical experts etc, have a crucial role to play in giving invaluable input with regards to istihalah. Input that can further
reinforce the objectives of Syariah i.e. tolerance, flexibility and ease of realisation. Among the mercy of Allah ‘Azza wa Jalla, towards His beings, is to ease general issues in Syariah as a broadened way for the livelihood of Muslims. Ulam salafus salih says, ‘Don’t say that difference in opinion is a dispute; rather say that it is a broadening of horizons.’

REFERENCES


