Permissibility
or
Impermissibility
of Foods

A ruling application for guidance concerning the permissibility or impermissibility of foods where they contain alcohol and / or animal products

by

Professor Muḥammad ibn Abdullah al-Mas'ari

Summary

There has been a lot of discussion these days about some drinks which contain a very small percentage of alcohol and about some foods which may contain traces of animal products from pigs or other animals which have not been slaughtered in the ways set by *Sharī'ah* or traces of other impurities (*najasah*). Hardly a day passes by without a new publication being broadcast on the Internet warning about some specific product either because it contains alcohol or because it contains such and such substances which are either '*forbidden'* or '*impure'*.

The whole subject is surrounded by a lot of sensitivity and is combined with a lack of thorough reading and comprehension of *Sharī'ah* texts, a lack of accurate identification of the reality of these drinks, foods and substances under consideration and the lack of a diligent study of all the aforementioned matters. This has had many Islamic personalities and institutions to assume positions that are rather exaggerated and extreme which dictate that any percentage of alcohol or any trace of such and such substances would make the product impure and forbidden, rendering it unsuitable for consumption by Muslims.

This research addresses also the debate initiated by the standard industrial process, used by the majority of drink manufacturers, to infuse flavouring into soft drinks utilising Ethyl Alcohol as a carrier.

The objective of this study is to enable the Muslim public to form a balanced view about this issue based on a study of confirmed religious texts having understood these texts in the correct manner based on an in- depth diligent examination of these texts. The texts are further enlightened by relating them to the physical reality of the issue at hand as demonstrated by

modern experimental sciences and reliable laboratory experimentation and results that are based on accurate observation and strictly controlled repeatable processes.

Section 1: Drinks that contain ethyl-alcohol

There is no doubt that '*Khamr*" is absolutely forbidden by virtue of the categorical evidence in the Qur'ān, the traditions of the Prophet (*Sunnah*) and firm consensus. The fact that '*whatever causes intoxication is forbidden*' is also indisputable by virtue of conclusive evidence contained in the *Sunnah* and in the consensus of the Companions of the Prophet (*Ijmā' aṣ-Ṣaḥābah*). This is true even though it may not be known to a great number of people and regardless of whether the intoxicating substance was called '*Khamr'* or otherwise. We have proven this matter beyond doubt in the appendix (Appendix No.1), which may be referred to if so required.

It is also a proven matter that *'Every intoxicating substance is a "Khamr"'* as far as *Sharī'ah* is concerned; therefore every ruling that applies to '*Khamr'* would apply, to the letter, to every intoxicating substance regardless of the fact that the name '*Khamr'* was linguistically the term used for grape juice after it had fermented and increased in strength thereby becoming an intoxicating substance. This is the case because definitions according to *Sharī'ah* are the sole definitions which have precedence over purely semantic definitions.

Another confirmed matter is that the prohibition is based on the intoxicating quality of the drink as such, and is not based on either the amount actually consumed (becoming intoxicated or not) or on the last dose leading to intoxication alone. This is so because *"Whatever causes intoxication if taken in great amounts is forbidden even in small amounts"* and because *"It is forbidden to consume even a handful of whatever causes intoxication if a Faraq of which is consumed".* We have also proven this matter beyond any reasonable doubt in the appendix (Appendix No.1), which may be referred to if so required.

Therefore, there is inaccuracy in what had been said by some of the learned scholars of Kufa, headed by the great Imām Abu Ḥanifah al-Nu'mān bin Thābit (may God be pleased with him), and by some the followers of Ḥanafi school (may God's mercy be upon them), in that the word '*Khamr'* refers only to fermented grape juice that had increased in strength rendering it forbidden, regardless of how little or how much is consumed. Further it was proposed by them that other intoxicating substances are forbidden only in large quantities leading to intoxication such that it is permissible to drink small amounts of such substances as long as such amounts do not lead to intoxication.

However, it appears that the Muslim public have not noticed that the religious texts were intended for drinks that *"intoxicate if consumed in large quantities"* because these drinks *'cause intoxication if consumed in a certain amount'* and not because these drinks contained the substance called 'ethyl alcohol'. Hence, if another type of drink caused intoxication because it contained a different substance, such as opium, then such a drink would also be forbidden. Vice-versa, it follows that a drink which contains very low percentages of ethyl alcohol such that 'large amounts' of which would not cause intoxication; it is still permissible by default.

Regardless of whether mentioning the word '*Faraq'* in the *ḥadith* was meant to specify the amount literally or whether it was no more than a *metaphor* used to indicate a very large amount which an ordinary person would find difficult to drink in normal circumstances and regardless of the estimate given by some people to the volume of the '*Faraq'* as the equivalent of six litres (we estimate that it is slightly less than that, about 5.6 litres), regardless of all that, it has been generally reported that a normal adult human being cannot drink more than five litres of fluid intake within a short time period without falling victim to 'water poisoning' which is manifested at its beginning, i.e. in mild cases, by a change in the mental state which could be considered akin to being drunk and may also be accompanied by sickness.[1] These symptoms become more intense and more life-threatening if the consumed amount exceeds 10 to 20 litres. They turn into dizziness, giddiness and sickness followed by loss of consciousness leading to death. It is obvious of course that these poisoning symptoms and their intensity would increase if such a quantity was consumed non-stop over a very short period, e.g. half an hour. To avoid water poisoning it is advised individuals do not consume more than 1 litre of fluid per hour.

[1] The original research contained some additional appendices, five through to seven, outlining the various laboratory experiments that were conducted. For the sake of brevity these haven't been included in this online version at present.

It is also scientifically proven that ethyl alcohol is metabolized in the body into water and carbon dioxide at a rate of 7 to 10 grams per hour in an adult human, this task is performed mainly by the liver. Therefore, with a drink containing trace amounts of alcohol (say <0.2%), it would not be possible to accumulate an amount of ethyl alcohol large enough to cause intoxication unless the intoxicating drink is being consumed continuously and in considerable amounts. However, it is therefore physically impossible for a human being to consume more than a '*Faraq'* of a beverage containing levels of alcohol <0.2% in a continuous fashion and over a short period of time whilst avoiding the aforementioned 'water' poisoning. The issue then really becomes one of a 'fatal poison' and not all of an 'intoxicating substance'.

Therefore, the '*Faraq'* as mentioned above is indeed suitable for determining an 'upper limit' for the amount that may be consumed of any kind of drink, including water. It follows that it is incorrect to ask about whether or not a certain kind of drink containing trace levels of alcohol would intoxicate if more than a '*Faraq'* of which is consumed because such a thing is unlikely to happen, if we bear in mind that the mental state of the drinker would change because of the aforementioned 'water poisoning', i.e. he will become 'intoxicated' by way of 'water poisoning' before he being intoxicated by the influence of the alcohol present in the drink, that is if the person remained alive at all.

Furthermore, the religious texts indicate the certainty of the fact that the mere existence of a small amount of ethyl alcohol in a drink cannot render it forbidden or impure as shown in the following evidence:

Evidence 1

That God's Prophet, may God's praise, salutation and blessings be upon him and his family, told the delegation of Abul'-Qais (as confirmed in the *ḥadith*) to use *Nabeeth* fermentation in drinks. He ordered them to dilute the drink using water if they feared that its fermentation had made it too strong. It is a physical reality, as shown by modern laboratory based sciences, that *Nabeeth* (wine), fermented juices) contain alcohol. It is inevitable that alcohol will begin to form from the very first moment of fermentation. Its percentage increases gradually, little by little, not in a leap as some people might imagine and unlike what the majority of scientists had thought in the past. The strength of the *Nabeeth*, i.e. that it reached the forbidden intoxication limit, could only be determined in the days of the Prophet, may God's praise, salutation and

blessings be upon him and his family, by the distinctive smell of alcohol and its well-known flavour.

Evidence 2

That the Prophet (may God's praise, salutation and blessings be upon him and his family) gave guidance to people on how to use fermentation safely, as confirmed in the authenticated *ḥadith* in *Ṣaḥīḥ* Muslim and others. The Prophet (may God's praise, salutation and blessings be upon him and his family) had returned from a journey. The people met him to welcome him. They had with them fermented drinks that either had become very strong such that they were bubbling and frothing or were produced in forbidden types of vessels (before the prohibition to ferment in certain types of vessels was abrogated). He ordered them to spill it and get rid of it. He then guided them to a safe way of making fermented drinks which is: The raisins are to be soaked in water inside a vessel made of skin which is then hung in the house on the evening of that day. The fermented drink may be drunk on the following day, the day after that and thereafter until the evening of the third day. The aim is to drink all the contents by that time or else the remaining quantities will have to be spilt and got rid of either that very night or in the following morning.

Hence, for three days and nights the Prophet (may God's praise, salutation and blessings be upon him and his family) drank the fermented drink and offered it to others. A certain amount of alcohol must have formed in the *Nabeeth*. It must have increased gradually such that it was feared that it would have reached a worrying level on the morning of the fourth day; therefore he ordered it to be spilt either out of piety and as a precaution, which is what we believe is the most likely motive as the Prophet (may God's Praise, Greeting and Blessings be upon him and his family) is indeed the most pious of all people, or because it is a compulsory duty to do so.

A controlled experiment carried out in an independent research laboratory in which the process of making the aforementioned fermented drink of the Prophet (may God's praise, salutation and blessings be upon him and his family) was reconstructed under controlled

repeatable monitored conditions. The experiment has shown[2] that the percentage of alcohol increased gradually until it reached:

1. 0.022% at the end of the third day, i.e. after 72 whole hours had passed since the moment when the fermentation process had started. This was for a *Nabeeth* made of one and a half kilograms of raisins placed in five and a half litres of water. These quantities were chosen such that the percentage of sugar in the mixture is equal to that in fresh grape juice (about 17%). At the end of the sixth day, the alcohol percentage leapt to 8.4% which is undoubtedly intoxicating.

2. 0.067% at the end of the third day, i.e. after 72 whole hours had passed since the moment when fermentation process had started. This is for a *Nabeeth* containing double the percentage of raisins, i.e. double the percentage of sugar.

3. 0.41% at the end of the third day, i.e. after 72 whole hours had passed since the moment when the fermentation process had started. This is for grape juice.

However, we hasten to confirm that these percentages are certainly much lower than those which would have prevailed in the Prophet's *Nabeeth*. They are on the conservative side to quite an exaggerated extent for the following reasons:

1. The water used was a pure mineral water of the kind sold commercially in bottles. This is extremely pure in nature and hardly contains any mentionable amount of either the fungi which cause fermentation and moulding or the germs which cause vinegarisation. This very different from the water in Medina at the time of the Prophet (may God's praise, salutation and blessings be upon him and his family) which would have undoubtedly been teeming with large numbers of all sorts of fungi and germs.

[2] Detailed originally at appendix 7

2. The raisins used were pure sun dried raisins which had not been treated with preservatives or chemicals but were merely treated with vegetable oil vapour to give it a beautiful appearance. This oil steaming process is expected to eradicate a large number of fungi which are usually always present on the skin of the grape itself even whilst it is still on the vine and would have continued to exist in the raisins.

3. An attempt was made to introduce fungi which are naturally present in the air into the water and the raisins by way of passing air through the water container and through the raisins for several days; however, the atmosphere of the city of London in the middle of February 2004 inside a meticulously cleaned laboratory, must have had an extremely small percentage of fungi and germs. This was due to the extreme coldness of the weather and to the precipitation time and time again of rain and snow which purified the atmosphere before and during which that period. This is in sharp contrast with the conditions prevailing in Medina where the dry hot atmosphere is saturated with fungi and germs where *Nabeeth's* were made in houses and kitchens full of fungi.

4. The animal skin vessel itself would have been a source of yeast fungi

Evidence 3

That the Prophet himself (may God's praise, salutation and blessings be upon him and his family) drank from the *Nabeeth* prepared to water the pilgrims during his last pilgrimage. Not a bad amount of reports indicated that he did so after diluting the *Nabeeth* several times using water after he had initially rejected it because he disliked its smell.

Evidence 4

When the Caliph Umar ibn al-Khaṭṭāb, may God be pleased with him, visited Syria after it had been conquered, the people of Syria complained to him about the coldness of the country and the nature of its land. When he instructed them to drink honey, some local people (Syrian Christians probably) replied: "Honey does not suit us." When he told them: (You may not drink intoxicating drinks) some Syrian (Christians probably) commented: Would you like us to make you out this drink (i.e. the intoxicating drink) something that does not intoxicate and

would be suitable for the people to have?). He agreed. They cooked the wine until it was reduced by two thirds. Only one third remained and it looked like black honey. Umar tasted it to try it out. He said "This is indeed a *Tilaa'* for it looks just like the tar used to treat camels." He ordered that it should be drunk and sent letters across the land to that effect. He even made it acceptable as payment from the treasury (*Bayt-ul-Maal*). This was emulated even by Caliph Ali ibn Abi Ṭālib, may God be pleased with him, during his rule. This was also approved of by the companions of the Prophet (may God's praise, salutation and blessings be upon him and his family). In fact, some of these companions did not see anything wrong with the 'halved' *Tilaa'*; i.e. one which has been reduced only by half through cooking.

We know that alcohol boils before water does; therefore, its percentage in any drink would reduce through the cooking process, as in the *Tilaa'* production process. However, it would be physically impossible that the said *Tilaa'* which was approved by Caliph Umar and by Caliph Ali, may God be pleased with them, was completely free of alcohol even although its alcohol content would have been below the intoxicating limit.

Another controlled experiment carried out in an independent research laboratory in which a reconstruction of the manufacture of *Tilaa'* was undertaken, under controlled repeatable monitored conditions, has shown that the alcohol percentage:

1. When the volume of wine was reduced to a half and then reconstituted (diluted) back with water to the original volume, the ethanol content reached 0.6%. When the wine was reduced to a third of its volume, and then reconstituted back with water to its original volume, it reached 0.1%. This was for a wine made of red grapes (KWC Merlot) which used to contain 14.8% alcohol before the heating began.

2. When the volume of wine was reduced to a half and then reconstituted (diluted) back with water to the original volume, the ethanol content reached 0.4% in the halved *Tilaa'*. When the wine was reduced to a third of its volume, and then reconstituted back with water to its original volume, it reached 0.2%. This was for a wine made of white grapes (Dom Brial) which used to contain 15.8% alcohol to begin with.

It should be mentioned that the grape wine used in this evaporation by boiling experiment, was one of the strongest kinds of wine as it contained the highest percentage of alcohol that may be obtained naturally, about 15%. Drinks containing higher alcohol percentages cannot be produced by fermentation alone, other concentration, distillation or deliberate alcohol addition processes are required for that purpose. These were not known or common at the time of the Prophet's companions. Furthermore, the wines and fermented drinks which were available at the time of the Prophet's companions were probably cloudier as modern filtration techniques were not available to them. Perhaps this is how the Ethiopian drink made of maize got its name '*Ghubairaa'* (Dusty) as it was so cloudy that it looked like dusty weather, this is in contrast with the clarity and transparency of similar present day drinks such as beer.

These cloudy drinks usually maintained higher alcohol contents than the drinks made from evaporation through the boiling experiment. This is because the microscopic particles, which are the cause of cloudiness, bind alcohol strongly to their surfaces (*Surface Adsorption Effects*). Hence, we would expect the *Tilaa'* made in the days of the companions of the Prophet to contain a higher percentage of alcohol. It would have also had a thicker consistency, similar to that of honey or syrup. Therefore, the percentage we have obtained from this experiment is also on the conservative side.

Evidence 5

A large number of fresh juices, upon which there is a conclusive consensus that they are permissible and pure, can contain a very small percentage of alcohol. For example, orange juice typically contains an alcohol percentage, due to natural fermentation of the sugars with yeast, of between 0.2% and 0.5 percent.

Finally

Differences in tolerances and susceptibility account for wide variations in an individual's response to alcohol. Modern day biological and medical sciences have concluded that in general, ethyl alcohol is not considered to have any notable effect on human behaviour, if it is consumed at a rate of about 0.2 gram for every kilogram of body weight (equivalent to 10 grams using a conservative body weight of 50 kilograms). Minor impairment of function is

then observed on the biological functions such as a drop in the speed of responses to fleeting stimuli at a dose of approximately half a gram per kilogram of weight (this is equivalent to 25g using a conservative body weight of 50 kilograms). Doses of 2 grams and over per kilogram of body weight are considered intoxicating (equivalent to over 100 grams using a conservative body weight of 50 kilograms). If we exaggerate by assuming that this these two different levels of alcohol (10g and 100g) are dissolved in the volume of a '*Faraq'*, i.e. 5.6 litres, which is then drunk non-stop at great speed and if we extremely exaggerate in erring on the side of caution by assuming a very conservative body weight of 50 kilograms), we would arrive at the following percentages:

1. An approximate ethyl alcohol percentage of about 0.23% or (0.18% by weight) or less: This does not have any notable effect. As far as *Sharī'ah* is concerned, there is no difference between this drink and clear fresh water. This percentage also lends support to the view taken by the companions of the Prophet who saw no harm in the halved wine thereby providing more proof of the correctness of their methodology.

2. A percentage of about 2.3% by volume (1.8% by weight) or more: This would probably be intoxicating for very thin adults.

3. Somewhere in between the aforementioned percentages there is a region where conditions vary from person to person. This is the grey area where the intensity of the wine should be diluted using water, as is the case in the *ḥadith* of Abdul-Qais and others.

Some people have also enormously exaggerated the matter of the *Najaasah* (ritual impurity) of ' *Khamr'* (wine) despite the fact that proven historical reports provide absolute confirmation of its purity, from a ritualistic aspect, prior to it becoming forbidden. The companions of the Prophet used to drink it; they used to pray with traces of it on their clothes. There is no text designating it as impure at that time and stipulating that it should be washed off clothing. This is in complete contrast to the case of human urine which was confirmed by a multitude of texts as being impure and on which there has been such a complete consensus that the matter has become basic piece of religious knowledge to every Muslim. Hamza ibn Abdul-Muttalib and

others were martyred having had *Khamr* in their bellies and on their clothes. Subsequent to that, it became prohibited to pray whilst intoxicated although drinking *Khamr* remained permissible. Then followed a subsequent stage when *Khamr* became absolutely forbidden. However, we do not have a single confirmed text, not even a single unconfirmed or fabricated text, which says that *Khamr* is ritualistically impure such that we should wash off any traces of *Khamr* which happens to fall on our clothes or bodies as is the case with urine, for example.

It is well known that religious prohibition and ritualistic worship-related impurity are two different and distinct concepts, as we shall demonstrate shortly. To begin with we hasten to say that what God the Almighty expressly stated in the Qur'ān:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

إِنَّمَا يُرِيدُ الشَّيْطَانُ أَن يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَن ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنتُم مُّنتَهُونَ

O you who believe! Be aware that Khamr, gambling, stone-alters and divination are an abomination of Satan's handiwork so keep away from them so that you may prosper.

Indeed it is Satan's plan to create enmity and hatred amongst you using Khamr and gambling and to prevent you from God's remembrance and from prayer. Are you therefore going to abstain?[3]

Although the word *Rijs* (filth, abomination) is a synonym of the word '*Najas'* (impurity), indeed the word '*Rijs'* denotes the most intense state of impurity, there is nonetheless no valid argument for those who claim the intrinsic ritual impurity of '*Khamr'*, i.e. wine, in the ritualistic worship-related sense, as is the case with urine and faeces. This is supported by the following evidence:

1. The word '*Rijs'* appeared once as an equal description of differing things one of which is gambling. Gambling is an action and is not a physical entity to which the ritualistic worship-related concept could apply in the first place. The '*Rijs'* or extreme impurity

[3] *Qur'ān*, 5: 90/91.

is definitely an abstract concept denoting badness, evil and being forbidden. It has nothing to do at all with ritualistic worship-related impurity. The same applies as far as idolatrous and superstitious practices; therefore the same meaning must be the one which is intended for *Khamr*.

2. The '*Rijs'* as it appeared in the Qur'ānic verse did not appear as an absolute generic type of '*Rijs'*. It is a specific type of '*Rijs'* described as being "*of Satan's handiwork"*, i.e. a satanic type of '*Rijs'*. Satan's handiwork is not a physical entity, it is an abstract one; therefore the '*Rijs'* as far as *Khamr* is concerned has to be of this same kind of '*Rijs'* i.e. a satanic abstract '*Rijs'* which has nothing to do with ritualistic worship-related impurity. In contrast, urine is impure as a physical entity which is not of Satan's handiwork, but rather a necessity of the system of the universe and of food metabolism and biological processes.

3. It is absolutely established that '*Khamr'* (wine) was permissible and pure before it became forbidden. It was not ritualistically impure. Its permissibility was later on overturned making it absolutely forbidden; however, its purity has not been overturned in any certain way as the word '*Rijs'* is more indicative of impurity in an abstract way. Therefore one may not say, according to the rules of *Sharī'ah* that its purity has been overturned unless there is lawful proof which makes it imperative to overturn or because doing so is a physical or rational imperative. It is perfectly easy and possible for something to combine both qualities of physical ritualistic purity and of abstract impurity as we have shown in 1 and 2 above. It is possible to do so without having to resort to excessively elaborate semantics and arguments. In fact this combination of qualities is probably the most likely and the strongest of arguments. Since it is possible to easily combine these two qualities then there is no compelling argument, whether in a text or by virtue of a physical or rational necessity, in support of the purity of *Khamr* being overturned. Therefore, such an argument is not permissible and would be forbidden to adopt or to believe in.

4. The aforementioned conclusions, which have been derived from the *Nabeeth* fermentation experiments, the manufacture of '*Tilaa''* the dilution of *Nabeeth* and others, must also dictate that ethyl alcohol is not impure. If alcohol were to be impure then *Khamr* would be impure because the smell and flavour of alcohol shows in it even

if it did not reach the intoxicating limits. This is exactly analogous to water which has shown the presence of impurity by way of an evident change in colour or smell rendering it unsuitable for drinking or purification. This is the case not because the water has intrinsically become impure but rather because it would be impossible to drink it or use it without simultaneously drinking/using the impurity. If it were possible to rid the water of the impurity and to isolate it then it would become suitable for dinking and for use as water is intrinsically pure as long as it remained as water. Since it has been proven that alcohol is not intrinsically impure and since *Khamr* is no more than juice that has fermented and become intoxicating, i.e. since *Khamr* is in essence a pure permissible juice, into which alcohol has been added, then it follows that *Khamr* is also not impure, contrary to the belief held by many people. The *Khamr* will still be impermissible to buy, drink or sell but physically it is pure. This is illustrated in the case of permissibility of perfumes containing alcohol, which you can use as a perfume, being neither soiled by impurity when applying it to your clothes or body, nor with any intention of using its possible intoxicating properties.

To summarise: The drinks under consideration, which are of the varieties Ribena Summer Fruits concentrate TK (after dilution as instructed), Ribena Blackcurrant & Cranberry concentrate (after dilution as instructed), Ribena RTD Orange Tropical TK, Ribena RTD Blackcurrant & Cranberry, Ribena RTD Mixed Berry, Lucozade Traditional Sparkling Glucose Drink, Lucozade Sparkling Lemon Glucose Drink, Lucozade Sparkling Tropical Glucose Drink, Lucozade Sparkling Wild Berry/Forest Fruits Glucose Drink Lucozade Solstis Sparkling Glucose Drink, Lucozade Sparkling Lemon & Lime Glucose Drink, Lucozade Sport Mixed Berry, Lucozade Sport Pink Grapefruit, Lucozade Sport Orange Energy Bar, Lucozade Sport Hydration Drink Citrus Fruits, Lucozade Sport Hydration Drink Summer Fruits and C-Vit Multi-Vitamin Blackcurrant Drink (after dilution as instructed) are not intoxicating according to *Sharī'ah* as their alcohol content is much lower than all of the safe limits mentioned above, please see appendix 6. Therefore, to be consistent with the evidences in the religious texts and sources, the upper safe limits of permissibility are not reached or exceeded by any of the products listed in appendix 6. This would enable their consumption, sale and handling by Muslims, in full compliance with the *Sharī'ah.*

Section 2: Food & drinks that contain animal products

In addition to the exaggeration and confusion as far as the prohibition of drinks that contain a very small amount of alcohol, the confusion is even more intense and fear is even greater when it comes to some foods or drinks which may contain traces of animal products taken from pigs, from animals which had not been slaughtered as directed by *Sharī'ah* or from other '*Najasaat'*, i.e. impurities, which may not be eaten. The Muslim public may be excused even more in this respect in view of the variation present in the statements made by religious scholars and in view of the multitude of statements which were either based on a false premise or on corrupted analogies and comparisons. Some of these statements were made by people who were dragged along by psychological influences which hardly any human being appears to be able to escape from when looking into the subject of '*Najasaat'* (impurities).

In order to come out of this maze, one must adhere to the religious texts in a strict fundamental manner and must avoid psychological influences through strict adherence to disciplined rational reasoning. To do so will not be possible unless we have the following rules as the starting point.

First Rule

The '*Najasah'* (impurity) according to *Sharī'ah*, which is also the ritualistic worship-related impurity, is not necessarily linked to psychologically perceived filthiness or to being a hazard to health. It is merely a religious ruling related to worship which is determined solely in accordance with legislator's texts; no more no less. Yet it is true that some wise intentions might have been built into these rulings or that other psychological, health, moral or taste-

related considerations might have been taken into account; nonetheless, these wise intentions do not constitute reasons by virtue of which these rulings may or may not be in force. Examples of this are:

a. Human urine is impure, conclusively impure, by virtue of conclusive clear proof and by virtue of firm consensus: Despite the above, some people do not consider urine as dirty, at least their own urine that is. Nevertheless, these very people would leap away in disgust if someone else's spit were to land on their hand; they would even rush to wash it off with soap, water and disinfectants in an exaggerated manner. This is so despite the fact that human saliva is pure. It therefore follows that ritualistic worship-related impurity is not necessarily linked to what is psychologically perceived as filthy.

b. Pure fresh water which is mixed with a poisonous substance which may kill whoever swallows such a substance but is nonetheless suitable for external use by way of rubbing it on the skin: Such water which has suffered no change to its colour or its smell, was and still is absolutely both pure in itself and capable of purifying other objects. It would be suitable for ablution, bathing and for cleansing floors and clothing from impurities; however, it would be forbidden to drink because of the risk of poisoning and not because it is impure. It follows therefore that ritualistic worship-related impurity is not necessarily linked to being a health hazard.

c. The wise intention behind the impurity of faeces might be due to the fact that they are full of germs, as is claimed by some so called 'rational' individuals who are in fact lacking all reason. Accordingly, these people argue that if faeces were to be boiled under high pressure then all the germs would be wiped out and the health hazard would disappear leaving behind a substance which is neither useful nor harmful. Nonetheless, as far as *Sharī'ah* is concerned, such a substance would remain impure as long as it has the consistency and form of faeces; i.e. as long as it qualifies to be called 'faeces.' Even if the 'wise intention, i.e. the aim or the reasoning, behind God's designation of faeces as being impure is due to the fact that faeces are harmful to health, the said designation is nevertheless not linked to whether such an intention is still valid or not. The designation is linked to the said substance merely by virtue of that it is being a specific entity called 'faeces.' Therefore, ritualistic worship-related impurity is a religious

ruling related to worship which is exactly as set out in the legislator's texts, no more, no less. Heaven forbid that we may subscribe to such alleged rationale. We believe that the designation of faeces as impure might have been made in order to elevate man to higher levels of humanity and to distance him from the lowly levels of animals that do not have an aversion towards their faeces, who do not seek to avoid being soiled by their urine nor seek to cover their private parts. It might have also been designated as such for other causes or for a complicated compound multitude of inter-related causes; however, this is not the subject matter of this study.

Second rule

Impurity in the religious sense, which is the same thing as ritualistic worship-related impurity, is a designation related to entities in this universe that have a physical quantifiable form of specific qualities and a specific name. The designation is absolutely related to that particular physical entity. Man's actions/intentions are irrelevant. If someone burns faeces or if it were to be accidentally burnt until they turn into ashes and can therefore no longer be called 'faeces' then these ashes are intrinsically pure regardless of whether the person who deliberately did so was sinful or not. The same applies to the impurities on clothes. These impurities would be removed if the clothes are physically washed, regardless of whether the person who did the washing knew or did not know about the presence of such impurities, regardless of whether there was an intention to remove such impurities and regardless of the presence or otherwise of a worship-related intention in an effort to seek purity. It does not even matter whether whoever did the washing was a believer or not; however, the reward for the purification process would depend on the belief of the person who did the washing and on his consciousness (i.e. having the presence of heart, mind and intention).

Third rule

The original/default designation for all the objects of the universe is that of purity (in the same way as the original/default designation of all objects is that of permissibility). There is no difference between solids, suspensions, liquids and gases (or even plasma ionized gas). There is no distinction in this respect between a pure substance, e.g. distilled water, a solution (i.e. substances dissolved in solvents, e.g. salt water), homogenous mixtures (such as milk, fats,

extracts and powders) or non-homogenous mixtures (such as rocks, soil, blood and the majority of substances in the universe). There is no distinction between simple and compound things, dead or living things nor between a dead object that originated from a living thing. All of the above in all types, shapes and forms are permissible pure entities unless a religious text has forbidden any one of which. However, any such entity does not become impure unless there is evidence to this effect either in the text which has forbidden the said entity or in another such text. If a text decrees that a certain entity is impure then although it would become impure, such an entity would not become forbidden, i.e. man's actions in relation to the said entity would not become forbidden except:

1. As required by the conceptual necessity arising from the fact that this entity is designated as impure.

2. If another text changes the status of the said entity from being permissible to being forbidden, then so be it.

Proof of the aforementioned arguments is contained in texts which prove that everything in this universe is permissible and pure as is demonstrated in the standard references and books on the "fundamentals of jurisprudence", in those on "Creed" and those on the "Monotheism" (Unity of God). An example can be found in what the Almighty told us:

وَسَخَّرَ لَكُم مَّا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِّنْهُ إِنَّ فِي ذَٰلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

God has made <u>all</u> that exists, whether in the skies or on land, available for you to use; all of which is provided by God. This is indeed proof for those who think and reflect.[4]

And it is also outlined in a large number of other texts.

<u>Fourth rule</u>

[4] *Qur'ān,* 45: 13

Impurity is a concept that is independent of the status being forbidden: An impure entity does not have the ability to forbid things, i.e. none of man's related actions is forbidden, save where:

a. it is imperative to do so by compelling conceptual necessity arising from the entity being impure
b. or when a specific text changes the status of any such action rendering it forbidden.

In contrast, to forbid something or to forbid a specific entity does mean forbidding all of man's actions in normal relation to the said thing/entity save for what has been exempted by a text or what is imperatively exempt due to physical or rational necessity. Furthermore, to forbid certain actions in relation to a specific entity does not mean that the said entity is impure. For example: Although wearing silk is forbidden for male Muslims and is permissible for females, silk remains a good pure entity, and its manufacture, sale and handling remain permissible i.e. the actions related to it.

Fifth rule:

If an impure entity undergoes a process which the legislated texts state that it has a purifying affect then it becomes pure even though the change to the self of the impure entity is limited such that it does not acquire a new name and such that the change only affected some of its qualities. The same is true even if the name of the impure entity changed whilst the entity has remained in the same genre or type.

The clearest example of this is: The purification of impure skins taken from carrion (improperly slaughtered or dead animals) through the tanning process, as provided for in the revealed texts. This is the case even though they remain as skins and only undergo a limited change. The extensive study shown in the appendix (Appendix No.4), demonstrates that this is the case according to the text and ruling of *Sharī'ah*. The revealed text always has supremacy and precedence over all others.

Bearing that in mind, the case must be even stronger for the purity of an impure entity which has gone through a change to its very essence by transforming into something else with

a different name by any means whether known to us today or to be discovered in the future. This is also in accordance with the general rules of religious law which are based on the necessity to use sense and reason. Examples of this are:

1. Pig meat which got burnt and turned into ashes: These ashes are pure and transformed pigs meat is now not impure.

2. Faeces which are thousands of years old which turned into stone and became a fossil. This is a piece of rock and no longer the impure faeces.

3. Chemical reactions which change the impure entity to another entity which has not been designated as impure in any text or one which did not exist previously in this world, things such as new chemical compounds. According to the third rule, these substances must be considered pure unless we have proof to the contrary. Some of the clearest examples of that:

    - In ancient times: The people of Yemen used urine in dyeing clothes. Undoubtedly, either all or some of the substances in the urine go through chemical reactions which fix the dye, i.e. it is chemically transformed to become part of the composition of the dye (the remainder is removed when the clothes are washed at the end of the dyeing process). The Prophet (may God's praise, salutation and blessings be upon him and his family) wore some of these clothes; his companions also wore them without any objection being voiced about the matter. When Umar ibn al-Khaṭṭāb wanted to ban such clothes during his rule as Caliph, the companions of the Prophet objected and prevented him from doing so. He backed out. It is also confirmed that Imām Muḥammed ibn Shihāb az-Zuhri used to wear such urine dyed clothes.

    - In modern times: The production of what is called 'animal coal' from animal bones by a process of destructive distillation. This type of animal coal is both pure and permissible regardless of the type of bones it was made of, i.e. whether they are pure permissible bones, bones from carrion (improperly slaughtered or dead animal) or pig bones. There is, therefore, no harm in using such a substance

to whiten sugar or in poison-gas protective masks. There is no prohibition even of eating it, if anyone should develop a taste for it.

This should be the way to deal with all impurities which have been transformed in a chemical reaction into a new substance.

4. Digestion and metabolism by living creatures: An example would be a chicken eating pig meat, dead animals and other impurities and bad things then turning what has been eaten, through digestion and biological metabolism into the constituent matter of the chicken's body which is not only pure and full of goodness but is also delicious and tasty.

We hasten to say that Islam has forbidden, in an exceptional manner with a specific text, the meat and milk of animals that are fed on excrement rather than their usual diet of grass, green plants and trees. There is no contradiction between this distinction and what we have discussed about chicken. A chicken is equipped by the very way in which it was created to digest whatever impurities it eats using the powerful secretions in its stomach before metabolizing such entities in a manner that removes impurity, this is the natural food for a chicken. In contrast, grass eating animals such as camels, cows and sheep do not have a digestive system that is equipped to get rid of the impurities contained in animal excrement. Physical reality and historical experiences are proof of this, as has been shown in the disaster of 'mad cow disease', which resulted from feeding fodder made of meat waste, slaughter blood and animal excrement to cows. That type of fodder which the digestive system of the cow is unable to digest and which cannot be metabolized properly by the biological reactions in the cow. Extreme caution is therefore called for.

Sixth rule

If a large amount of the pure substance has overwhelmed the small amount of impure substance such that the mixture did not show any trace of smell, taste, colour or otherwise, of the impure substance then the mixture is a pure one. Furthermore, if this basic overwhelming substance

has purifying qualities, e.g. pure water, pure soil or pure earth, then the mixture is inevitably not only pure but also has a purifying quality as well, i.e. it could be used to ritually purify other substances. The same rule applies almost literally to permissible food instead of pure substances: "*If a large amount of permissible food overwhelmed the small amount of forbidden food such that the mixture did not show any trace or only a minute negligible trace of the forbidden food, then the mixture is entirely permissible and may be eaten*." Proof of this can be found in the following:

1. The confirmed report that the Prophet (may God's Praise, Greeting and Blessings be upon him and his family) ordered to pour a '*Dhanoob'* full of water (a '*Dhanoob'* is a big bucket) on the urine of the ignorant Bedouin who had urinated in the Prophet's mosque, a place second in purity and goodness only to the *Ka'bah*, God's holy house. When the pure water, about 15 litres in volume, overwhelmed the impure urine, which was no more than half a litre in volume, then seeped into the earth (the mosque's floor was made of earth at the time and had not yet been paved or covered) the affected spot became pure and was suitable to pray on after it had dried up. Further proof is provided in the appendix titled: *Rules governing impurities*. We evidently know that the urine did not become non-existent nor did it seep in its entirety for miles away from the earth's surface.

2. A tiny trace of cooked blood sometimes shows as redness at the top of the pot. We know that it was not paid much attention and people did not go to extreme lengths in skimming it off and throwing it away. This was the case with Aisha, the Prophet's wife, my God be pleased with her. This was the case despite the fact that blood is absolutely and undoubtedly forbidden; slaughter blood in particular.

3. What we proved in the appendix 4, in a special chapter (That cheese is permissible even if it contained rennet from carrion (improperly slaughtered or dead animals). This is only possible because the amount of rennet used is very small and is no more than an enzyme used to stimulate certain reactions. A big effect results from its action despite the very small amount used; nevertheless, the amount used is the only thing that matters.

Seventh rule

A pure entity never becomes intrinsically impure if it made contact with an impure entity as long as it retains its separate independent entity and substance. A pure entity does not become impure even if it got mixed with impure entities or even if it dissolved in such entities. The mixture or the solution is, however, deemed to be impure as it would not be possible to drink or handle the pure substance without drinking/handling the impure one at the same time. If it is possible to separate these entities, then the mixture would in effect no longer be in existence and the constituent substances will revert to being individual separate entities each of which would have its original status: pure entities would remain pure as they always have been before they were mixed, whilst they were mixed and after they were separated. Impure entities would remain impure as they were initially whether before they were mixed, whilst they were mixed and following separation. The proof of the aforementioned is in what we have demonstrated in the previous rule, i.e. pure entities remain pure until proof to the contrary is provided by way of a text or a compelling physical necessity or rational argument, and there is none.

These rules, especially the seventh one may become subject of contention and criticism by some noted scholars. Appendix No.3 is wholly allocated to refute such objections and further clarify a number of related issues.

One important application of this rule: is that using impure or forbidden substances to aid in the preparation of foods and drinks followed by the removal of such substances would not affect the final product, which would remain pure and permissible. An example of this would be the use of some kinds of (animal gelatines) made from carrion (improperly slaughtered or dead animals) or from pigs, to create a filter for fruit juices to remove particles which cause cloudiness, followed by the complete removal of these gelatines from the said juices. The food or drink in such cases did not, and could not, become impure by being mixed with or by having had contact with the impure or the forbidden substance. The impure/forbidden substance does not even exist in the final product, or is only present in such insignificant traces in which the pure and permissible ingredients overwhelm them as to render the final product pure and permissible, according to sixth rule.

Another important application of this rule: is that using trace amount of impure or forbidden substances to aid in the preparation of foods and drinks would not affect the final product, which would remain pure and permissible. An example of this would be using Ethyl Alcohol as a carrier to infuse flavouring into soft drinks. The food or drink, here also, did not, and could

not, become impure by being mixed with or by having had contact with the impure or the forbidden substance. The impure/forbidden substance itself is only present in such insignificant traces in which the pure and permissible ingredients overwhelm them as to render the final product pure and permissible, according to sixth rule.

Having said that, it does not necessarily follow that such usage is permitted for Muslims who own and manage such a production line; this may or may not be the case. However, even if such a specialised utilisation were to be forbidden, and even if a Muslim person disobeyed God and did it, then despite the fact that this person is a sinner, the fact remains that the final product is not affected by that, and it continues to be permissible and pure. A fortiori the same argument applies for non-Muslims who utilize this application.

Texts have decreed that slaughter blood, carrion (improperly slaughtered or dead animals) and pigs are forbidden only as food and for no other consideration. Other texts decreed that any money paid for these things is also forbidden, i.e. these things may not be of monetary value to Muslims. Muslims may not sell it or buy it as food or as a substance that is suitable to use as food, e.g. fat from carrion (improperly slaughtered or dead animals). The text also decreed that pigs are extremely impure in their entirety; from snout to trotter, hair, skin and all. This is all true; however, it is also true that we should not exceed the limits of these stipulations. A pig which is prepared, bred and reared for clinical experiments or to be able to benefit from some if its tissues for medical necessities is not a type of food, nor is it being prepared to be used as food; therefore it would have a monetary value in this capacity and it would be permissible to buy and sell it; however, it remains impure; eating it remains forbidden and selling it, whether in part or as a whole, as food or to people who would use it as food, remains forbidden.

To summarise, the products under consideration, which are of the varieties: Ribena Summer Fruits concentrate TK (after dilution as instructed), Ribena Blackcurrant & Cranberry concentrate (after dilution as instructed), Ribena RTD Apple, Ribena RTD Blackcurrant & Cranberry, Ribena RTD Mixed Berry, Lucozade Sparkling Wild Berry/Forest Fruits Glucose Drink, , and C-Vit Multi-Vitamin Blackcurrant Drink (after dilution as instructed) are not impure according to *Sharī'ah* as they contain essentially only pure ingredients and any "impure" material, like pork gelatine, used in the manufacturing processes has been either fully and totally removed leaving nothing behind, or leaving only insignificant traces. This applies literally to using Ethyl Alcohol as a carrier to infuse flavouring into soft drinks. Any "impure"

or “forbidden” materials present are in such trace amounts and a low concentrations to be insignificant from *Sharī’ah* point of view rendering the final product pure and permissible, in other words: *Ḥalāl* (please see fact sheets in Appendix No.6). This would enable their consumption, sale and handling by Muslims, in full compliance with *Sharī’ah.*