

Istihalah and Its Impacts on Food According to the Islamic Perspective

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Abstract

Issues related to *istihalah* (transformation) are not only limited to matters of food and drink, but they are also concerned with the purity rulings of a human-need product in Islam. Nevertheless, this matter becomes more prevalent today when science and technology move forward swiftly with the latest diverse products. It has dramatically shifted the original form of food production through modern biotechnology methods, mixing ingredients from animal sources in food until it alters its original properties to new physical features such as cake, cultured meat, and genetically modified food. Following the realisation of the extensive mixing of halal and haram ingredients, the contemporary fatwa is being discussed among scholars in the food and beverage industry. Therefore, this research aimed to examine the process of *istihalah* that takes place, which can be categorised as *istihalah tammah* (perfect transformation) or *istihalah naqisah* (incomplete transformation), as well as explore the impacts on food that has gone through the process of *istihalah*. Next, the study also intended to examine the rulings of food that change in terms of properties, taste, smell, colour, physicality, and chemistry. The statements of fiqh scholars have been quoted and studied to address this concern. The analysis used a qualitative method by collecting sources from the *Quran* and *Sunnah* and the *ijtihad* of scholars obtained from reading such books as fiqh, food science, and websites. Ultimately, the study data substantiated that the process of *istihalah* is permissible in Islam if it is *istihalah tammah* and totally met. Nonetheless, deciding the halal status of a food product that has gone through *istihalah* is tricky because the PCR process in the laboratory needs to be done to confirm that the study results are authentic.

Keywords: *Istihalah Tammah*, Halal Ingredient, Haram Ingredient, PCR, Original Properties.

Introduction

Definition of Istihalah in Islam

Istihalah is an Arabic word from the root word *hala* (حال), which means to change. The word *istihalah* is derived from *istihal*, *yastihil*, *istihalat*, which means change and exchange. In English, it is called change, transformation and mutation (Harith Sulaiman al-Faruqi 1991). From a term point of view, *Istihalah* is the exchange of a state to another one that does not permit the latter to return to its original nature of the substance. (Qal'ahji 1988). Besides, al-Zuhayli (1997) explained *istihalah* as the change of something impure naturally or with an intermediary.

Istihalah Concept Debate

The concept of *istihalah* is based on verse 66 of surah al-Nahl, which translates to:

“And there is certainly a lesson for you in cattle: We give you to drink of what is in their bellies, from between digested food and blood: pure milk, pleasant to drink.” (al-Quran, al-Nahl: 66)

According to Man (2018) this verse clearly describes how the milk produced by livestock is pure and halal to drink, even if it is categorised between najis (ritually unclean) and blood. This milk is produced from the food eaten by the animal, which is then processed, and a part of it becomes blood, meat, and milk, while

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the rest becomes excrement. In addition to the verse above, scholars also formulated that the concept of *istihalab* is one of the processes of purifying impure materials based on the hadith of Muslim history related to *samak* (method to clean and purify animal skin), which means the animal skin undergoes *samak* then it becomes pure. Likewise with the hadith of the Prophet Muhammad PBUH:

"The best (method to do is) *takballukum* for exchanging your wine." (al-Zuhayli: 3/542)

Scholars agree that alcohol that becomes vinegar (*takballalat*) naturally is mubah to consume, as the Prophet Muhammad PBUH mentioned: (the most enjoyable dish of *al-udm* is vinegar). (al-Zuhayli 3:541).

Discussion of Classical and Contemporary Scholars

Essentially, scholars approve and accept the concept of *istihalab* as a process or tool for purifying impure substances. However, they differ in the scope of this process's application. Some limit it to several instances and conditions, while others expand it. The Hanafi, Maliki and Ibn Hazm schools believe *istihalab* is one of the processes that allows something impure to become pure naturally or through mediation, mixing with other substances or other activities such as burning. The reason given is that the original essence of something has changed to another form or nature (Mohd Izhar 2017).

For the Syafie and Hanbali schools (Ahmad ibn Hanbal. T.tn), impure elements do not become pure by changing their nature. For the Syafie school, the status change of haram to pure or halal only happens in three things: namely, alcohol that turns into vinegar naturally, the skin of animal carcasses except dogs and pigs becomes pure when undergoing the *samak* process and something that turns into an alive animal such as maggots produced from the carcass, and it indicates a new life. The proof used is based on the hadith in which the Prophet Muhammad PBUH forbade alcohol from being made into vinegar by mixing other substances belonging to orphans. If it were mubah, the Prophet Muhammad PBUH would not suggest that the companions throw it away, mainly because it belonged to the orphans. Saidina Umar RA also once said, "Vinegar made from alcohol is not halal as the essence has been damaged by itself." (Mohd Izhar 2017). Additionally, the *samak* context is based on the hadith:

"If animal skin experiences the process of *samak*, then it is pure."

Thus, the premises used by both opinions regarding this *istihalab* can be concluded as follow:

The purity of vinegar from alcohol through the process of *istihalab* is based on the hadith.

The purity of skin that undergoes *samak* is based on hadith (al-Jawziyyah 1961).

The argument used by the Hanafi and Maliki schools to adhere to *istihalab* totally and not as understood by the Syafie school is based on *qiyas*, which is either *qiyas* to skin that undergoes *samak* or *qiyas* to alcohol that turns into vinegar (Man 2010). Many of the arguments presented are based on the logic of reason, as stated by al-Kasani in his book *Bada'i Sana'i'*:

"Muhammad maintained that impure (*najis*) transforms (into something else) when it changes and alters its nature and essence, and *najis* is specific. When that element that defines *najis* no longer exists, it changes like alcohol becomes vinegar."

Ibn Hazm (1347H) commented: "When the nature of '*ain najis* or haram element changes, the name given whose ruling is based on that name is invalidated. Thus, it shifts to another name classification to a clean halal ruling. Therefore, it is no longer impure and haram but has become something else."

Current Fatwa and Ijtihad

Based on the fatwas of Middle Eastern scholars, it is found that they use the views of the Hanafi and Maliki schools in the sense of expanding the use of *Istibalah*. This can be seen in the resolution of the 8th Nadawah Islamic Management in Medical Sciences held in Kuwait, which decided that (al-Zuhayli 1996):

- Gelatin is formed from the process of *istibalah* from the bones of impure animals; the skin and veins are clean and halal to consume.
- Soap made through the *istibalah* process from pig fat or animal carcasses is clean and *mubah* for use.
- Cheese produced from rennet obtained from halal animal carcasses is clean and *mubah* for use.
- Make-up tools that contain pork fat can only be used if the process of *istibalah* has totally occurred and there has been an exchange of *ain* or essence.
- Foods that contain pork fat as an ingredient/content without changing its essence, such as some cheese, oil, butter, curd, biscuits, chocolate, and ice cream, are haram to consume.

When one observes the fatwa above about the manufacturing and food industry today, mixing impure substances occurs, and *istibalah* may or may not happen. The essential guideline is that there is an exchange of *ain* and the haram essence into a new thing, then it is *istibalah sabihab* (accepted transformation), as stated in resolution number 4. If there is no exchange process, even if it holds a new name, such as soap, butter, and curd, it remains haram, as shown in resolution number 5. To ascertain whether *istibalah* occurs, i.e. the exchange of *ain* or substance, a laboratory test is mandated to guarantee that it really transpires. This is because the naked eye cannot identify the exchange of haram substances (Muhammad ibn ʿAbd al-Rahman. T.tn).

There is also a more open or "lenient" view of current scholars on this problem. For example, in the fatwa issued by Mohamed el-Moctar el-Shanqiti through a website of www.fatwa.Islamonline.net, he answered when asked about the law of "brandy vinegar" being halal or haram:

The juristic rule of *istihlak* (perishment) remarks that if any substance that is so INSIGNIFICANT because of its quantity is mixed with an overriding halal substance(s), it is forgiven. If one applies this rule to the question, it is evident that experts have concluded that any quantity of alcohol that does not exceed the amount of 0.5% is not intoxicating, and therefore, it does not render juice or *haram* components when mixed with them. The same concept applies to ketchup, and mustard. People who misinterpret this rule confuse it with the interpretation of the hadith:

"Whatever intoxicates (that requires) big quantity, *it is haram even when (consumed) in a small volume.*" (al-Sayuti 2001)

However, the hadith is only implying about the "*intoxicating substance*" that is not mixed with others. For example, a Muslim is not allowed to drink drops of wine and drink them under the pretext that he won't get drunk. Whereas when the alcohol is mixed with other substances to the effect that it has become irrelevant (up to 0.5%), then it has become another substance that falls under the rules of either *istihlak* (perishment) or *istibalah* (transformation).

Based on the fatwa above, the scholars have agreed to prohibit drinking water mixed with alcohol because it contains substances/particles (*dharra*) of alcohol, which the drinker is condemned to do so. It is obligatory to undergo *dibad* if the alcohol is more than the water volume because the name of alcohol and its meaning remains, as it is forbidden to drink alcohol that has been cooked because cooking does not change haram status. There is an obligatory limit when one drinks it because it is still called *al-kehamar*, and its definition stays (Zaydan 1996).

In Malaysia, fatwas related to food are more similar to the view of the Shafie school, which rejects the concept of *istihalah* as held in the Hanafi and Maliki schools. Among them are:

- The 26th Muzakarah Fatwa Committee, which convened on March 7-8, 1990, decided that cheese should be eaten on the condition that the enzyme used as a mixture in its manufacture is obtained from plants or fungi and if it is from an animal, the halal animal must be slaughtered according to the method Islam. Muzakarah also determined that the use of surface active agents in food should be on the condition that the sources of the active agents are obtained from plants, and if from animals, they must be halal animals slaughtered according to Islamic methods.
- Muzakarah Khas, the fatwa committee convened in July 1999 decided that using biotechnology processes to prepare food and drinks containing pig DNA conflicts with Islamic ruling, and it is *haram*.
- The 73rd Fatwa Committee of the National Council for Islamic Religious Affairs of Malaysia convened on 4 - 6 April 2006 and discussed the Purity Status of Fish Given as non-Halal food. Muzakarah decided that fish kept in breeding ponds are forbidden to eat if they are kept in impure water or deliberately fed impure food such as pork and carcasses.
- The 62nd Fatwa Committee of the National Council for Malaysian Islamic Religious Affairs convened on 16 March 2004 and discussed the Ruling of Using Bacteria Taken from Baby Faeces as a Catalytic Agent in Yogurt. Muzakarah decided that the law of using cultured bacteria isolated from any faeces as a catalytic agent in yoghurt must be provided that it has gone through a process of isolation and purification that is in line with the laws of Sharia because the bacteria found in baby faeces are *mutanajjis*.

Explanation/Argument

Bacteria are creatures created by Allah SWT, and no scripture mentions their prohibition or their status as impure. Although bacteria typically cause disease, scientific research reveals another secret proof of Allah SWT's greatness: Everything made on this earth has its benefits. Based on the principles "everything is originally halal" and "everything is originally *mubah*," manipulating good bacteria to benefit humans is not against the Sharia.

The Special Muzakarah of the Fatwa Committee of the National Council for Malaysian Islamic Religious Affairs, which convened on 12 July 1999, discussed Biotechnology in Food & Drinks. Muzakarah decided that;

- Goods, food and drinks processed through pig DNA biotechnological methods conflict with Shariah, and the ruling is haram.
- The use of pig DNA biotechnology in processing goods, food and drinks has yet to reach an emergency because other material options exist.
- This ijtiḥad is based on the method of *usul fiqh* as follows: *درء المفاسد مقدم على جلب المصالح* (al-Sayuti 2001).

Explanation/Argument

- Biotechnology involves using organism cells, such as bacterial, plant, or animal cells, to produce a product. The critical focus is whether the original ingredients processed through this process will be considered halal or haram.

- According to the Usul Fiqh method, "The origin of something *mubab* is halal, and when the origin of something is haram, it remains haram. If something halal is mixed with something haram, whether a lot or a little, then the ruling stays haram".
- Every organism contains a cell, whether a tree, animal, or human cell. Each cell has a nucleus, and each nucleus contains chromosomes. When cut, these genes can be exchanged and transferred to another place, either from animal to tree or from tree to animal. This is where the nucleation process occurs in the cell, producing protein synthesis. If the cell or gene comes from a pig, then the pig gene can make a protein called pig protein.
- In DNA biotechnology, if pig protein materials are in the host or surrogate house or cells that become seeds to humans, animals, or plants for reproduction and fertility, it cannot be ruled as halal because the pig material is a major najis.
- The 73rd Fatwa Committee of the National Council for Malaysian Islamic Religious Affairs convened on 4 - 6 April 2006 to discuss the Wine Vinegar Ruling. Muzakarah decided that using wine vinegar, which is processed and mixed with external ingredients, was haram. Nonetheless, if the change from wine vinegar to vinegar happens naturally, it is halal.

However, the initial view of the Muzakarah of the previous Fatwa Committee in 1981 significantly differed from what was done in 1991.

Muzakarah Jawatankusa Fatwa, 2nd time, 12-13 May 1981, decided that food processed from ingredients mixed with faeces such as cow's blood, pig's blood and others is *mubab* and halal (al-Tariqi. 1983).

In dealing with food and drink issues today, many researchers consider that the view of the Hanafi school is a relevant insight to take into account even though in Malaysia they hold to the view of the Syafie school in this regard is still firmly held as can be seen in several Muzakarah Fatwa Committee decisions (Aizat; Wan Jasimah 2009). This view recognises the application of the concept of *istihalab* in the issue of nutrition with a slight modification, which is the condition that the food must undergo laboratory tests to ensure that the *istihalab* occurs.

Laboratory Test Requirements

Aizat Jamaluddin and Che Wan Jasimah Wan Mohamed Radzi (2009) explained the need for laboratory tests to determine whether the mixing of haram and halal substances has undergone the process of *istihalab*, that is, the haram substance has lost its *ain* and essence. This is by the decision of the 8th Islamic Management Nadwah in Medical Science and Muzakarah of the Fatwa Committee regarding the halal of a product resulting from the mixing of halal and haram ingredients is dependent on the occurrence of *istihalab*, i.e. the change in essence and *ain* of the haram ingredient. These changes in substance and *ain* can only be determined through laboratory tests. It is not easy to decide whether *istihalab* happened if it was only based on the naked eye. For example:

- Use of transglutaminase enzyme and blood plasma powder. These ingredients, such as fish balls, sausages, cheese, and yoghurt, are widely used in producing food. Even if there is a mixing between the halal ingredients, i.e., dough for preparing fish balls and transglutaminase enzyme and plasma powder above, it is categorised as *fasid istihalab* because the blood element still exists in the final ingredient. (Aizat; Wan Jasimah 2009).
- Cake production is rubbed or mixed with wine to beautify and improve the external structure and content. Despite the volatile nature of wine, after laboratory tests are carried out, the content of wine applied to the cake can still be detected for its existence on the cake. This follows the hadith: "When a huge ingredient's usage is haram, the ruling also applies with little amount" (Aizat; Wan Jasimah 2009).

Consequently, the question arises of whether all the mixing of halal and haram ingredients will result in the ingredients being haram. The study above needs to explain that. The example or model given by the researchers only involves the mixing of halal material with haram, and the resulting material being halal is an *istihalah* that occurs naturally and not as a result of human activity. For example, a pig fell into a sea of salt, decomposing naturally and becoming salt. Hence, the salt is halal. Likewise, *al-jallalah* animals such as fish farms fed pig intestines that are initially haram to eat can be changed to halal after quarantine for a certain period. (Mohd Izhar 2017).

Conclusion

Ergo, based on the discussion on this *istihalah* issue, there are some paramount points. First, every natural exchange of an ingredient in a food product should be recognised as *istihalah*, which is halal to consume. Like the change of fruit marmalade to vinegar, even in the middle of the process, the marmalade becomes alcohol, wild fish that consume pig intestines, or trees sprayed with pig excrement, the resulting fruit or vegetable is halal. As for the food products that the food and beverage industry has modified through modern technology, especially those that are mixed between halal and haram ingredients and to determine the *istihalah* of the contemporary food products, then laboratory tests must be done to ensure whether the essence or *ain* that is haram still exists or not. If it exists, it is ruled as haram. If following the laboratory analysis, it is found that no elements of *najis* are identified from the test, the food is ruled as halal, and the *istihalah* tammah/total has taken place. This method did not exist in the time of classical scholars such as Hanafi and Maliki scholars, who emphasised that *istihalah* only needs to be seen from the point of view of physical changes and only needs to be measured in detail. At the time, the opinion was considered *ijtihad*, and they did not even have laboratory facilities to test the material's content. Laboratory tests today empower scholars to decide the new ruling.

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