

The Hierarchical Model for the Consumption of Prohibited Food Elements during Necessity for Muslims

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Abstract

Islam is a religion that guides the lives of its believers by clearly explaining the lawful and the prohibited. Nevertheless, in the state of necessity (*darurah*), the prohibited is allowed with special boundaries, in order to preserve sustainability of life. However, the dispute among prominent scholars on this matter has led to doubt among the Muslim community. Therefore, whenever an issue arises, the Muslims become confused and are hesitant to consume food, which can be life-threatening. Thus, this article proposes a hierarchy of consumption for prohibited food elements during *darurah* as a sensible guide for the Muslims. For that purpose, the classical prominent jurists' works are analysed to inductively propose two major reclassifications of prohibited food elements. Finally, based on the reclassification, a hierarchical model of consumption for prohibited food elements is presented as a summary of guidelines for the Muslims.

Keywords : Prohibited, Necessity, Consumption, Hierarchy, Guidelines.

Introduction

Islam is a religion revealed with practical guidance for its believers in their day-to-day lives. The primary sources of Islam; the Quran and prophetic traditions have clearly explained the lawful and the prohibited in Islam. With regards to consumption, everything created by Allah is beneficial for mankind, thus permissible unless there is a specific injunction on its prohibition. This principle has been supported by the jurists, including al-Qaradawi (1985). Moreover, al-Qaradawi (1985) has highlighted that permissible sources of food are sufficient, while prohibited or unlawful sources of food are superfluous or unnecessary.

Nevertheless, in the state of *darurah*, the prohibited may become permissible. However, the conversion is bound to specific boundaries and conditions within a limited amount of time (al-Suyuti, 1998; Ibn Nujaym, 2005), only to reap the minimal benefits of the prohibited food elements. Thus, the Muslims need to understand the boundaries in order to decide with full confidence during a state

of dire necessity. Nevertheless, the dispute among jurists regarding this matter has led to confusion among the believers, particularly those with minimal understanding of the two primary sources of knowledge in Islam; the Quran and Sunnah. The confusion may result in two major consequences during the state of *darurah*. First, the Muslims may transgress arbitrarily, and second, they may hesitate and avoid consumption of food which is harmful to themselves in the current situation, not adhering to Islam's exceptional guidance for *darurah*.

Based on the two unfavourable consequences, a model of consumption for prohibited food elements in the state of *darurah* is necessary. Furthermore, as Islam is the fastest growing religion in the world, this model is very significant. The following section provides an explanation on the state of *darurah*, followed by the methodology used from which the model is derived and finally the article presents the model itself.

Consumption during *darurah*

Necessity or referred to as '*darurah*' in Arabic, is a state of critical difficulty that can potentially endanger necessities in human lives. In particular, Islam has outlined five elements of preservation which should be prioritised, commonly referred to as '*dharuriyah al-khamsah*'. The five elements that are essential to human beings and require protection include religion, life, lineage, intellect and wealth. The basis of these five preservations can be found in the Quran (al-Baqarah: 173; al-Maidah: 3; al-An'am: 119 & 145; al-Nahl: 115). Moreover, our prophet, Muhammad (PBUH) ordered humankind to avoid various harms and safeguard the five elements of preservation albeit through ways deemed unlawful in normal circumstances. The Prophet's command is agreed by a majority of prominent jurists including al-Syafi'i (2001), al-Jassas (1992), al-Juwayni (1979), al-Sarakhsi (2000), al-Ghazali (1993), Ibn al-Arabi (2003), Izz al-Din Ibn Abd al-Salam (1990), al-Qarafi (2001), al-Syatibi (t.t), al-Suyuti (1998), dan

Ibn Nujaym (2005).

Nevertheless, as discussed by al-Suyuti (1998) and Ibn Nujaym (2005), the consumption of prohibited food elements during *darurah* is subjected to two specific limitations; the condition of consumption and the allowable period of time. Thus, al-Zarqa (1989) outlines that the usage of prohibited elements should start from the most minimum level. However proper practice of this can only occur if a sound understanding of consumption for prohibited food elements during *darurah* is present. Therefore, the procedure of consumption for prohibited food elements is essential and necessary to be formulated in a systematic manner, so that individuals in dire situations possess complete confidence when consuming food.

Methodology

The formulation of the model is based on the discussion of prominent jurists in their authoritative publications. Initially, conceptual in-text analysis is employed to scrutinise the hierarchy of consumption for prohibited food elements in the classical works of the four major schools of thought; Maliki, Hanafi, Shafie, Hanbali. This is followed by semantic or relational analysis to investigate the relation between prohibited food elements and *darurah*. The relationship between both analyses is observed from discourse among jurists and the methodology of *ijtihad* (total expenditure of effort made by a jurist for the purpose of obtaining the religious rulings) which they used to produce arguments, critique and extraction of the most solid opinion. Finally, the model is then reviewed and verified by five experts in the areas of shariah and medicine. The verification confirms the applicability of the model, as a significant contribution towards research in the field of halal consumption.

The Consumption of Prohibited Food Elements

The Classification of Prohibited Food Elements

The prominent jurists including Khallaf (n.d), Jad al-Haqq (1998) and al-Anbari (1997) have classified prohibited food elements into two categories:

i. Muharram li zatihi

Literally, this classification means that an act or an object is prohibited on its own without the need of any factors leading to its prohibition. It refers to something which is prohibited for its own substance, thus absolute prohibition such as the act of killing and prostitution as well as the consumption of blood and swine.

ii. Muharram lighayrih

This classification can be literally translated as the prohibition of certain acts or objects which are caused by certain factors. It refers to something which is prohibited not because of itself but due to other identified factors causing harmfulness to the five essential necessities (dharuriyah al-khamsah). For instance, the consumption of stolen goods and unslaughtered animals.

Based on the two classifications, there are basically four significant differences between the two, as elaborated in Table 1.

Criteria	Prohibited on its own	Prohibited due to other factors
Status of prohibition	Due to its substance	Its substance is originally permissible but is prohibited due to certain factors.
Absolute ruling	The prohibition could not be altered unless it is threatening to the five elements of preservation	The prohibition does not effect the essential needs of human beings but only the luxuries .
Allowable consumption	Only during critical difficulties involving life and death situations or serious injuries	Allowed even for minor difficulties

Implication	Terminates contract	Contracts are
	immediately	enforceable but sinful

Source: Mahaiyadin (2016)

Based on Table 1, implicitly, the categories of prohibition in the state of *darurah* are not at a similar level. This approves the essential applicability for the ranking order of consumption for prohibited food elements as demonstrated by the proposed model.

The Hierarchy of Consumption for Prohibited Food Elements

The jurists are in dispute regarding the consumption of prohibited food elements during *darurah*. Ibn Hazm (n.d) opined that one in *darurah* has complete freedom, if the prohibited food elements could not be distinguished from one another in terms of prohibition level.

Nevertheless, Ibn Rajab (1999) concluded that the majority of jurists (Maliki, Hanbali, Syafie, Hanafi) stipulated that the consumption of prohibited food elements should begin with the least prohibited, based on the principle of choosing the least harmful (*akhaff al-dararyn*). Thus, one in *darurah* should opt for the least harmful to avoid significant harm in order to protect the five elements of preservation (*daruriyat al-khams*).

Specifically, al-Hattab (1995) in explaining the opinion of the Malikis, highlighted an example that eating the food of others should be prioritised as compared to eating unslaughtered animals. Thus, in the state of *darurah*, one should not ignore the level harm and prohibition of prohibited food elements. Additionally, one should also consider other external factors including hygiene, ownership, local culture and the safety of the substance.

The reclassification of prohibited elements

Due to technological advances, there are various products which require further scrutiny on their lawfulness. For instance gelatin, gliserin

and blood plasmas as well as derivatives from swine, which are formed from the proses of transformation or widely known as *istihalah* (in Arabic)¹ among the scholars. These products are commonly derived from unlawful sources but had transformed into another substance different from its original form and substances. The jurists are in dispute regarding the status of these products. Therefore, the fundamental classification of prohibited elements explained in Section 3.1 is insufficient and incapable to explain the position or level of prohibition for prohibited food elements permissible for consumption of the current products.

Based on the dispute, Mahaiyadin (2016) proposed a reclassification of two fundamental categories of prohibited elements;

i. Prohibited elements agreed by the jurists (muttafaq 'alaih)

ii. Prohibited elements disputed by the jurists (mukhtalafih)

The reclassification is more relevant for today's consumption due to varieties of products with different substance, which is proposed into four different classification by Mahaiyadin (2017) including;

Absolute prohibited raw materials such as the meat and fat of swine as well as blood.

Products made from prohibited elements which had been processed and transformed (istihalah) into a new form and substance, such as glycerine and blood plasm powder, which are commonly used in food manufacturing, capsules and moisturisers.

Istihalah refers to transformation process occurred in the prohibited elements. For instance the transformation of alcohol into vinegar, spiritual cleansing of animal skin. The newly transformed substance are ruled and concluded as clean and pure by the Hanafis and Malikis. However, according the Syafies and Hanbalis, the original prohibition prevails.

Products made from prohibited elements which is mixed with lawful substance, such as artificial prawns and fish cakes or known as 'surimi' products which use blood plasms. This category also includes the freshwater fish such as catfish and tilapia which are being fed with filthy elements including the filth and internal organs of swine.

Prohibited elements due to external factors which are hazardous for mankind and the environment or violate the law of the country such as smuggled medicines from the neighbouring countries.

Thus, the consumption of prohibited elements should begin from the least hazardous or the prohibited elements disputed by the jurists (*mukhtalafih*) prior to consuming the agreed prohibited elements (*muttafaq 'alaih*).

The Boundaries of Consumption for Prohibited Food Elements

Nevertheless, the consumption of prohibited food elements in the state of *darurah* is outlined with specific boundaries which is agreed by a majority of jurists including Ibn Rajab (1999), al-Hattab (1995), al-Zuhayli (1989) and al-Buhuti (2003). The jurists are in a consensus that the consumption should start from the least harmful or the lowest level of prohibition. The principle is known as *akhaff al-dararayn* (choosing the least harmful). For instance, in the state of *darurah*, one should choose to eat unslaughtered animal or swine, which is least harmful, as compared to not eating anything which may lead to fatality.

In parallel to the principle of choosing the least harmful outcome, the consumption of prohibited food elements is bounded by another relevant principle; al-darurah tuqaddaru bi qadariha which means darurah is stipulated according to sufficiency (al-Suyuti, 1998; Ibn Nujaym, 2005).

The Hierarchy Model

be structured into a hierarchy model as Table 2.

The consumption of prohibited elements can

Table 2: The Hierarchy Model of Prohibited Elements Consumption (Food)

Type of Prohibiton	Components of Prohibiton	Source of Prohibiton	Sample	Strata of Prohibiton
HR^s (Agreed Prohibiton)	Completely prohibited	Wine based	Liquor, beer	HR^s L4
		<i>Porcine</i>	Internal organs or components of swine and blood	
	Not completely prohibited (mixed elements)	<i>Bovine</i>	Internal organs and components of non-slaughtered animals	HR^s L3
		Wine based	Vinegar wine, cooking wine and alcoholic fruit juice	
Products mixed with prohibited elements without transformation (<i>istihalah</i>)	<i>Porcine</i> derivatives	Ice cream, shortening, oil and cheese	HR^s L1	
	<i>Bovine</i> derivatives	Ice cream, shortening, oil and cheese		
HR^k (Disputed Prohibiton)	Products derived from agreed prohibited elements transformed (<i>istihalah</i>) completely and near completion or decomposed	<i>Porcine</i> derivatives	Jelly, candy, confectionaries and chocolate bars	HR^k L3
		Blood plasm	Fish cake and surimi products	
	Lawful products considered as a syubhah or prepared with non-compliance tools or procedures	<i>Bovine</i> derivatives	Jelly, candy, confectionaries and chocolate bars	HR^k L2
		Non wine based	Contaminated food	

Source: Mahaiyadin (2016)

Based on Table 2, the ranking of consumption for prohibited food elements from the least prohibited (**HR^K L1**) to the most prohibited (**HR^S L4**). Thus, one in the state of *darurah* should opt L1 items in the first place before moving on to L2, L3 and finally L4, when there are no other less harmful elements.

Conclusion

The preservation of the five basic elements of preservation is mandatory for all Muslims. This could be significantly evidenced from the specific prohibition of swine, blood, non-slaughtered animal and liquor in the Quran and Prophetic traditions. Nevertheless, during *darurah*, the protection of life is very significant thus the religion of Islam allows the consumption of prohibited food elements. The consumption needs to begin with food that possess the least level of prohibition (or the least amount of harmful effects). If there are no foods or drinks with small amounts of prohibited elements, only then, one in *darurah* is allowed to consume liquor, swine or blood, which is clearly prohibited by the Quran. Thus, in Islam, the state of *darurah* allows leniency (*rukhsah*) to consume prohibited elements in order to save lives. The leniency is an exception from the original ruling, but only due to actual cases of *darurah*. However, during regular situations, the prohibitions prevails. As there are various new products which had caused confusion among the Muslims regarding their lawfulness, the hierarchy model clearly elucidates the guiding principles in the issue of consumption for prohibited food elements. Nevertheless, Islam critically demands its believers to prioritise goodness and abstain from any threat.

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