

The Term Ḥalāl in Islām

The 2nd Sharī‘a Studies Seminar

- ① On Ḥalāl and Ḥarām
- ② Current Situation of Ḥalāl Business

Host: Center for Interdisciplinary Study of Monotheistic Religions (CISMOR), Doshisha University

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On Ḥalāl and Ḥarām

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* This script is added and altered based on taped lectures and handouts (resume) in the Sharī‘a Studies Seminar.

What do Ḥalāl and Ḥarām Mean?

It is generally understood that ḥalāl means “what God has not prohibited” and that ḥarām means “what God has prohibited.” Also, from the viewpoint of Islamic law, it is understood that ḥalāl is permissible or lawful and that ḥarām is prohibited or unlawful. However, from the viewpoint of Islamic jurisprudence, when applying the term ḥalāl to

the real world, it takes on an entirely different aspect.

The 14th century Islamic law scholar ibn Taymīya (1258-1328), espousing stricter Islamic rule, explained ḥalāl as follows:

We should know that a basic principle for all existing things with distinct characters, gaps and different structures is ḥalāl where access is not restricted to human beings. And the ḥalāl things are clean, and it is not prohibited whether we wear, use or touch them. This means ḥalāl as an (unspecified) general term.¹

In other words, ḥalāl means that everything God created is in principle ḥalāl relationship with human life.

What ḥalāl means in the real world is that people are permitted to do anything about things and events that have taken place in this world.

Based on it, Allāh (or God) set a part of human-related things and events as ḥarām which has some parts in common with the concept of taboo.

In recent years, ḥalāl business and the ḥalāl certification activities, which have been growing mainly in Malaysia and Indonesia, have attracted attention in Japan, however, the term ḥalāl itself is overemphasized in their attention. Therefore, people in Japan and other non-Islamic countries have an image as if the world of ḥalāl exists for Muslims or they are seeking the world of ḥalāl. In addition, it is plausibly said that the world of ḥalāl exists for Muslims, detached from heathens. But it is wrong.

According to Qur’ān, everything on earth is Allāh’s blessings. So ḥalāl means that people may use anything in their life unless God has prohibited it on earth. Also in the Islamic jurisprudence, anything is in principle regarded as ḥalāl unless clarified as Allāh’s injunction in Qur’ān. In principle human conduct is also free except for the matter that is prohibited in it. Such prohibition includes one within an area (prohibition in places); one during a certain period of time (prohibition of time); and one about a particular object (prohibition of things). The term ḥalāl is used when such prohibition is removed or “lifted” as a legal term. The removal in turn leads to restoration to the original state. This shows that ḥalāl is a principle and ḥarām exists within it.

In Qur’ān 3:50,² the term ḥalāl is used as a verb, which means to lift prohibition.

3:50. And verifying what lies before me of the Tawrāt, and to lift some of what was prohibited to you. I have come to you with a sign from your Lord; so fear Allāh, and obey me.

Also, the matters that are not set forth to be prohibited under the holy bible Qur'ān and the Prophet's Ḥadīth are in principle regarded as ḥalāl (permissible). The holy bible must be interpreted from the standpoint of criminal law so as to prevent someone from violating the rights of others by using Qur'ān as an excuse. If some non-prohibited matter is prohibited by reasoning from prohibited matters or as preventive measures, such prohibition will be in parallel with Qur'ān. It is the prerogative of God to decide what ḥalāl is and what ḥarām is. Islamic jurists have been admonished not to make ḥalāl ḥarām and ḥarām ḥalāl.

People are prohibited from eating pork, but are not prohibited from utilizing pig skin and using pork fat to prevent water leaking into the sailing ship because such acts are not specifically set forth as prohibited in the holy bible.

Ḥalāl Business is to Know Ḥarām

Muslims who are coexisting with non-Muslims in Islamic countries like Malaysia and Indonesia and who are going to study in or are migrating to non-Islamic countries like Japan and the West have been highly interested in ḥalāl in food. Ḥalāl business does not only cover the food and beverage business but also what is called Islamic finance business which prohibits interest-based transactions. Consequently the focus of attention in ḥalāl business is ḥarām that Allāh has prohibited. Now we need to know how ḥarām is written in Qur'ān.

Ḥarām in Qur'ān

Qur'ān was verbally revealed by God to the Prophet Muḥammad. Then Muḥammad as Muṣṭafā (i.e. the Chosen One) conveyed it to people. Every Muslim lives by complying with what is written in Qur'ān. Words related to ḥarām in Qur'ān are as follows.

1. Aqaba, Makkah, Madīnah, al-Aqṣā Mosque

The term ḥarām is used to describe the Ka'ba in Makkah (Mecca) and al-Aqṣā Mosque in Jerusalem.

In Qur'ān 2:144, 2:149, 2:150, 2:191, 2:194, 2:196, 8:34, 9:7, 9:19, 9:28, 22:15, 48:25, and 48:27, the term ḥarām is used to describe the pilgrimage site, Ka'ba (the Sacred Mosque) in Makkah of Saudi Arabia. It indicates that people are restricted in their actions in the area for an unlimited or limited period of time.

Similar usage is common with the way of naming the Chinese emperors' palace called as the *Shikinjo* (紫禁城) and the Japanese emperors' palace called as *Kinri* (禁裏). The Kanji letter of *Kin* (禁) means that ordinary people are restricted in their actions there.

In Qur'ān 2:194 and 2:217, during a pilgrimage to Makkah, people are restricted in their actions but those restrictions are lifted (ḥalāl) if necessary for self-defense.

2:194. The sacred month for the sacred month; and sacrilege for sacrilege. This is retaliation. Whoever commits aggression against you, retaliate against him in the same measure as he has committed against you.

This is a clear text regarding ḥarām of time and its lifting.

Qur'ān 2:198 indicates clearly non-prohibition in places, confirming there is no prohibition on trading during a pilgrimage.

2 : 198. It is not a sin if you try to make a profit out of the bounty of your Lord (by trading during pilgrimage). When you leave 'Arafāt, then remember Allāh at the sacred place (Muzdalifah),

Qur'ān 5:2 confirms whether a specific activity in a certain place is prohibited or not, but it is also related to the time, thus it can be understood that it is ḥarām in places and time.

5:2. O you who believe! Do not violate the sanctity of the rituals of Allāh, nor the sacred month, nor the offerings (bought for sacrifice), nor the garlands (marked for sacrifice), nor those bound for the Sacred House (Ka'ba), seeking the Bounty of their Lord, and [His] Contentment. But you may hunt once you take off the 'ihram' (the ritual attire of pilgrimage). And let not the hatred against a people who (once) turned you away from the Sacred Masjid, incite you to transgress. Help one another toward piety and reverence; do not help one another toward sin and enmity. And fear Allāh; indeed, Allāh is severe in the punishment.

It prescribes sacred (ḥarām) things such as the Sacred Month and the Sacred House (Ka'ba temple).

Qur'ān 5:97 indicates clearly that Ka'ba is sacred with restriction set upon the place. That is to say, it describes ḥarām of things and places. Al-Aqṣā Mosque in Jerusalem is ḥarām in places.

5:97. Allāh made the Ka‘ba, the Sacred House, (as an asylum of security) for mankind, and the Sacred Months, the animals for offerings, and the garlands (that mark them). That is so that you may know that Allāh has knowledge of whatever is in the heavens and on the earth and that Allāh is well acquainted with all things. 98. Know that Allāh is severe in punishment and that Allāh is all-Forgiving and Most Merciful.

Qur’ān 17:1 indicates ḥarām in places.

17:1. “from the Sacred Ḥarām to the Sacred Aqṣā Mosque (in Jerusalem)”

2. Ḥarām related to Food and Drink

Qur’ān 2:173 refers to ḥarām of food.

2:173. He has only forbidden you (to eat) carrion, blood, flesh of swine, and what has been offered to (in the name of) any other than Allāh. But for one who is driven by necessity, neither craving nor transgressing, it is no sin.

Qur’ān 2:219, 5:90, and 5:91 refer to ḥarām of drink.

219. They ask you about alcoholic drink and gambling. Say: There is great sin in both and (some) profit for mankind, but the sin is greater than the profit.

- * As for alcoholic drink, those who produce, transport, sell, serve or drink liquor are all deemed to have committed the same sin. However, as for any brewing company that makes bio-related and non-alcoholic products other than liquor, if alcohol sales volume accounts for less than 10% of the company’s total sales, the trading of the company's shares is not prohibited. The same is true of hotel management. If sales volume by offering alcohol accounts for less than 10 % of the hotel’s total sales, the management of the hotel is not prohibited.

3. Ḥarām of Interest Earning

Qur’ān prohibits interest earning, thus Muslims are engaged in investment business through interest-free banks and Islamic fund to avoid interest earning.

2:275. Those who consume usury will not arise, but like he who arises whom Satan

prostrated by touch. [...] those who repeat (to usury), they are inmates of the fire; they will abide in it forever.

Islamic Jurists and Ḥarām

It is clear what Qur'ān prohibits and what it does not, but the two of them are doubtful matters. In the real world, it is more often seen that people are not sure in a boundary case whether a matter is ḥarām or not in the field of ḥalāl. Eating the flesh of swine (pork) is prohibited. Then, is it permitted to use pig skin or pork fat? It is ḥarām of food to eat animals slaughtered in the name of any other than Allāh. Then, is it also ḥarām of food to eat lamb and beef without praying? There are many such unpredicted cases that need legal opinions. It is what we call Islamic jurists who draw a boundary line and provide Muslims with guidance. It is based on ḥadīth or Prophet's words as follows.

Words of Prophet Muḥammad³

On the authority of Abu 'Abdullah an-Nu'man the son of Bashir, may Allāh be pleased with them both, who said: I heard the Messenger of Allāh (may the blessings and peace of Allāh be upon him) say: that which is lawful (i.e. ḥalāl) is plain and that which is unlawful (i.e. ḥarām) is plain and between the two of them are doubtful matters about which not many people know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Verily every king has a sanctuary and Allāh's sanctuary is His prohibition. In the body there is a morsel of flesh which, if it be sound, all the body is sound and which, if it be diseased, all the body is diseased. This part of the body is the heart.

This ḥadīth comes from collections of al-Bukhārī and Muslim.

The Role of Islamic Jurists is summarized as follows:

- 1) Ḥalāl and ḥarām are clearly stated in Qur'ān. However, when applying them in practice, ordinary people cannot judge what to do in particular situations.
- 2) Islamic Jurists assume a role of clarifying doubtful points to lay Muslims.
- 3) Islamic Jurists render lay Muslims some legal opinion (fatwā) about doubtful matters not clearly stated in Qur'ān or those mentioned in it but difficult to interpret exactly.

- 4) This fatwā is called a legal opinion because it has no enforceability unlike the court's ruling. Legal opinion will be executed only if a concerned Muslim agrees to accept it.
- 5) It is called an Islamic Jurist (mujtahid) who is familiar with Qur'ān and Ḥadīth, the record of words and actions of the Prophet, as well as legal hermeneutics necessary to derive legal opinions.

Routine Tasks of Islamic Jurists

Islamic jurists not only clarify ḥalāl and ḥarām and a grey area between them. They also provide consultation and guidance on Muslims' religious rites (the shahāda or the confession of faith; wuḍū' or purification; Ṣalāh or prayer; Zakāh or an obligatory form of giving; Ṣawm or fasting; and Ḥaġġ or pilgrimage), matters related to people's lives (trading on civil law, marriage, marital relationship, and succession of property) and so on. Their opinions are classified into five categories: obligations; prohibition; recommended behaviors; sinful behaviors; and permissible behaviors. These are called Islamic legal opinions. We have to understand the reason why ḥalāl is not included in them.

Admonition to Islamic Jurists

The life of lay Muslims is profoundly affected by legal opinions of Islamic jurists. Therefore, Qur'ān clearly warns them against prohibiting what God has permitted and permitting what God has prohibited.

Qur'ān 7:32 states as follows:

7:32. Say: "Who has prohibited the beautiful (gifts) of Allāh, which He has produced for His servants, and the things, clean and pure, (which He has provided) for sustenance?" Say: "These are, in the life of this world, for those who believe, (and) purely for them on the Day of Judgment. Thus I explain the signs in detail for those who understand." 33. Say: "the things that my Lord has indeed prohibited are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allāh, for which He has given no authority; and saying things about Allāh of which you have no knowledge."

Ḥalāl is in the field of Sharī'a where there is no legal opinion, thus ḥalāl and ḥarām are

not comparative concepts. Because of the circumstance that ḥarām in principle exists within ḥalāl, they are seemingly comparative concepts.

Ḥalāl means being in the original state. It also means restoration to the original state from the prohibited state. The term ḥalāl strongly appeals to Muslim. It is a book titled *The Ḥalāl and Ḥarām in Islām* written by Yūsuf al-Qaraḏāwī⁴ that effectively used ḥalāl and ḥarām as comparative concepts. The book has projected an image as if ḥalāl and ḥarām are comparative concepts though it is not true, but it is certain that Muslim readers had a mentality to accept the image. Learning the details is also to learn the background of the current situation of ḥalāl business and ḥalāl certification.

Historical Background of Contemporary Problems about Ḥalāl and Ḥarām

Yūsuf al-Qaraḏāwī's book *The Ḥalāl and Ḥarām in Islām*, published in Egypt in 1960, has gone through many editions, reaching 23rd edition in 1997.

According to the first edition, the author wrote the book in response to the request of Al-Azhar University in Egypt. An English edition of the book was also planned to achieve non-Muslims' deeper understanding of Muslims' lives.

The Ḥalāl and Ḥarām in Islām hit the bestseller list immediately after the publication, due to the title which projected an image as if both terms are comparative concepts. The book has been translated into English, Malay and other languages, and has gone through many editions.

Dr. Yūsuf al-Qaraḏāwī (born 9 September 1926) is an Islamic jurist affiliated with the Muslim Brotherhood in Egypt. He has immigrated to Qatar and then acquired Qatari nationality (Egypt allows dual citizenship). He assumed the Director of the Institute of Islamic Theology, a religious combined junior and senior high school, in Qatar, and later the Director of College of Sharī'a and Islamic Studies at Qatar University. He has become virtually a leader of Islamic education in Qatar. He has had programs of fatwā (Islamic legal opinion) in radio and TV, and answered questions from lay Muslims. With Internet spreading, he set up his own website and has influenced greatly across the Arab-Islamic world.

As one of leading scholars in the Islamic world, al-Qaraḏāwī has published more than 170 titles.

In the 2000s, he supported suicide attacks against Israel on the basis of Qur'ān calling for striking terror into the hearts of enemies, which has received a lot of criticism.

Opposing the US policy of overthrowing the Taliban regime, al-Qaraḏāwī supported it.

The Ḥalāl and Ḥarām in Islām consists of four chapters. Chapter 1 details eleven principles. Chapter 2 explains the Ḥalāl and the Ḥarām in the private life of Muslim including food and drink; clothing and adornment; the home (statutes, dogs, etc.); work and earning livelihood. Chapter 3 deals with the Ḥalāl and the Ḥarām in Marriage and Family Life: the physical appetites; marriage; the relationship between husband and wives; contraception; divorce; and the relationship between parents and children. Chapter 4 describes the Ḥalāl and the Ḥarām in the daily life of the Muslim: beliefs and customs; business transactions; recreation and play; social relationships; and the relationship between individuals and the state.

The book compiles legal opinions regarding matters confusing modern Muslims.

Having challenged other Islamic jurists' legal opinions that a rag doll leads to worship of idols, al-Qaraḏāwī stated his legal opinion that a rag doll is not prohibited for its usefulness as infant emotional development. He did not give endorsement to lay Muslims, but rendered his legal opinion that it is not prohibited. It was just his legal opinion, not a law.

His book does not only cover ḥalāl business today, but also the whole life of Muslims. He offered his legal opinion about matters requiring judgement compatible with Qur'ān' teachings. He also advised how Muslims should cope with matters that are not specified in Qur'ān: artificial insemination; photographs; planned parenthood to stop population explosion in the Third World; the right or wrong of non-Muslim male doctors examining Muslim female patients and so on. Dr. al-Qaraḏāwī rendered his legal opinions as an Islamic jurist and published the book titled *The Ḥalāl and Ḥarām in Islām*.

Non-Arab Muslims' Perception of al-Qaraḏāwī's Book

In Islām, there is no clergy. Islamic jurists only render a legal opinion. It must not be absolute. When they could not render it based on Qur'ān and Ḥadīth of the Prophet, Islamic jurists derive legal opinions through analogical reasoning. For example, drugs are not mentioned in Qur'ān. But drugs put people's mind in a stupor and make it impossible for them to attend worship. This is the same reason of prohibiting drinking alcohol. So drug-using is prohibited based on reasoning from the prohibition on alcohol-drinking. In that case, drug users are punished with 80 strokes of cane, which is the same punishment on alcohol drinkers. This is an application of analogical reasoning (qiyās). But it is not clear whether this reasoning is right or not if Qur'ān has no express provision. It is just

analogical reasoning. Other Islamic jurists can render different legal opinion. Regarding the strokes of cane, the first Khalīfa imposed 40 lashes, while the second Khalīfa did 80 lashes. People do not know which is correct because Qur’ān has no express provision of the number of strokes.

An Islamic legal opinion derived from analogical reasoning is not law as is the case that the court’s ruling is not law.

Answers made by Dr. al-Qaraḏāwī in the book are regarded as his own legal opinions. *The Ḥalāl and Ḥarām in Islām* began to go around and many more Muslims seek guidance in their living to the book. Al-Qaraḏāwī only stated his own legal opinions. Due to the strong effect of the book’s title, more and more Muslims have chanted ḥalāl slogans. Legal cases are not a matter of ḥalāl but that of ḥarām. As a result of the book, chemists of the Agricultural Department of an Indonesian University first started ḥalāl certification. About the movement of bringing ḥalāl to the fore, Islamic jurists and Muslims in the Arab world, who understand the original Arabic written Qur’ān as a native speaker, felt a sense of discomfort. Islamic jurists in Arab-Islamic countries reacted sharply against the movement in Indonesia and Malaysia that used the term “ḥalāl” indicating the legal non-interference area as the legally applicable term, and they have critically attributed it to al-Qaraḏāwī’s book *The Ḥalāl and Ḥarām in Islām*.

Problems of *The Ḥalāl and Ḥarām in Islām*

The book listed up eleven Islamic principles pertaining to Ḥalāl and Ḥarām.⁵

- 1 – The Basic Asl (origin) Refers to the Permissibility of Things (permissible-origin)
- 2 – To Make Lawful and to Prohibit Is the Right of Allāh Alone
- 3 – Prohibiting the Ḥalāl and Permitting the Ḥarām Is Similar to Committing Shirk
- 4 – The Prohibition of Things Is Due to Their Impurity and Harmfulness
- 5 – What is Ḥalāl Is Sufficient, While What is Haram Is Superfluous
- 6 – Whatever Is Conducive to the Ḥarām Is Itself Ḥarām
- 7 – Falsely Representing the Ḥarām as Ḥalāl Is Prohibited
- 8 – Good Intentions Do Not Make the Ḥarām Acceptable
- 9 – Doubtful Things Are To Be Avoided
- 10 – The Ḥarām Is Prohibited to Everyone Alike
- 11 – Necessity Dictates Exceptions

As legal mind these principles are very sound but are not without problems. One such example is a preventive mind of the 6th principle “Whatever Is Conducive to the Ḥarām Is Itself Ḥarām.” The principle means “blocking with arms” (juristically it is a preventive prohibition of the law), and it also serves as a momentum of expanding the prohibited area. Islamic jurists hesitate to expand such area. To change and improve society is good, but to make the principle a guide to derive legal opinions might be incompatible with the Right of Allāh. Prohibition without reason results from guessing and deducing the intension of Allāh. So it is not necessarily true.

Some people ask whether it is possible to enact legislation such as tax law and immigration regulations despite nothing stated in Qur’ān, but it is in the field of ḥalāl and therefore such legislation has no problem because Qur’ān does not prohibit it clearly. Ḥalāl is not a matter of law. Ḥarām has problems. As a result of regarding ḥalāl and ḥarām as comparative concepts, the term ḥalāl with a strong appeal to people has come to be used in the matter of ḥarām.

More Dependence on al-Qaraḍāwī’s Book as Guidance

Traditionally, Muslims have visited Islamic jurists for their opinions when they came up against a case that they have no idea how to behave as Muslims. In Egypt, Muslims have visited an all-around counseling center in Al-Azhar University and listened to scholars’ legal opinions to apply them to their cases. For example, a husband, having made a pledge to God never to approach his wife, soon demanded a sexual relationship. In this case, the husband was advised to sponsor (kaffāra) poor people on ground that he has broken his pledge to God. Another example is a problem of whether a husband’s three divorce declarations are valid or not. According a legal opinion, this is counted as only one divorce because these were done just around the same time. In Islām, husbands have the right to divorce his wife three times (grand divorce) and two times (small divorce) and also restore a marital relationship in the latter divorce. These are one-shot opinions and answers for problems.

Al-Qaraḍāwī’s book *The Ḥalāl and Ḥarām in Islām* has been accepted as a reference book, and Muslims have come to stick to rules in the Ḥalāl and Ḥarām problem. Lay Muslims have referred the book as a guide for judgement rather than consulted Islamic jurists. Such behavior is different from the traditional ways of solving problems.

Ḥalāl Certification

In the Ḥalāl Certification, the same authority with Qur'ān has been given to the Jabatan Kemajuan Islām Malaysia (JAKIM) that is not an organization of Islamic jurists. It has been criticized and seen negatively by Islamic jurists in Arab countries.

In the case of the Ḥalāl Food certification, even the food that has obtained a ḥalāl certification in Malaysia often cannot obtain one in Saudi Arabia. That's the way it is.

Conclusion

We have to reconsider ḥalāl business and ḥalāl certification system by consistently taking back to basics of Islamic jurisprudence.

I have already explained the reason above. The term ḥalāl means to be in principle free and the world we are living. Ḥalāl is a blessing of Allāh. In contrast to ḥarām (prohibition), ḥalāl lifts the ḥarām of time, places and things. Learning that the term ḥalāl means restoration to the original state will be enough to understand ḥalāl business and ḥalāl certification system more deeply.

Notes

- ¹ ibn Taymīya, Ahmad, *Majmu' al-Fatwā al-Kubra*, Vol. 21, p. 555, Ministry of Islamic Affairs, Dawah and Guidance, Saudi Arabia, 2008
- ² *The Holy Qur'ān; Arabic Text with Japanese Translation and Short Commentary*, Japan Muslim Association, 1983: Citations from the Qur'ān in this paper are taken from this edition.
- ³ *The Sixth Ḥadīth, Forty Ḥadīth compiled by Imām al-Nawawī*, p. 15, trans. by Toshio Kuroda, Islamic Center Japan, 2003
- ⁴ al-Qaraḍāwī, Yūsuf, *al-Ḥalāl wal-Ḥarām fil Islām*, maktaba wahaba, al-Qahirah, 1997
- ⁵ al-Qaraḍāwī, Yūsuf, pp. 17-38