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“The revolutionary nature of forbidden and impure items in the light of Islamic teachings, a research study”

Dr. Ghāzī ʿAbdul Rehmān Qāsmī¹, Dr.Razia Shabānah².

1. Assistant Professor Institute of Islamic Studies, Bahauddin Zakariya University, Multan, Pakistan.
2. Associate Professor, Institute of Islamic Studies Bahauddin Zakariya University, Multan, Pakistan.

Abstract

Revolutions and changes keep appearing in the world. When a thing is in a particular state, its name and attributes have a different meaning but when the condition of this thing changes, its names and attributes also have a different meaning. In this background, it is easy to understand the revolutionary nature of Ḥalāl and Ḥarām items. If a Ḥalāl item is changed in such a way that a haram item is applied to it and its attributes are also those of Ḥarām items, then it will become Ḥarām, just like halal food, when it goes into the stomach and turns into stool. In the same way, if there is such a change in the forbidden thing that the halal is applied to it and its attributes also become Ḥalāl, then it will become Ḥalāl. For example, if a donkey or a prohibited animal dies in a salt mine and gets mixed in the salt in such a way that it becomes a part of the salt, then it is permissible to eat that salt. The essence of this revolution is called Istihālah, in which the jurists differ. Ḥanafī, Mālikī and the Ashab-e- Zāwāhir are convinced that the objects are pure and halal from Istihālah and one opinion of Imām Aḥmad agrees with him. And in the other opinion, he is not convinced of purification of objects by Istihālah. And according to Imām Shāfī, only three things are purified by Istihālah. Apart from them, the rest of the things will remain impure and Ḥarām. In this research article, the jurists' opinion on the topic under discussion and the Shari'ah opinion on modern products are presented.

Key Words: Istihālah, Impure, Ḥarām, jurists, Arguments, Modern products

Meaning of Istihālah:

The nature of revolution is called Istihālah in Arabic and jurisprudence. Istihālah means the revolution of nature, which means that something changes from its original state and reality into another nature in such a way that it cannot return to the first state.

Imām Khwārizmī (D-387AH) writes:

الإستحالة: أن يخلع الشيء صورته ويلبس صورته ويلبس صورة أخرى مثل الطعام الذي يصير دماً في الكبد⁽¹⁾
 “Something changes from one form to another, like food that reaches the liver and becomes blood.”

Imām Taqī-ul-al-Dīn Al-Huṣainī (d. 829) writes:

ومعنى الإستحالة انقلاب الشيء من صفة إلى أخرى⁽²⁾
 “The meaning of Istihālah is that something comes out of one reality and enters into another attribute.”

And the scholars have also defined the same type of Istihālah, only the words are different. When an impure or Ḥarām thing changes from its original form and reality to another form and reality, then it will be pure and halal or not? The jurists disagree about this. Therefore, this problem has been clarified by examining the position of the jurists and their arguments.

The position of the Ḥanafī school of thought:

According to Ḥanafī, if the reality and essence of an impure thing is changed, then it will be pure and lawful. For example, if dirt is burnt and its ashes are made, then it will not be impure. Because in

such areas, where there is no wood or other materials for burning, there the dung, lead, or dirt etc. are burnt and bread is cooked. If it is declared impure then there is hardship for people. Therefore, it has been declared halal due to common affliction. Similarly, impure water or something dirty like a donkey, pigs, etc. fell into a salt mine and dissolved in such a way that it became salt, and then eating that salt would be permissible. In the same way, the dirty thing which fell into a well and turned into black soil and became mud was also purified. The reason for this is the change of the exact thing and this is the reason for the Ḥalāl of all the above mentioned things. This is the opinion of Imām Muḥammad bin Ḥasan Al-Shibānī (D.189 AH), but in other Ḥanafī books, such as Al-Zakhīra, Al-Muḥīt, Imām Abu Ḥanafiah (D. 150 A.H.) is also mentioned along with him. Most of the Aḥnāf scholars have authorized this and fatwas are given on this.

Imām Qāḍī Abu Yusuf (D.182 AH) has a different opinion, according to him, despite the change in nature, an impure thing remains impure, because its components are present, due to which it cannot be ordered to be pure. As for wine becoming pure by turning it into vinegar, according to supposition, it should not be pure either, but since there has been a hadīth about it, it has been declared pure.

The Prophet P.B.U.H.said:

« نِعْمَ الْإِدَامُ الْخَلُّ »⁽³⁾

“The best curry is vinegar.”

This hadith is absolute; it does not specify in any detail that the wine itself becomes vinegar or that it should be made therefore, in both cases, the change of nature will be pure and halal.

And the second argument of Ḥanafiah is this saying of the Prophet P.B.U.H.:

« وَخَيْرُ خَلِّكُمْ خَلُّ خَمْرِكُمْ »⁽⁴⁾

“And your best vinegar is wine vinegar.”

Argument of Imām Muḥammad bin Ḥasan Al-Shibānī statement:

When the impurity changes and its attributes and meaning change, then it is excluded from impurity. Because impurity is something with a specific attribute, when that attribute no longer exists, the impurity also ended. It is just like turning wine into vinegar.

Moreover, Shari'ah defines impurity based on its reality and this reality is negated by the elimination of some of its meaningful components. And when all the ingredients are eliminated, then how will the reality of this thing remain because when a donkey fell into a salt mine, it is apart from salt, bone and meat, when they become salt, you will be called salt.

Similarly, another strong argument of Ḥanafiah is this, that sperm is impure when it becomes a clot of blood, it is still impure, but when it has taken the form of flesh, it is pure. Similarly, the Fruit juice is pure, but if it turns into wine, it is impure, and if that wine turns into vinegar, it is pure. These examples make it clear that the change of the exact object is subject to the loss of the attributes associated with it.

°Allāmah Ibn-ul-Hummām (D.861 AH) writes:

وأخر مختلف فيه بين أبي يوسف ومحمد وهو بانقلاب العين في غير الخمر كالخنزير والميتة تقع في المملحة فتصير ملحا تؤكل والسرقين والعذرة تحترق فتصير رمادا تطهر عند محمد خلافا لأبي يوسف، وكلام المصنف في التجنيس ظاهر في اختيار قول أبي يوسف قال: خشية أصابها بول فاحترقت ووقع رمادها في بئر يفسد الماء، وكذلك رماد العذرة، وكذا الحمار إذا مات في مملحة لا يؤكل الملح، وهذا كله قول أبي يوسف خلافا لمحمد لأن الرماد أجزاء لتلك النجاسة فتبقى النجاسة من وجه فالتحقت بالنجس من كل وجه احتياطا انتهى وكثير من المشايخ اختاروا قول محمد وهو المختار لأن الشرع رتب وصف النجاسة على تلك الحقيقة وتنفى الحقيقة بانتفاء بعض أجزاء مفهومها فكيف بالكل فإن الملح غير العظم واللحم فإذا صار ملحا ترتب حكم الملح ونظيره في الشرع النظفة نجسة وتصير علقة وهي نجسة وتصير مضغة فتطهر والعصير طاهر فيصير خمرا فينجس ويصير خلا فيطهر فعرفنا أن استحالة العين تستتبع زوال الوصف المرتب عليها وعلى قول محمد فرعوا الحكم بطهارة صابون صنع من زيت نجس⁽⁵⁾

Imām Ibn-e-Nujaym (D.970AH) writes:

والسابع انقلاب العين، فإن كان في الخمر فلا خلاف في الطهارة وإن كان في غيره كالخنزير والميتة تقع في المملحة فتصير ملحا يؤكل والسرقين والعذرة تحترق فتصير رمادا تطهر عند محمد خلافا لأبي يوسف وضم إلى محمد أبا حنيفة في المحيط وكثير من المشايخ اختاروا قول محمد وفي الخلاصة وعليه الفتوى⁽⁶⁾

Similarly, musk, the pleasant substance from the navel of deer, is halal and can be added to food or medicine even though it was the blood that later turned into musk. ⁽⁷⁾

Therefore, it is known from all these arguments that when the reality and essence of something changes completely, then it becomes pure and lawful. Similarly, if impure oil is made into soap, it is also pure because of revolution.

According to Imām Muḥammad bin Ḥasan, its cause, reality and essence are to be changed. And because of the common affliction, (عموم البلوى), a fatwā is given on it. And this is not only specific to soaps, but includes everything in which change and revolution become reality and people often suffer from it and it is difficult for them to escape from it.

Allāmah Shāmī (D.1252 AH) has shed light on this in detail. He writes:

قال الحصكفي: (و) يظهر (زيت) تنجس (بجعله صابونا) به يفتى للبلوى قال ابن عابدين: (قوله: ويظهر زيت إلخ) قد ذكر هذه المسألة العلامة قاسم في فتاواه وكذا ما سيأتي متنا وشرحها من مسائل التطهير بانقلاب العين، وذكر الأدلة على ذلك بما لا مزيد عليه وحقق ودقق كما هو دأبه رحمه الله تعالى فليراجع ثم هذه المسألة قد فرعوها على قول محمد بالطهارة بانقلاب العين الذي عليه الفتوى واختاره أكثر المشايخ خلافاً لأبي يوسف كما في شرح المنية والفتح وغيرهما وعبارة المجتبى: جعل الدهن النجس في صابون يفتى بطهارته؛ لأنه تغير والتغير يظهر عند محمد ويفتى به للبلوى... ثم اعلم أن العلة عند محمد هي التغير وانقلاب الحقيقة وأنه يفتى به للبلوى كما علم مما مر ومقتضاه عدم اختصاص ذلك الحكم بالصابون، فيدخل فيه كل ما كان فيه تغير وانقلاب حقيقة وكان فيه بلوى عامة ⁽⁸⁾

The position of the Mālikī school of thought:

The scholars of Mālikīyah have stated that the thing that changes its nature to correctness will be pure and halal, for example, blood is changed into milk or musk. Because all the attributes of the blood are changed by Istihālah, therefore the order of purity will apply, as if an animal gets food from impure things and becomes meat, then it will be pure. And that which is transferred to impurity will be impure. For example, Halal food and water when it turns into blood, dirt and vomit etc.

The real thing about this is what the famous Maliki jurist °Allāmah Qarāfī (D.684 AH) has written:

أن الله تعالى إنما حكم بالنجاسة في أجسام مخصوصة بشرط أن تكون موصوفة بأعراض مخصوصة مستفزة وإلا فالأجسام كلها متماثلة واختلافها إنما وقع بالأعراض فإذا ذهبت تلك الأعراض ذهاباً كلياً ارتفع الحكم بالنجاسة إجماعاً كالدم يصير منياً ثم آدمياً ⁽⁹⁾

“Allah T°ālā has ordered specific bodies to be impure, provided that those bodies are characterized by specific dirty attributes. Otherwise, all bodies are similar to each other and differ in terms of attributes. Therefore, when these attributes are completely eliminated, the rule of impurity will also be eliminated, just as blood becomes semen and then a human being becomes from it.”

Mālikī jurist Imām Al-Hattāb (D.954 AH) writes:

لأنها استحالت عن جميع صفات الدم وخرجت عن اسمه إلى صفات واسم يختص بها فطهرت لذلك كما يستحيل الدم وسائر ما يتغذى به الحيوان من النجاسات إلى اللحم فيكون طاهراً انتهى وصرح بذلك ابن مرزوق بعد الكلام الذي نقله عن الشيخ وتتمة كلام ابن مرزوق وكما يستحيل الخمر إلى الخل طاهراً وكما يستحيل ما به من العذرة والنجاسة تمراً أو بقلًا فيكون طاهراً ⁽¹⁰⁾

Imām Al-Kharshī Mālikī (D.1101 AH) writes:

وهو قسمان مستحيل إلى صلاح كاللبن والبيض ومستحيل إلى فساد كالدم والعذرة ⁽¹¹⁾

And the Maliki scholars have also clarified that if the wine becomes vinegar by itself or if something is added to it, such as salt, water, etc., it becomes vinegar, then it will be pure. (12)

According to Mālikīyah, the ashes of dung and other animal excrement are also pure. Although it is better to burn these things, the fire will purify them. And in the same way, the smoke of impure objects will also be pure. While some Mālikī have prescribed that these things should be burnt in a fire in order to purify the ashes of impure objects in such a way that the impurity components are completely destroyed. And according to the reliable opinion, if these things are burnt and cooked into bread etc., then it will also

be halal, even if there is some ash attached to it, because it affects the majority of people and it is also difficult to avoid it. (13)

The position of the Shāfiʿī school of thought:

According to Shāfiʿīah, impure objects are not pure from Istihālah; only two things are exempted from it. Therefore, Imām Abu Ishāq Shirāzī (D.476 AH) has written:

ولا يظهر شيء من النجاسة بالاستحالة إلا شينان: أحدهما جلد الميتة إذا دبغ وقد دللنا عليه في موضعه والثاني الخمر إذا استحالت بنفسها خلأ فتطهر بذلك... وإن أحرقت العذرة أو السرجين حتى صار رماداً لم يظهر لأن نجاستهما لعينهما (14)

“One of these two things is the wine which becomes vinegar by itself, then it will be pure, and if something is added to it and made into vinegar, then it will remain impure, And other than dogs and pigs, the skin of a dead body will be purified when it is tanned. And burning the dirt or dung etc. to make ash, then it will remain impure.”

Imām Ibn-e-Hajar Haytamī Shāfi (D. 974 AH) has also mentioned a third thing.

و ثالثها ما صار حيوانا كالميتة إذا صارت دودا لحدوث الحياة وهو وإن لم يكن متولدا منها لكنه متولد من عفوناتها وهي نجسة (15)

“And the third thing that takes a living form. For example, if there are worms in a dead body, they will also be clean because life has been born in them, even though those worms were not born from the dead body, but from its impurity, and the dead body itself is impure.”

Imām Al-Ghazālī (D.505 A.H.) among the Shāfiʿīah has described the change of nature as the reason for the change of order, He has write:

فكما ترى الكلب يقع في المملحة فيستحيل ملحا ويحكم بطهارته بصيرورته ملحا وزوال صفة الكلبية عنه (16)

“That when a dog falls into a salt mine and becomes salt, it will be declared pure because the attribute of a dog has disappeared and the attribute of salt has been created”

Shāfiʿīah argument on the inadmissibility of making wine vinegar is from the hadith of Ḥaḍrat ʿUmar:

« فَلَا يُشْرَبُ خَلٌّ خَمْرٍ أُفْسِدَتْ حَتَّى يُبْدِيَ اللَّهُ فَسَادَهَا، فَعِنْدَ ذَلِكَ يَطِيبُ الْخَلُّ » (17)

"Alcoholic vinegar that has been made by oneself should not be drunk, until Allah changes its essence, at that time the vinegar will be pure."

Imam Nawavi (AD-676 AH) writes:

ومعنى هذا الكلام أن الخمر إذا خللت فصارت خلا لم يحل ذلك الخل ولكن لو قلب الله الخمر خلا بغير علاج آدمي حل ذلك الخل وهذا معنى قوله يبدأ الله افسادها يعني بافسادها جعلها خلا (18)

"The meaning of this saying is that if wine is made into vinegar by human effort, it will not be halal, but if Allah, the Exalted, makes wine into vinegar without any human action, then that vinegar will be halal."

Shāfiʿīah second argument is from the narration of Hazrat Abu Talha, may Allah be pleased with him, that he asked about the orphans who inherited alcohol, and the Prophet, peace be upon him, said:

« أَهْرَفُهَا قَالَ: أَفَلَا نَجْعَلُهَا خَلًّا قَالَ: لَا » (19)

"Pour it out, they said, "Let's not make it into vinegar." The Holy Prophet said no. "

Shaykh Abu Ishāq Shirāzī writes:

فنهاه عن التخليل فدل على أنه لا يجوز ولأنه لو جاز لندبه إليه لمافيه من إصلاح مال اليتيم ولأنه إذا طرح فيها الخل نجس الخل فإذا زالت الشدة المطرية بقيت نجاسة الخل النجس فلم تطهر (20)

"The Prophet (ﷺ) forbade them to turn wine into vinegar, implying that it is not permissible to do so and if it was correct to make vinegar in this way, the Prophet (peace and blessings of Allah be upon him) would have guided them, because it was to protect the orphan's property from being wasted, And secondly, when

vinegar etc. was added to the wine to make it vinegar, it became impure as soon as it came into contact with the wine. "

The Shāfi'ah scholars have also stated that if the wine itself did not become vinegar, nor was anything added to it to make vinegar, it became vinegar by itself, for example, if it was placed in the shade from the sun or moved from the shade to the sun and it became vinegar due to this process, then according to the most correct view, it will be pure.)²¹

According to Shāfi'ah Scholars, there are two reasons why vinegar made by adding salt, vinegar, hot bread, etc. to wine is impure. First, there is a prohibition in the hadith of making wine into vinegar, and secondly, the thing that was added to the wine to make it vinegar became impure as soon as that thing mixed with the wine, which will not remove the impurity, but will remain in it.)²²

It was answered by the Ḥanafia that this was the beginning of Islam when the hatred of alcohol was meant to be instilled in the hearts of the people. As if a dog puts its mouth in a vessel, it was ordered to wash it seven times. Its description is in the tradition of Ṣaḥīḥ Muslim.

«طَهُورُ إِنَاءٍ أَحَدِكُمْ إِذَا وَلَغَ الْكَلْبُ فِيهِ، أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ» (23)

In another hadith, there is an order to wash such a vessel three times.

«إِذَا وَلَغَ الْكَلْبُ فِي الْإِنَاءِ فَاهْرَقْهُ ثُمَّ اغْسِلْهُ ثَلَاثَ مَرَّاتٍ» (24)

The Hanafi follow the tradition of washing three times and have answered the tradition of washing seven times that this order was in the beginning of Islam:

As written by 'Allāmah Al-Marghinānī:

والأمر الوارد بالسبع محمول على ابتداء الإسلام (25)

Imam Qurtubi (AD-671 AH) has also mentioned the possibility that the prohibition of making vinegar of wine is related to the beginning of Islam when its sanctity was revealed so that people would not keep it. Because the time of drinking wine was near and it was intended to end this habit of theirs completely, so the prohibition of making vinegar and pouring wine did not say that it is forbidden to eat after making vinegar. So he writes while discussing it:

وقد يحتمل أن يكون المنع من تخليلها كان في بدء الإسلام عند نزول تحريمها، لنلا يستدام حبسها لقرب العهد بشرها إرادة لقطع العادة في ذلك وإذا كان كذلك لم يكن في النهي عن تخليلها حينئذ والأمر بإرافتها ما يمنع من أكلها إذا خللت (26)

The position of the Ḥanbalī school of thought:

There are two views of Ḥanābalah about this, Shaykh-ul-Islām Ibn-e-Qudāmah al-Muqaddasī (AD-620 AH) writes:

ظاهر المذهب، أنه لا يطهر شيء من النجاسات بالاستحالة، إلا الخمرة، إذا انقلبت بنفسها خلا، وما عداه لا يطهر؛ كالنجاسات إذا احترقت وصارت رمادا، والخنزير إذا وقع في الملاحة وصار ملحا، والدخان المترقي من وقود النجاسة، والبخار المتصاعد من الماء النجس إذا اجتمعت منه نداوة على جسم صقيل ثم قطر، فهو نجس. ويتخرج أن تطهر النجاسات كلها بالاستحالة قياسا على الخمرة إذا انقلبت، وجلود الميتة إذا دبغت، والجلالة إذا حبست، والأول ظاهر المذهب (27)

“According to the first, nothing will be freed from impurities by Istihālāh except when wine becomes vinegar, and that too in the case when it itself becomes vinegar. And nothing besides that will be pure, for example, when impurities are burnt and become ashes, and a pig falls into a salt mine and becomes salt, and the smoke that arises from the burning of impurities, all of them will remain impure. And according to another opinion, all the impurities will be cleansed from Istihālāh by supposing on alcohol, like dead leather when tanned. And when a hen that eats dirt is imprisoned, it becomes pure and lawful, but the first statement is the obvious religion.”

Shaykh-ul-Islām 'Allāmah Ibn-e- Taymiyah writes:

والصحيح أنه إذا قصد تخليلها لا تطهر بحال (28)

Imām Al-Mardāwī Ḥanbalī (D.885 AH) writes:

الصحيح من المذهب: أن الخمرة إذا انقلبت بنفسها تطهر مطلقا، نص عليه وعليه الجمهور... اعلم أن الخمرة

The Ḥanbalī Scholars have specified that if the wine becomes vinegar by itself, it will be pure, and if it is made into vinegar with intention and effort, then it will not be pure under any circumstances.

The position of Aṣḥab-ul-Zawāhir:

Allāmah Ibn Ḥazm Ondlasī (D.456 AH) has discussed it in detail. His position is in accordance with the Aḥnāf. He writes:

فإذا تخللت الخمر أو خللت فالخل حلال (30)

“When wine becomes vinegar on its own or when it is made into vinegar by effort, in both cases it will be lawful.”

A few pages later he writes further:

وإذا احترقت العذرة أو الميتة أو تغيرت فصارت رمادا أو ترابا فكل ذلك طاهر ويقيم بذلك التراب برهان ذلك أن الأحكام إنما هي على ما حكم الله تعالى بها فيه مما يقع عليه ذلك الاسم الذي به خاطبنا الله عز وجل فإذا سقط ذلك الاسم فقد سقط ذلك الحكم (31)

When the filth or dead body is burnt or such a change takes place in them that they become ashes or dust, then all of them will be pure and Tayammum is also permissible with them. The reason for this is that the Shari‘ah rulings would apply to the name with which Allah T‘ālā has addressed us, and when that name no longer remains; the ruling will also be nullified.

A few pages later he writes decisively:

وكذلك إذا استحالت صفات عين النجس أو الحرام فبطل عنه الاسم الذي به ورد ذلك الحكم فيه وانتقل إلى اسم آخر وارد على حلال طاهر فليس هو ذلك النجس ولا الحرام.....والطعام يصير عذرة والعذرة والبول تدهن بها الأرض فيعودان ثمرة حلالا ومثل هذا كثير (32)

“That when the attributes of a najis and haram thing change in such a way that the name of the haram and najis thing on which the commandment was given is removed and it is transferred to another name which is applied as Ḥalāl and Ṭāhir, then that thing is not najis & Neither will be called haram. Rather, it has become something else that has a different order. And in the same way, the attributes of a halal and pure thing are changed in such a way that the very name of it is erased, which was ordered to be halal and pure. And if it is transferred to such a name, which is applied to haram and impurity, then it will not be halal and pure, because it has become something else, which has a different order. For example, sugar syrup becomes wine, or wine becomes vinegar, or a chicken eats pork and it goes into its stomach and turns into a halal chicken. Or just as water and food enter the stomach and become urine and waste, in the same way, stool and faeces are used as fertilizers and they produce halal fruits, etc., and there are many examples of this type.”

According to the Aḥnāf, Mālikiyah and Aṣḥab-e-Zawāhir, whether the vinegar of the wine is made by oneself or is made intentionally, in both cases it is permissible, And according to Shāfi‘ah & Ḥanābalah, the vinegar of that wine will be lawful in which no human effort is involved, but it is automatically transformed into vinegar by Allah Almighty.

According to Shaykh-ul-Islām Allāmah Ibn-e- Taymiyah, other items except alcohol are purified by Istihālah, and in this sense, his position is different from the apparent position of Ḥanābalah. Therefore, the position of the scholars is that the impure objects become pure through Istihālah, as is the opinion of the Aḥnāf and Aṣḥab-ul-Zawāhir And Imam Malik and Imam Ahmad have one opinion each, and they have declared this opinion to be strong.

‘Allāmah Ibn-e-Taymiyah writes:

والخمرة إذا استحالت بنفسها وصارت خلا، كانت طاهرة باتفاق العلماء وهذا على أصل من يقول إن النجاسة إذا استحالت طهرت أقوى كما هو مذهب أبي حنيفة وأهل الظاهر وأحد القولين في مذهب مالك وأحمد (33)

Ḥāfiẓ Ibn-e-Qayyim Al-Jawziyyah (D.751 AH) has also discussed it in detail and he is also convinced that impure things are purified by Istihālah. Following are the important points of the discussion they

discussed.

1. According to this principle, the purification of alcohol by the change of reality is compatible and consistent with speculation. Because she was impure due to the attribute of malice, when this attribute disappeared, the order of impurity will also disappear. This is the principle of Shariah. On this, the correct assumption requires that this order will be contagious to all impure things, so all impure things will be purified by Istihālah.
2. The Prophet (peace be upon him) removed the graves of the polytheists from the mosque but did not move the soil from there.
3. It is stated in the Holy Qurān that milk comes out from between blood and dung and it is halal and pure because the nature has changed.
4. All Muslims agree that if an animal that eats impure things is kept in captivity and fed pure and good food, its milk and meat become pure. In the same way, gardens and fields were irrigated with impure water and then given pure water, and then they will become pure and lawful because the attribute of impurity has changed.
5. In the same way, when a pure thing becomes impure through transformation, it will become impure, like water and food when it takes the form of urine or filth. When a pure thing becomes impure due to the revolution of its nature due to the mixing of impure, why will the impure and impure thing not be pure when its nature changes? Whereas Allah creates evil from good and good from evil.
6. It is known that the original is not valid, but its current attribute is valid. Therefore, when a dirty thing changes its name and attribute, then the order of impurity will not apply to it, because the order is subject to the name and the attribute is dependent on it in its existence and non-existence. Texts that describe the sanctity of carrion, blood, and flesh of swine exclude crops, fruits, ashes, salt, clay, and vinegar by word, meaning, text, and presumption.³⁴⁰

The following is a summary of the views of the Imams with reference to Istihālah:

1. According to Imām Abu Ḥanīfah and Imām Muḥammad, often Mālikiyyah and the Companions of Zawāhir, changing the reality and nature of impure things makes those things that are lawful to use Ḥalal. And according to Imam Abu Yusuf, other impurities except alcohol are not cleansed by Istihālah.
2. According to Shāfiyah, three things are free from Istihālah, leather from tanning, wine when it turns into vinegar by itself and the thing that takes a living form. For example, if there are insects in the dead body, they will also be purified. Imām al-Ghazālī among the Shāfiyah has declared impure objects to be pure because of the change in their reality and nature
3. According to the manifest religion of Ḥanābalah, no impure thing becomes pure and lawful by Istihālah. However, if the wine automatically turns into vinegar, it will become pure and Ḥalal. And in the second saying, all impure things are cleansed by Istihālah while speculating on alcohol. According to Shaykh-ul-Islām Ibn Taymiyyah and Ḥāfiz Ibn Qayyim al-Jawziyyah among the Hanbalis, all impure objects are purified by isthala, but if wine is made into vinegar by itself, then it will not be pure and Ḥalal according to them.

Amount required achieving Istihālah:

The remaining thing is that how much amount of change in reality and essence is valid for Istihālah? That is, on how much change it can be said that the Istihālah has been achieved. There are no Shari'ah texts about this, but the required amount can be estimated from the opinions of Imāms. According to Imam Abu Ḥanīfah, a complete change is necessary and according to Imam Abu Yusuf and Imam Muhammad bin Ḥasan al-Shibānī, the change of major and most components is sufficient. As is being understood from the making of wine vinegar

If there is no bitterness left in it and if it becomes sour, then it is permissible according to Imam Abu Ḥanīfah. And if there is more sourness in it, but the bitterness is still there, even though it is less, then it will not be halal. Whereas according to Ṣāhibayn, if sourness prevails and bitterness is subdued, then that

vinegar will be Ḥalāl.

Allāmah °Alāuddīn Samar Qandī sheds light on this and writes:

ولو كان الخمر فيها حموضة غالبية وفيها طعم المرارة لكنه مغلوب فانه لا يحل ما لم يزل من كل وجه وهما اعتبار الغالب فيحل عندهما (35)

°Allāmah Shāmī (D.1252 AH) also shed light on this and wrote:

ولو خلط الخل بالخمر وصار حامضاً يحل، وإن غلب الخمر وإذا دخل فيه بعض الحموضة لا يصير خلا عنده، حتى يذهب تمام المرارة وعندهما يصير خلا كما في المضمرات (36)

Allāmah °Alāuddīn Al-Kāsānī (D.587 AH) writes:

وإنما يعرف التخلل بالتغير من المرارة إلى الحموضة بحيث لا يبقى فيها مرارة أصلاً عند أبي حنيفة - رضي الله عنه - حتى لو بقي فيها بعض المرارة لا يحل وعند أبي يوسف ومحمد تصير خلا بظهور قليل الحموضة فيها (37)

Whose opinion is the fatwa based on? The jurists have not made it clear, however Imām Sahib's opinion is based on caution and Ṣāhibayn opinion has an aspect of expansion and convenience

Therefore, it can be decided only by looking at the occasion and location, if there is a common affliction in this matter and there is a need without which there is no living, then the opinion of the Ṣāhibayn can be accepted. Because the principle of Shari'ah is based on breadth and if a large part of something is found, then the entire order applies to it.

As Allāmah °Alāuddīn Al-Kāsānī has written the same thing in a discussion with reference to Imam Abu Ḥanīfah:

ولأبي حنيفة عليه الرحمة أنه قطع الأكثر من العروق الأربعة وللاكثر حكم الكل فيما بني على التوسعة في أصول الشرع (38)

It should be noted that Istihālah will be realized when the reality and nature of the thing changes, just changing the color or smell or taste and name or cooking on fire does not lead to Istihālah. Just like cooking wine or pork on fire will not be halal because simply cooking on fire does not change the nature and reality of anything, therefore, it will not be called Istihālah.³⁹

However, if the color, smell and taste of this thing are changed due to revolution, it will be Istihālah.

The modern product:

The order of modern products will be known on these discussions.

1. If a forbidden substance is added to food or drink by Istihālah or for external use, such as face cream or women's blush, then its use will be permissible.
2. This is the ruling of gelatin⁽⁴⁰⁾ if it is obtained from the fat, bone or skin of a halal animal after being tanned and in the same way, if it is obtained from other forbidden animals or non-slaughtered animals, if it is obtained after Istihālah, its use will be permissible. And if this gelatin is obtained from plants and plant secretions, extracts and other components, provided that it is not harmful or intoxicating, then its use is also permissible.
3. Similarly, many food and drink items imported from non-Muslim countries will not be considered haram based on mere suspicion and probability, such as double bread, coffees, biscuits, jelly, chocolate, juices, burgers, etc. If it is prepared by a non-Muslim, it will be considered halal until it is known with definite proof that it contains impure, narcotic, dead body fat or any other forbidden substance. The same is true for KFC and McDonald's food.
4. If a person wants to know the Ḥalāl and Ḥarām of imported goods from non-Muslim countries, the best thing to do is to consult some organizations that issue halal certificates. And if there is no access to them, then by searching the ingredients on the internet and Google, it will be known whether the things included in it are Ḥalāl or Ḥarām.

Conclusion:

The above discussion is summarized in point form as follows.

1. In the opinion of Imām Abu Ḥanīfah and Imām Muḥammad bin Ḥasan, most of Mālikīyah and the Aṣḥab-e- Zāwāhir, impure objects are cleansed by Istihālah, the use of which is Ḥalāl. And according to Imām Abu Yūsuf, other impurities except alcohol are not cleansed by Istihālah. Because impurity does

not disappear completely, but some of its effects remain. However, the fatwa is based on the opinion of Imam Muḥammad bin Ḥasan al-Shibānī.

2. According to Shāfi'ah, three things are free from Istihālah, leather from tanning, wine when it turns into vinegar by itself and the thing that takes a living form. For example, if there are insects in the dead body, they will also be purified. Imam al-Ghazālī, one of the Shāfi jurists, has described revolution in nature as the reason for the change of ruling.

3. According to Ḥanābalah Zāhir Madhab, Nothing is purified by Istihālah, if the wine is made into vinegar on purpose, it will not be pure either, and if the wine becomes vinegar by itself, then it is Ḥalāl. According to another saying of Ḥanābalah, all the impurity will be cleansed by divination on alcohol, like dead skin when it is tanned and dirt-eating chicken when it is kept in captivity.

According to Shaykh ul-Islām Ibn-e- Taymiyah and Ḥāfiz Ibn-e- Qayyim Al-Jawziyah, all impure things are purified by Istihālah, and if wine is made into vinegar with intention and effort, it will not be pure and halal. And if the wine becomes vinegar by itself without the intervention of human effort, then it will be pure.

4. If soap is made from the fat of a dead animal or pig, it will be pure, because after the soap is made, the nature of the very thing has changed.

5. Every case in which the nature is changed and people are suffering from it in general, then they also has the same ruling that the use of this thing will be permissible.

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