



# Jurisprudence of Food and Drink

JURISPRUDENCE

LEVEL 5

## Lesson 1: Ḥalāl and Ḥarām Animals

### Objectives >>>

#### Students should:

- Understand the basic rules about transactions with pork and alcohol
- Understand the rules of finding out about ḥalāl foods
- Understand the brief rules about slaughtering of animals
- Discuss some of the etiquettes of eating and drinking
- Be reminded to check the ingredients of packaged foods before eating them
- Discuss the prohibition of helping the enemies of Islam by purchasing products that profit them

As we have learnt in previous lessons, Allah, the Almighty and Wise, has placed in us many desires, one of these desires is hunger. With every desire though, He has given us a specific way to fulfil it. When it comes to the desire for food, He has commanded us to eat only those things that are permissible and those things that would not harm us. Allah says:

“O men! Eat the lawful and good things out of what is in the earth” (2:168)

In the next two lessons we shall delve briefly into the transactions of food whether for our own consumption or not.

### PROHIBITION OF TRANSACTING WITH SPECIFIC FOODS

As we have learnt in previous years, the Holy Quran clearly mentions that pork, alcohol and meat from animals not slaughtered in the Islamic way (*al-mītah*) are completely forbidden to be consumed. It is also unlawful to buy or sell this meat.

### AL-MĪTAH – NON ḤALĀL MEAT

As a general rule, selling non-ḥalāl meat to Muslims is prohibited and the money earned from such an activity is illegitimate. This applies to selling any meat or meat products whether canned, packaged or not.

When it comes to selling non- ḥalāl meat to non-Muslims, there are some general rules we should remember:

1. If it is a non-najis product like sea food it is ok
2. If it is najis then it cannot be sold, even if to a non-Muslim
3. If it is mixed (with ḥalāl meat) then it can only be sold to non-Muslims

Therefore, we are not allowed to work in food shops or restaurants where we are directly selling non- ḥalāl and najis products (e.g. ḥarām chicken at KFC or ḥarām beef at McDonalds). However, if we are not directly involved in selling (i.e. we are working in the kitchen not at the cashier), then this is okay.

## ALCOHOL

Any involvement in providing alcohol is ḥarām. This applies also to transporting it, delivering it, driving a person to drink (for instance a taxi taking a person to the pub), sitting on a table where alcohol is served or even promoting it in any way. Imam al-Ṣādiq (as) has said:

“Allāh has cursed alcohol, its growers, those who squeeze it [from the grapes], its drinkers, its servers, its buyers, its sellers, those who live on its income, its transporter, and the one to whom it is being transported.”<sup>i</sup>

If wearing clothing with names of alcohol companies is considered advertising for alcohol, then one is not allowed to wear such clothing.

## INVESTIGATING THE FOOD WE EAT?<sup>ii</sup>

Living in a western environment, we often tend to eat out either by invitation from our friends and colleagues or just as a recreational activity. We have to be very careful about where we eat from, especially the ingredients of the food we eat. We have to remember the basic rules about eating out:

1. It is permissible to eat food prepared by non-Muslims, as long as the ingredients of the foods do not contain anything ḥarām. However, if one knows that the food has somehow become Najis for certain, then it is not permissible to eat it. Remember that Ahlul Kitab are not considered najis, while other non-Muslims (e.g. Buddhists, Hindus) are considered najis and so if they touch the food it will become najis.
2. One is not obliged to ask about the faith of a cook/chef when buying food as long as he is confident

that the food does not contain any ḥarām ingredients.

3. If the food does not obviously contain animal products, then one does not have the burden of investigating further. However, one can take precaution by looking further into the ingredients of the product.

If the food does contain an animal product, then one must gain certainty that the animal is permissible to eat before one can consume the food.

See the below Q&As from the Islamic Laws Book of Ayatollah Sistani.

- Question: We are unaware of the ingredients of food sold in shops in Western countries: it might be free from those ingredients that are forbidden to us or it might contain them. Are we allowed to eat such items without looking into their ingredients, or inquiring about them? Or is that not allowed to us?
  - Answer: It is permissible [to eat such food] as long as it is not known that it contains meat, fat, and their derivatives that are forbidden to us.
- Question: The people residing in Europe are of different faiths, nationalities and religions; and when we buy moist or wet food items, the shopkeeper may touch it with his hands. Since we do not know his religion, can we consider that food as pure?
  - Answer: As long as it is not known that the hands of the shopkeeper were najis, the food is to be considered tahir.
- Question: Can we eat the food that has been cooked by a Hindu?
  - Answer: If it is not known that the food is Najis and if the food does not contain meat, there would be no problem in eating it. However, if the food has been touched with a wet hand, it is not permissible to eat it.
- Question: Is it permissible to the food that has been cooked by a non-Muslim?

- Answer: It is permissible to eat the food that is not known to be najis. All kinds of food with the exception of meat, fat, and their extracts are permissible for a Muslim as long as he does not know that they are najis.

## RULES OF SLAUGHTER

In Islam, as you may be aware, there is a specific process for slaughtering animals. In most cases, we would not need to do this but it is useful to have a brief idea of what is involved:

- The animal should be slaughtered so that the four main vessels in the neck are severed completely
- The person slaughtering the animal must be a Muslim
- The animal should be made to face the Qibla
- A sharp instrument should be used to slaughter the animal
- The name of Allah should be mentioned during the slaughter process

## HOMEWORK

In the question below, there are several possibilities that a person can choose. Using the risalah, determine how you should act.

You are invited out with your friends to go to a restaurant in the City, when you arrive there, you realize that it is a sushi restaurant run by Japanese staff and also serves alcohol? Would you be able to eat from there?<sup>iii</sup>

## Lesson 2: Etiquettes of Eating and Drinking

In the previous lesson, we discussed some of the rules of transactions with *halāl* and *harām* meat and other rules regarding what we should be careful about when we are eating out. We also discussed briefly about how we slaughter animals. In this lesson we shall discuss the *mustahab* and *makrūh* rules related to eating and drinking.

## MUSTAḤAB AND MAKRŪH RULES RELATED TO FOOD

We have discussed in previous lessons, that the food we eat has a very significant impact on our spirituality. The Holy Prophet has said:

“Man cannot fill a container worse than his stomach”<sup>iv</sup>.

Allah, in His Wisdom, therefore, has taught us specific rules we need to follow when it comes to the food we eat. Additionally, He has also given us some precautionary acts to protect ourselves from even coming close to the *ḥarām* foods. We will discuss some of these here, some may be new and some reminders from previous years.

## MUSTAĪAB:

1. Washing both the hands before and after taking a meal.
2. The host should begin eating first, and should also be the last to withdraw his hand.
3. One should say *Bismillāh* before starting to eat, and if there are several dishes, it is *Mustahab* to say *Bismillāh* before eating from each dish.
4. One should eat with one's right hand and should eat using three or more fingers.
5. If several persons are sitting together for their meals, every one of them should eat from the food placed in front of him. One should avoid eating alone.
6. One should take small bits of food and should chew the food thoroughly.
7. One should prolong the duration of taking a meal and should look at the food when eating (not at the TV)
8. After taking one's meal one should praise and thank Allah.
9. One should use a toothpick (or floss or brush one's teeth) after a meal.
10. One should collect and eat the food which is scattered on the dining cloth. However, if one takes a meal in an open place, like a field etc... it is better to leave the food which has fallen aside, so that it may be eaten by the animals and the birds.
11. One should take one's meal in the earlier part of the day, and in the earlier part of the night and should not eat during the day or during the night. (this means,



we should not nibble on things the whole day through or have too many snacks in between similarly we should not have 5 meals a day as many advertise)

12. One should take salt or vinegar before and after the meal.
13. When eating a fruit, one should first wash it before eating.

## MAKRŪH

- 1- Eating any raw or uncooked meat
- 2- Over eating, gluttony (eating too quickly) and eating before digestion
- 3- Eating when full
- 4- To lean whilst eating
- 5- Eating hot food (and blowing on food)
- 6- Putting bread under the dish
- 7- Peeling fruits that can be eaten with the skin
- 8- Eating whilst walking
- 9- Eating alone
- 10- Separating one's food from his/her subordinates (workers)
- 11- Sitting on the table with kuffār.

## CHECKING INGREDIENTS

Living in Australia, most of the foods that we buy are packaged and labelled with the ingredients. Therefore it makes it very easy for us Muslims to be aware of the various ingredients and therefore we can avoid these items when we go shopping.

Some foods may have ḥalāl signage on the packaging. If this is enough to give us assurance that the food is ḥalāl, then so be it. Otherwise, the rules we discussed earlier apply.



## SUPPORTING OPPRESSORS

As Muslims, we are obliged never to support oppressors in any way, shape or form. Allah says in the Holy Quran:

“and help one another in goodness and piety, and do not help one another in sin and aggression; and be careful of (your duty to) Allah; surely Allah is severe in requiring (evil).” (4:2).

Allah is telling us that we are not permitted to assist anyone in the committing of ḥarām acts even if that person is a non-Muslim. It is therefore clear that even buying goods (including food) from an oppressor is ḥarām because this allows them to grow financially and is a support for them. Imam al-Ṣādiq (a.s) said:

“The one who is oppressing others, the one who is supporting it, and the one who is happy with what is happening, all of them will be companions in hellfire.”<sup>v</sup>

Imam Baqir (a.s) said to Abu Basir who asked if he was allowed to work in the Bani ‘Abbas (tyrants) government:

“you are not even allowed to sharpen their pen, no one would gain anything from them in this world unless they take away similarly from his religion.”<sup>vi</sup>

It is important that we remember that we should not support companies that are known to support or commit oppression themselves by buying from them. These include companies that actively or directly support illegal invasion of lands inhabited by Muslims and the oppressors of Muslims.<sup>vii</sup>

<sup>i</sup> Man La Yahdhurhu 'l-Faqih, vol. 4, p. 4.

<sup>ii</sup> Code of practice for Muslims living in the west. Sayyid Seestani.

<sup>iii</sup> References

eHawza- Rules of Transactions – Semester 2  
Islamic Laws – Sayyid Seestani.

<sup>iv</sup> Mizaanul Hikmah- Hadith 186

<sup>v</sup> Wasa'el 17:177

<sup>vi</sup> Wasa'el 17:177

<sup>vii</sup> References and Bibliography

eHawza- Rules of Transactions – Semester 2  
Islamic Laws – Sayyid Seestani.