

Istihala rules and condition Gelatine & Blood plasma Dr.Aida Kader Ghanem

AzkaHalal

Expert on Halal Affairs of Point of Islamic Fiqh View Researcher in Islamic Fiqh legislation and its fundamentals

Internation Halal and Tayyib Products
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قواعد وشروط الاستحالة: الجيلاتين وبلازما الدم دعائدة قادر غائم AzkaHalal

خبيرة في شؤون الحلال من وجهة نظر الشريعة الإسلامية باحثة — تخصص الفقه والتشريع وأصوله

ورشات عمل الحلال العالمية والمنتجات الطيبة اكتوبر24-25- جيمديز استانبول - تركيا









قال تعالى: {يا أيها الناس كلوا مما في الأرض حلالاً طيباً}

سورة البقرة: 168

The Almighty God says: "People, eat of what

is lawful and good on the earth". Al Baqarah:168













قال تعالى: {ويحلّ لهم الطيبات ويحرم عليهم الخبائث} سورة الأعراف:157

The Almighty God says: "He will make good things lawful to them and prohibit all that is



foul". Al 'A'raf:157



The development at our present time was reflected on the enormous diversity of

foods, medicines, cosmetics and

materials of body care







This development allowed to enter many

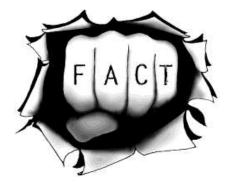
ingredients contain: Haram, Najis' &

Mashbooh ingredients,
through a series of manufacturing starting
from the raw ingredients and ending to the
final product.



Now the question is, to what extent are those ingredients considered Halal?



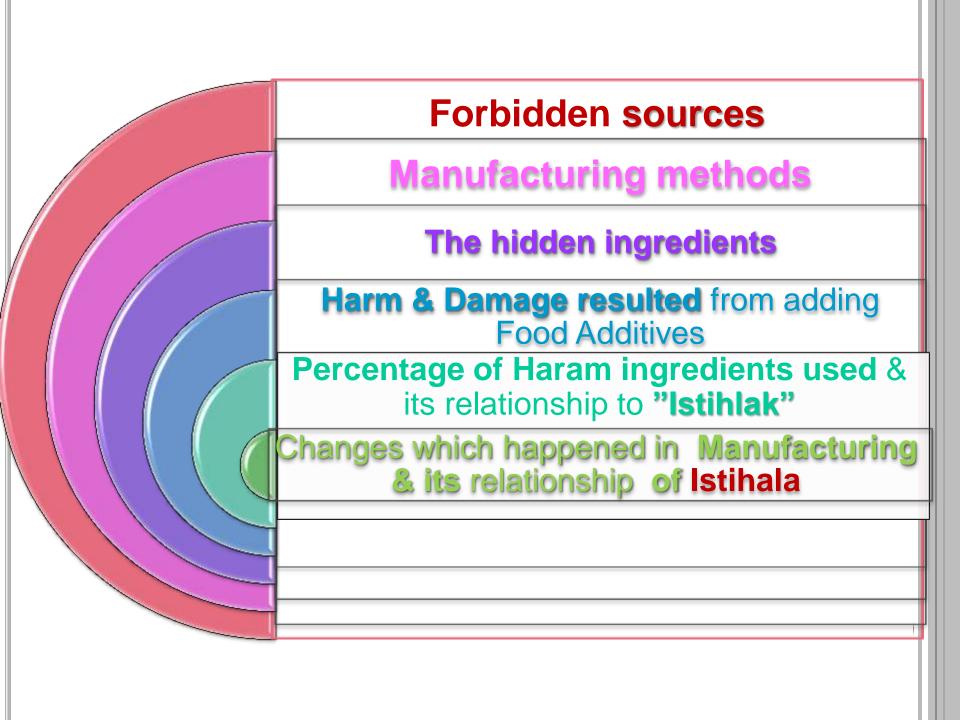


Especially when you know that manufacturers prefer to select raw ingredients in accordance with its availability and cheap price,

& not in accordance with its quality or its relation with Halal or Haram!

The following factors influence of the judgment if Haram, Najis or Mashbooh ingredients:







Does the change of the substance and its transfer into another substance give it another judgment ?

In other words

does"Istihala" change the judgment from

Haram to Halal?





It is necessary to point out that this

paper will be discussed intentional

"Istihala".



On the subject of

"Istihala

Scholars differed in judgment and

definition

Judgment on intentional "Istihala"



Fuqahaa were different in judging "Istihala"

in Past and present



In the past Fuqahaa took two tracks:

One team saw that "Istihala" changes Najis to Halal
The other team saw that "Istihala" does not change judgment from Haram to Halal

On the other hand, the contemporary Fuqahaa have three opinions on "Istihala":

- The first: saw that "Istihala" changes Najis to Halal
- The second saw that it does not change Najis to Halal
- The third saw the difference between what was Najis substance, like the pig never becomes Halal, but temporary Najis may become Halal



Definition of "Istihala"

Scholars differed in the definition of "Istihala"

One of the Contemporary Definitions

1. "The status of the Haram or Najis material to be eaten and changing its substance to another different materialin its name, properties and characteristics is a chemical interaction changing the material into another compound"*

2."Istihala" means:

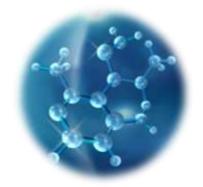
changing the substance into another substance different in its characteristics in which Najis or Haram ingredients are transformed to Halal ingredients***

^{*}In accordance with the Ninth Feqh Medical Symposium - Al Dar Al Baydaa" (Morocco)

^{*} the Eighth Feqh Medical Symposium"- Kuwait.

Some of them considered mixing or cooking the material as "Istihala" transfers the judgment from the Haram to Halal

And others considered any change occurring to the material is "Istihala".





Another view it is a chemical change.

Others said it is a complete change of the material.

An Important Question is What is the control of the complete or incomplete interaction?





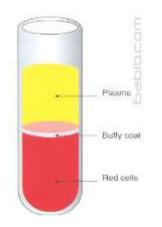
Examples mentioned by Fuqahaa as

"Istihala models"
which transfers the judgment
from Haram to Halal

□Blood Plasma
□Gelatin











There are Fatwa <u>allowing its use as it is a</u> <u>material different from blood</u>

The plasma is blood isolated from Fabreen and from red blood cells which forms 60% of the blood size and it is isolated through centrifugation

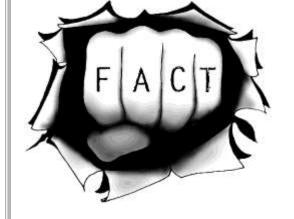






No change occurred on it, and isolation with centrifugation is only separation of components from each other







The shed-blood is Haram by Holly Quran whatever the animal is Haram or Halal to be eaten









If the shed-blood is Haram, and if the blood plasma was one of the blood component separated from it without making any change in it

the logical result is that: if the blood was Haram, is it necessary to make the plasma Haram by following and which is a part of it.

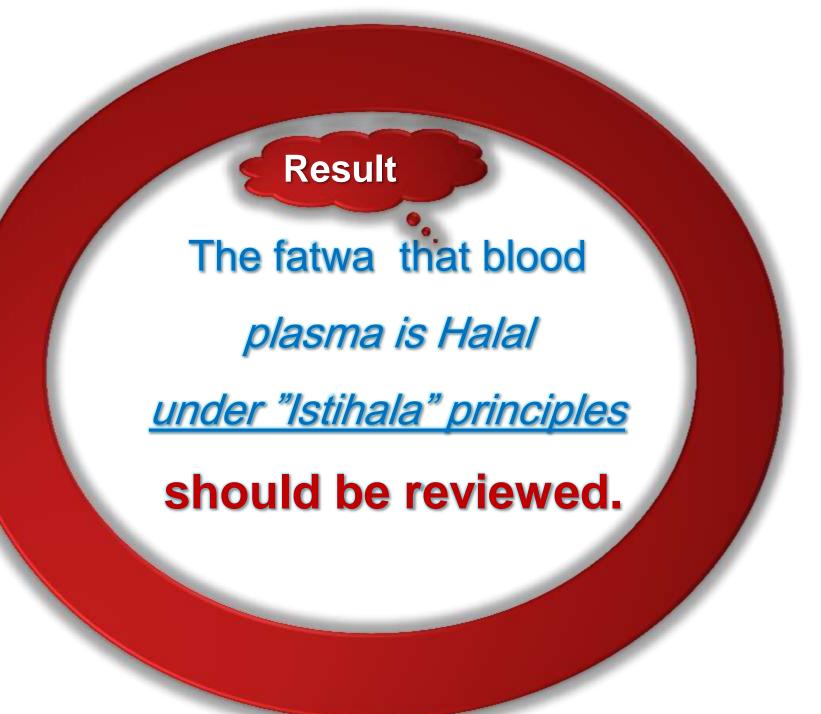
 B_{ase}

Haram of all

imposes

Haram of the part

قاعدة:حرمة الكل تقتضى حرمة الجزء



2-Gelatin



Is Gelatin* during manufacturing considered Halal by "Istihala"?

*(whether from pig or from animals not slaughtered under Shari'a Law)



The follower of what contemporary Fuquhaa say about the "Istihala" of Gelatin finds that they have different points of view:

First

Detecting its source to find out what kind of animal it belongs to

(Those Fuqahaa see that the impossibility of detecting the source is sufficient to judge its "Istihala" to Halal).

Second

Focusing on transformations occurring to Gelatin and to what extent, its properties, characteristics and name are changed

(Those Fuqahaa consider the impossibility of returning the origin of the source is sufficient to judge its "Istihala")

Discussion

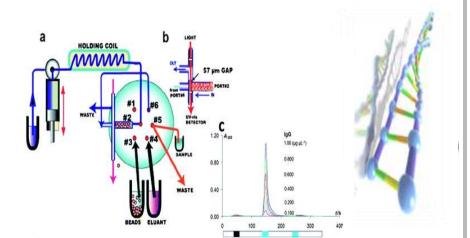


The first premise: The impossibility of detecting the source of the pig Gelatin is incorrect

however it is possible to detect it through the following:

1- Chromatography

2- Studying the serial of DNA







The possibility of detecting the source of Gelatin = The "Istihala" has not be fully completed



The impossibility of detecting the source of Gelatin is not a proof for "Istihala", because of using inefficient laboratory tools.





The second premise

does the transformation of Collagen into

Gelatin is considered a model of "Istihala"

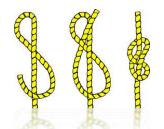
which changes *Haram* into *Halal*?



The change of *Gelatin is only a fraction to some Peptide linkages in the molecule of Collagen

but the basic acidic chains which distinguish proteins are still existing in Gelatin

*Gelatin is produced by putting Collagen under temperature of acidic or alkaline medium







The simple change in Gelatin is not

sufficient to say that it is an example

of "Istihala".



Are there Halal alternatives for the Gelatin?





Yes, the Gelatin which is taken from animals slaughtered under Shari'a law.

End Results



✓The examples of blood plasma and
Gelatin, which are presented as models
of "Istihala" are examples confirming
that the controls of "Istihala" are not
accurately correct







The partial change is not enough to say that

"The Haram, or Najis ingredients





Recommendations



It is necessary to review and reconsider the Fatawas which allowed using Haram ingredients to have intentional transformation "Istihala" without restriction to correct controls.

■ We must look for Halal alternatives for such raw ingredients and encourage its industry by Muslims.

