

Notes of Lectures on Fiqh by Maulana Sadiq Hasan in Melbourne Lecture # 6 (Friday 20 July 2001)

MORE ON IMPORTANCE OF FIOH

☀ Among all types of knowledge (ilm) in the universe, there are two types of knowledge, which are the most important:

1. Knowledge of Aqaid (Ilmul Aqaid or Beliefs/Roots of Religion)
2. Knowledge of Fiqh (Ilmul Ahkam or Laws of Religion)

☀ Knowledge of fiqh is essential in order to know exactly what Allah wants from us in different phases of this life and in order to submit to Allah completely.

☀ We may not lose much if we do not gain other types of knowledge. But we will lose a lot if we do not gain the knowledge of fiqh. Why? Because the knowledge of fiqh helps both in attaining the success in this temporary life as well as in preparing for a happy successful life hereafter (permanent life).

ROLE OF ISTAHLAK IN FOOD AND DRINKS

☀ Istahlak is an Arabic term used in fiqh, which literally means absorption or consumption. It is useful in understanding the reasons why certain items, which are tahir (pak) but haram to eat, may be allowed to be eaten when gone through the process of istahlak.

☀ Istahlak is a process in which an item A of very small quantity is mixed with another item B of large quantity such that A is completely absorbed or consumed by B without changing the colour or smell of item B. For example, a small amount of sugar absorbed in tea is said to have gone through the process of istahlak.

☀ In Islamic fiqh, the three most common examples, where an item may be tahir (pak) but haram to eat, are:

1. Blood
2. Soil
3. Alcohol

These are explained below:

☀ **Blood:** Blood is normally najis but there are some exceptions where blood is tahir. For example,

- (a) Blood left in the body of a zabiha animal (after it has been slaughtered islamically) is tahir, but that blood is haram to eat.
- (b) Blood of fish and all those animals whose blood does not gush out when cut (eg snake, lizzard etc) is tahir but that blood is haram to eat.
- (c) Blood found in egg is tahir (according to Ayatullah Seestani) but haram to eat. Blood found in egg is najis (according to Ayatullah Khui) and haram to eat (but followers of Khui can follow Seestani in this case).

Note: In all those above cases, where the blood is considered tahir and if it is absorbed in any food item through istahlak, then it is allowed to eat that food item. But if a marja considers the blood to be najis in the first place (eg blood in egg according to Khui), then the istahlak will not make it permissible to eat (however, followers of Khui can also follow Seestani in this case).

✳️**Soil:** Soil is tahir but haram to eat. Khake Shifa (soil found under the zarrah of Imam Hussain(AS)'s grave in Karbala) is allowed to eat in very minute quantity for cure, but only if you are 100% sure that it is real khake shifa. If you are not sure, then the only way to eat is through the process of istahlak.

✳️**Alcohol:** Alcohol is tahir (according to Ayatullah Seestani and Khui) but haram to eat. But if alcohol is mixed in small quantity in any item of food or drink through the process of istahlak, then it is allowed to eat or drink that item. (This also clarifies the reasons of Mas'ala No.39 in the book "A Code of Practice for Muslims in the West" based on fatawa of Ayatullah Seestani, which says that it is permissible to eat such food if the amount of alcohol is very minute, eg 2%).

✳️ In all above cases of Istahlak, one must be 100% sure that the item used is **really** the blood, soil, or alcohol. In case you are not sure, then

- (i) sharia allows that you can eat the food containing it by taking the benefit of doubt, and
- (ii) it is not wajib to ask anyone to make yourself sure.

✳️**Other Related Rules:**

(a) If an item is najis (eg wine, beer, pork), then the process of istahlak will not work to make any food item permissible. Instead, that food item, when mixed with a najis item (even in small quantity) will itself become najis.

(b) Perfumes, paints etc containing any amount of alcohol are considered tahir and can be applied and touched because alcohol is tahir. Process of istahlak will not apply here because these items (perfumes and paints) are not used for eating.

(c) Medicines containing any amount of alcohol are considered tahir and can be taken because alcohol used in medicines are considered tahir. Rule of istahlak is not necessary in case of medicines. *But if you have yaqeen (100% sure) that the alcohol (used in the medicine) causes intoxication in its pure form, then you can not take that medicine.*

(d) Pure silk is haram for men to wear, but if its quantity is so small in a cloth that it is no longer called silk, then such a cloth can be worn by men because of the rule of istahlak.

(e) Pure silk tie is allowed for men by Ayatullah Seestani, but not by Ayatullah Khui and Khomeini. However, followers of Khui can also follow Seestani in this case.

SOME COMMON MISTAKES IN SALAT

✳️ In Tashahhud, it is wajib to pronounce the word as "Muhammadan" and not as "Muhammadun" after the words "Ashhadu anna".

✳️ In Niyyat, the correct wording is "Qurbatan ILALLAH", and not as "Qurbatan ILLALLAH". However, salat is not affected even if this wording is pronounced incorrectly as long as the niyyat in your heart is to seek nearness (qurbat) of Allah, because the niyyat in your heart is wajib and rukn in salat and actual saying of that niyyat in words is not necessary.