

# Decisions and recommendations of AMJA's ninth annual convention

## The Resolutions and Recommendations of the Ninth Annual Conference of the Assembly of Muslim Jurists on

### Permissible and Impermissible Foods and Medicines in non-Muslim Lands

All praise be to Allah, and peace and blessings upon the Messenger of Allah and his family and followers.

#### The Animals Slaughtered by the People of the Book of American Society

In order for any slaughtering to be acceptable and sound, it must be done by a Muslim or (one from) by one of the People of the Book (a Jew or Christian). Their slaughtering is considered to be on a sound and acceptable (bases) basis as long as there is no proof to the contrary.

- The description of "People of the Book" is appropriate for those who ascribe, in a general sense, to Judaism or Christianity, as Allah has addressed them with that description. This description continues with respect to the United States and most of its inhabitants meet this description, ascribing themselves to Christianity in general. Such will be considered the case with respect to those who slaughter meat unless it is specifically mentioned that the slaughterer was not of that nature.
- One is not allowed to eat meat slaughtered by anyone who does not believe in the divine revealed religions (Islam, Judaism or Christianity). These being people such as idol worshippers, atheists, socialists or any other religion.
- According to the strongest opinion among the scholars, it is not a condition that the People of the Book mention the name of God upon slaughtering their animals. Allah has permitted their slaughtered animals while it is known that most of them do not mention the name of God.
- The slaughtered animal of anyone who can be described as a Muslim is permissible, regardless of the extent of his sinfulness or heresy. However, if he reaches a point where he openly displays something that nullifies Islam, the animal he slaughters would not then be permissible.

**Tadhkiyyah (wherein the blood is made to flow and the windpipe or jugular vein is cut) is a requirement for the permissibility of slaughtered animals [such as sheep]. Similarly, al-Nahr (slitting the hollow of the neck and causing the blood to flow) [for camels and the like] is also required. Finally, al-aqr (wounding wild game and allowing its blood to flow) is also required for animals one cannot control.**

- Dhabh is the preferred Shareeah method for slaughtering sheep, cattle, birds and the like. It is permissible for other animals as well. It is done by slitting the throat. Its most complete form is to cut the windpipe, esophagus, jugular vein and carotid artery. Its minimum form is by making the blood flow by cutting the windpipe and either the jugular vein or carotid artery. In the case of dhabh, the instrument used must be sharp enough to cut by its edge, regardless of whether it is steel or other material, except for bones or nails.
- As for nahr, it is by slitting the hollow of the neck and causing the blood to flow. This is the preferred Shareeah manner to slaughter camels and similar animals. It is permissible to slaughter nahr animals via dhabh and vice-versa.
- As for aqr, it refers to wounding game or other uncontrollable animals in any part of its body and having its blood flow out. This is used for every type of permissible hunted animal as well as any untamed domestic animal. If one reaches the animal while it is still alive, one must slaughter it.
- It is not allowed to use a stun gun on the animal, that is a kind of torture of the animal which many times leads to death. Similarly it is not allowed to electrocute the animal before its death. The claim that these acts are gentle is false. The Shareeah manner of slaughtering is the most gentle and most merciful. If the animal dies as a result of those acts before it is possible to slaughter it, it is not allowed to be eaten. However, if one catches it before its death and slaughters it, it is then permissible to eat.
- Slaughtering by hand is the safest approach [from a religious perspective] and it most fulfills the requirements of slaughtering as opposed to using mechanical methods. However, it is permissible to use mechanical methods if there is some need to do so, as long as it meets the Shareeah requirements of slaughtering. It suffices to mention the name of Allah over each continuous group. However, if the process is stopped, one must mention the name of Allah again.
- It is disliked to intentionally cut off the head of the slaughtered animal before it has lost its life, as that is an unnecessary form of torture to the animal and there is no need for it. However, it is not forbidden to consume that animal [even if the person intended to cut off the head].
- It is forbidden to consume the cows and lambs that are slaughtered in the United States due to the strength of doubts concerning them, as many of them die from stunning before they are slaughtered [and thus are considered carrion from an Islamic perspective]. The percentage of those varies from one butcher to another. But the slaughtered meat is then mixed with the carrion. This is in addition to the fact that they are slaughtered by using the knife in a vertical fashion in the lower neck, which is also surrounded with doubt.
- It is permitted to consume the poultry that is slaughtered in the United States because their stunning before slaughtering is very light and the percentage that die from it is so small that it is not worth considering.
- An exemption is given to consume chickens and other birds found in the marketplaces, due to the doubts about them being very weak as they do slaughter them in their necks and the electrocution they receive is too little to make note of. However, it is still preferred to stay away from all of that out of cautiousness and piety and to avoid the difference of opinions on this issue. Additionally, one should be cautious when it comes to eating meat because it is

emphasized by the majority of scholars that the default ruling concerning meat in the presence of any doubt is that it is forbidden.

- Muslims who live in non-Islamic lands are recommended to establish institutions that provide and distribute permissible meat. They should consider this to be part of the overall message of the mosque and Islamic schools.
- We must point out what has been emphasized by the Shareeah and by the international fiqh councils in their resolutions: It is necessary to treat animals with kindness and mercy before, during and after slaughtering the animal. One should not sharpen the instrument in front of the animal; one should not slaughter the animal in the presence of another animal; one should not slaughter with a tool that is not sharpened; one should not torture the animal; one should not cut off any portion or put it into hot water or remove the feathers until one is certain that life has left the animal.
- Independent organizations that oversee animal slaughtering must be established. These institutions must be financially and otherwise completely independent of the butchers and industry so that they can do their job earnestly. The institution can then grant certificates to those who fulfill the Islamic requirements of slaughtering.
- Non-Muslim restaurants and non-People of the Book restaurants in the countries of the People of the Book will have the same rulings as the other restaurants in those countries, as they all have the same sources of slaughtered animals in those societies. However, if one knows that a particular establishment has their own source of meat, then one cannot eat from it as their slaughtering differs from the Islamic requirement with respect to the animal and the butcher.

### **Restaurants and Utensils**

- The norm is to avoid restaurants that serve forbidden items, especially for the respected people and those who are followed of the people of knowledge and virtue. This is because such places are filled with obvious wrongs that are difficult to object to and because it is expected that the pure foods will be contaminated by impurities as they are prepared in the same places with forbidden foods and the utensils are not washed again before using them. At the same time, necessity and general need are to be taken into consideration. In such cases, if one needs to go to such places, he should keep his gathering as far away as possible from any evil.
- If a person knows that the utensils of the non-Muslims are impure, then he cannot use them before washing them. However, if he does not have such knowledge, then the utensils retain their default status of permissibility.
- It is permissible to use heated metal surfaces upon which impure items have been cooked to prepare permissible food. This is because the heat or fire purifies the impure surface and the small amount that is left over of impurity is overlooked after heating. Similarly, there is no harm in using a microwave to heat food, even if the microwave was previously used to warm up forbidden food.
- It is permissible to use a cutting instrument [such as a knife] to cut pure foods although it has been used to cut impure items. It should be used after wiping it to remove the remains of the impure foods. However, even if it is not wiped it will still be considered permissible due to the fact that it is unavoidable and a small amount of impurity is overlooked.

- The default ruling is that one should not eat with those who serve forbidden foods, such as alcohol, pork and so on, even if one does not join in any of that forbidden foods, unless there is some pressing professional necessity; keeping ties with one's family or a general necessity—and, of course, necessities are restricted by the limits that they require and one must work to remove or minimize the forbidden aspects.
- A guest should not ask the host about the source of his food if the host is a trustworthy person or, even if he is not well-known, he is not known to violate boldly the limits of Allah. One must judge him according to his apparent signs of soundness. Furthermore, the difference of opinion about the meat of the People of the Book in contemporary times is a matter of ijtihaad.
- There is nothing wrong with asking a seller about the meats that he is selling, as each has its own suppliers and prices.

### **Istihalah (transformation of a substance) and Istihlaak (absorption of a substance)**

- Istihalah is the transformation of a substance into another by changing its nature and qualities. It is a form of purification by which impure substances are transformed into pure substances and their rulings changed from forbidden to permissible. The ruling of a thing follows its name and qualities and changes respectively with respect to existence or non-existence. However, if the qualities of something are changed but its nature is still the same, its ruling does not change, like a solid substance being changed into liquid and vice versa, as solid and liquid are simply qualities that do not change the true nature of a thing. The difficulty concerning this principle is only its practical application and not its theoretical, fiqhi foundations. It is more in need of specialists [in the field of food chemistry and the like] rather than jurists.
- There is no harm in using gelatin that is derived from permissible sources or permissible animals that have been slaughtered properly. It is not allowed to use gelatin that is derived from forbidden sources, such as the skin or bones of pigs or other forbidden animals. Furthermore, one should not use the foods which are prepared with such gelatin, unless it is such a small proportion that gets completely absorbed by permissible foods with no remains of its taste, color or smell, or if it has completely changed its nature into a different substance.
- Food items that contain pig fat as one of its component, without it being transformed, are not permissible. Such foods include shortening, lard, some cookies, chocolates and ice cream. Such foods are forbidden and not permissible to eat, as there is a consensus that pigs are impure and not allowed to be consumed and there is no necessity to consume such foods.
- Using alcohol, in small or large amounts, in preparing foods is not allowed, as there is no necessity or need to do that. What Allah and His Messenger (peace and blessings of Allah be upon him) have permitted is more than sufficient. Any added taste desired through the alcohol can be achieved via better ways that are permitted by the Shareeah.
- As for food which contains some alcohol in it, its ruling depends on whether there are any remnants or effects of the alcohol on the food, whether or not it is intoxicating or whether it has some effect on the taste of the food or its color. In all of those cases, it would be forbidden. However, if the alcohol is completely baked or cooked away and there is no remaining effect on the color, taste or smell of the food and it is not intoxicating, then the

food remains in its original state of permissibility. In reality, though, it is very difficult to determine that the alcohol is completely cooked or baked away, not to speak of the sin of using such an ingredient. In this case, it becomes doubtful and we recommend that one avoid it in order to protect one's religion and honor.

- It is not permissible to intentionally prepare food or medicine with alcohol, regardless of whether it is to add some scent or taste. There is no harm in consuming, buying or selling what has a small amount of alcohol in it if it has been completely absorbed and it has no remaining effect on the color, taste or scent of the item nor is it intoxicating. Since it is completely absorbed by a permissible substance, it is to be overlooked. However, at the same time, it must be emphasized that such a practice is not allowed for a Muslim. A Muslim should not put it into the food or medicine of Muslims or assist another in doing so.

### **Medicine and Medical Treatment Correcting the Sexes of Hermaphrodites and Transgender**

- Correcting the sexual organs for hermaphrodites is permissible as it is considered a medical procedure. It is a must to ascertain that for the one who wishes to change the sexual that it is to be done without any harm and that the rulings of the new gender will then be applied to the individual.

### **Psychiatry and Yoga**

- Psychiatry is recognized as a form of medical profession. The same general principles for medicines and healing are to be applied to them, with respect to what the doctor prescribes to be done and the principles of practicing in the field as well.
- Yoga has two aspects to it: the spiritual aspect and the physical aspect. If one is able to benefit from the physical aspects and separate it from its pagan ideology and it can be ascertained that that alone is beneficial for the body, then there is no harm in practicing it, as it is like any other customary act that is permissible by default. The Shareeah sanctioned forms of dhikr and regular exercises should be more than sufficient. However, the meditational and spiritual concentration that Yoga contains is not permissible as it lies somewhere between shirk (associating partners with Allah) and innovation.

### **Massages for Enjoyment or for Medical Reasons**

- There is no harm in getting a massage for enjoyment if the sexes of the two are the same, they are free of any type of temptation and it does not involve the private parts. However, if the two are of opposite sexes [and are not a married couple], then the act is forbidden by complete agreement.
- As for massages for medical reasons [such as physical therapy], they fall under the same principles as other forms of medical treatment with respect to uncovering and touching the private parts.

### **Using Forbidden Substances as Medicine**

- The default is that one must avoid forbidden substances in medicines or other matters. However, an exemption is made in the case of necessity or the need that is treated similar to a necessity.
- An exemption is made for medicines containing a small amount of alcohol that has been absorbed into the medicine and concerning which there is no remains of the alcohol on the color, taste or smell of the medicine and the medicine will not be intoxicating even if one takes a lot of it.
- Drugs are forbidden according to the consensus of the Muslims. It is not allowed to use them except in the case of necessity or the need that is treated similar to necessity and under the supervision of a trusted doctor, when it is expected that its benefits will be greater than its harms and there is no plausible alternative available.
- The ruling concerning stimulants is based on weighing their harms and benefits. When a trustworthy doctor determines that their benefit is greater than their harm and there is no alternative which is less harmful, it is permissible to use them.
- It is permissible to use medicines that contain glycerin or glycerol which is derived from animals that have been properly slaughtered. As for that which is derived from other animals, it is still permissible to use because the nature has been completely transformed. However, we advise Muslim physicians and pharmacists to use the first type when producing medicine.
- It is permissible to use medications that promote sexual activity if it is done out of seeking to protect one's chastity, if there is some necessity or need for it and there is no substitute for it. A trustworthy doctor should prescribe it and it should only be used to the extent that is it actually needed.
- An individual is considered dead and all the relevant rulings will then apply to him when his heart and his breathing cease and do not return.
- If all brain activity has stopped with no return and such has been determined by trustworthy, righteous doctors, it is then allowed to remove the life support system even if some parts of the body, such as the heart, continue to function with the help of that system.

### **Being in Seclusion with a member of the Opposite Sex and its Rulings in the Medical Profession**

- Being in seclusion with a member of the opposite sex is forbidden by agreement of the scholars—although there is some difference of opinion as to what exactly it constitutes. This is based on the statement of the Prophet (peace and blessings of Allah be upon him), “Beware, truly a man and woman are not alone except that Satan is their third.”
- The parameters of the forbidden seclusion according to the jurists is where a woman and non-related man are together in such a way that they are not free of suspicion and it is most likely that no one is able to see them. They must be alone. It is not considered seclusion if another related man, another woman or another man is present. They also must be free of being seen, such that it is most likely that no one is able to view them. They must also not be close relatives (mahram), as in such case it is not the forbidden seclusion. Furthermore, if they are seen, even if they cannot be heard, it is not considered seclusion. Finally, they must be people of sexual desire [in other words, small children, for example, are exempted].

- The following cases are not considered types of forbidden seclusion: When the doctor and the female patient are in a place in which people are free to walk in on them. Also, if the place that they are in has windows on the wall or the door or it is confirmed that they are being filmed by a camera wherein people will be able to see what they were doing.
- As for being in seclusion with the elderly for medical reasons or general care out of necessity or dire need, then the matter is more flexible, as some jurists have demonstrated that matters can be more flexible when dealing with older women who have no desire for marriage and other elderly or sick people who have lost their desires.

### **Health Insurance**

- The basic ruling for commercial insurance is that it is forbidden, regardless of whether it is health insurance or other types. The exception is what is needed due to necessity or general need that takes on the ruling of necessity. Included in this category would be health insurance that is related to the preservation of life. There is definitely a great need for it due to the high medical expenses in the United States and the fact there is virtually no substitute for it.
- We encourage and advise Muslims living in non-Muslim lands to establish institutions that can provide health insurance within the Shareeah parameters. They should consider it part of their message and purpose to provide such a service to those Muslims living outside of the Muslim lands.