

IN SEARCH OF *HALALAN TAYYIBAN* IN ISLAMIC LAW FOR HUMAN WELL BEING

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Abstract

There is no disagreement among learned men that food is considered to be an important need of man. Man can exist without clothing and shelter under certain conditions but he cannot survive without food and drink. As such, any debate on food is bound to attract interest and attention. The Qur'an recommends, as far as the preservation of health is concerned, to consume only *Tayyibat* foods. This article is an attempt to put forward a comprehensive concept of *Tayyibat* food in Islamic law.

Key words: Halalan Tayyiban, Islamic Law, Halal Food

Introduction

There is no disagreement among learned men that food is considered to be an important need of man. Man can exist without clothing and shelter under certain conditions but he cannot survive without food and drink. As such, any debate on food is bound to attract interest and attention. The Qur'an recommends, as far as the preservation of health is concerned, to consume only *Tayyibat* foods. In addition, it is recommended to observe a balance in their intake of food and drink, to control the desire for excess, to balance one's diet, take in what the body can easily digest in kind and quantity. Both the deficiency of nutrients or saturation can hinder bodily absorption and subsequently cause illness. (Ibn al-Qayyim, 1985, 213-4; al-Baghdadi, 1988, 15; Abdul Jalil, 1977, 134-142).

What is *Tayyibat* Food?

It would be interesting to clarify the term *Tayyibat* food based on the word *al-Tayyibat*, which is derived from *Taba*. Ibn Manzur in his *Lisan al-Arab*, the most comprehensive of classical Arabic dictionaries, defined

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Taba as good, pleasant, delightful, delicious, sweet, pure and clean. (Ibn Manzur, n.d, 4: 2731-4; Al-Ghazali, n.d, 2: 655 and 820). Thus, impure or unclean things should not therefore be considered as *Tayyibat*. Toshihito Izutsu says:

Tayyib (singular of *Tayyibat*) is an objective, the most basic semantic function of which is to denote any quality that strikes the sense--the senses of taste and odor, in particular - as very delightful, pleasant, and sweet. As would be expected, it is most frequently used to qualify food, water, perfume, and the like." (Toshihito Izutsu, 1966, 235).

From the above, it is correct to say that *Tayyibat* foods are lawful and healthy foods which are beneficent to the human body and what is good for the human body is also good for his/her mind and spirit. In other words, the effects of consuming the prohibited foods and drinks will not only being injurious to one's physical health but also affect one's character and spiritual faculties. With this in mind, the *Ikhwan al-Safa* (The Brethren of Purity) maintained that plants and the flesh of animals that man takes in as food have an effect upon both his body and his soul. Clearly, the law of prohibition is not only based on properties as being injurious to one's health but also their effect on his character. (Gerrit Bos, 1994 215; S.H. Nasr, 1964, 70). Modern scholarship has furnished evidence to prove beyond any doubt that diet plays an important role in the maintenance of good health. In his "*The Role of Diet in Cardiotherapy*," A.H. Farooqui asserted that:

It has been established medically that diet plays an important role in diseased and healthy persons alike. A well-balanced and correct diet is absolutely essential for the maintenance of good health of a person. It is observed that very few people really take what can be called a correct and adequate diet. In most cases, it is faulty. This fault lies in the fact that the diet is either less or more, both quantitatively and qualitatively, than the amount actually needed. (A.H. Farooqui, 1983, 107; S.H. Nasr, 1976, 164-66).

If we accept the above argument, that the consumption of prohibited food is among one of the chief causes that can lead a man to corrupt deeds, so in contrast, control over food enables man to promote virtues. Al-Ghazali (d. 504/1111) says that the Creator asks all the creatures to follow His command and eat what is pure, clean, wholesome, nourishing

and pleasing to the taste. All these qualities are beautifully summed up in the word '*Tayyib*'. (Al-Ghazali, n.d, 2: 654-5 and 660; al-Shafi'i, n.d.2: 244-5). The Quran declares that things are allowed in Islamic law because they are good (*Tayyib*) as in the following verses:

O you who believe! forbid not (yourselves) **the good things** which Allah hath made lawful for you and transgress not. Surely Allah loveth not the transgressors. (Al-Ma'idah (5):87).

O you who believe! Eat of **the good things** wherewith We have supplied you, and render thanks to Allah if you are (indeed) His worshippers. (Al-Baqarah (2):172).

He again declares:

Say: Who hath forbidden **the beautiful (gifts)** of Allah, which He hath produced for His servants, and the things, clean and pure, (which He has provided) for sustenance? Say they are, in the life of this world, for those who believe, (and) purely for them on the Day of Judgment. (Al-'Araf (7):32).

Basically All Things are *Tayyibat* and Lawful in Islamic Law

It is an admitted fact that everything has been created for the benefit of man and can be utilized by him, although there are certain things, about which humans do not know their significance. This fact is derived from the Qur'an and the hadith that is explained by many Muslim jurists in the form of a legal maxim. Imam al-Suyuti, for example, in his *al-Ashbah wa al-Naza'ir*, said: "*al-asl fi al-ashya' al-ibahah* (basically things are allowed for everyone)." (Al-Suyuti, n.d, 133; Al-Shafi'i, n.d, 2: 245). This implies that nothing is unlawful unless specifically prohibited by the Qur'an or the Sunnah through a clear and explicit text (*nass*). In other words, if the *nass* (text) is not sound, as in the case of a weak *hadith*, or if it is not explicit in stating a prohibition, the original principle of permissibility applies. From this general rule, foods and drinks are considered to be lawful (*halal*) unless they are specified or their prohibitions are clearly stated in the Qur'an or the Hadith. (Al-Baqarah (2):29 and Al-Jadhiyah (45): 13). However, there are some jurists who hold a contrary view. They are of the opinion that everything is unlawful unless the law declares it to be lawful. In fact, this view has, on the face of it, no foundation whatsoever in the hadith or a quranic verse. As we can see, it goes against the clear principle laid down in the Holy Qur'an, that everything has been created

for the benefit of man. This leads to the assumption that everything can be used by man, unless a limitation has been placed by divine law, on its use. (The dictum that everything is presumed to be lawful, unless it is definitely prohibited by *Shari'ah*, is based on the following verse of Allah who says: "It is He (Allah) who has created for you all things that are on earth. (Al-Baqarah (2): 29); "Do ye not see that Allah has subjected to your (use) all things in the Heavens and on the earth." Luqman (31):20). In this regard the Prophet (pbuh) says:

Both legal and illegal things are evident but in between them there are doubtful (unclear) things, and most of the people have no knowledge about them. So whoever saves himself from these doubtful things, he saves his religion and his honour. (Imam Bukhari, Kitab al-Iman, Bab fadl man istabra'a lidinihi; Al-Zubaidi, *Mukhtasar Sahih Bukhari*, hadith no 48).

It would be interesting to refer Imam Bukhari's *Kitab al-At'imah* (the book of foods) where he mentioned several traditions of the Prophet (*ahadith*) relating to *Tayyibat* food commencing with the three verses of the Quran focusing on *al-tayyibat* food i.e., "O you who believe! Eat of **the good things** wherewith We have supplied you (*kulu min tayyibat ma razaknakum*)", (Al-Baqarah (2): 172) and His statement: "spend of **the good things** which you have (legally) earned (*anfaqu min tayyibat ma kasabtum*) (Al-Baqarah (2): 267); and His statement: "Eat of **the good things** and do righteous deeds. Verily, I am Aware of what you do (*kulu min al-tayyibat wa`malu salihan inni bima ta`malun `alim*. (Al-Mu'minun (23): 51). While commenting these verses, Ibn Hajr clarified that the word *al-tayyibat*, the plural of *tayyibah*, means something that is beneficial, not harmful, pure and *halal* (permissible). So, impure or unclean things should therefore not be eaten. This is in harmony with the Islamic medical law. The general rule of Islamic medical law is that *al-tayyibat* things are not only good, pleasant, delightful, delicious or sweet but also healthy and beneficent to our body, and what is good for our body is also good for our mind and spirit. Thus, it is correct to assume that the effects of consuming prohibited foods and drinks are not only injurious to one's physical health but also affect the character and spiritual faculties of man. In other words, the consumption of prohibited food is one the cause, which can lead a man to corrupt his physical and moral acts. On the other hand, control over food enables man to promote virtues. The view that control over food enables man to promotes virtues according to Ibn Hajr, has its foundation in the Quran which said: "*Ya Ayyuha al-Ladhina Amanu La Tuharrimu Tayyibat Ma ahalla Allah*". This

quranic verse is a strong reminder to those who prevent themselves from consuming pleasing food (*ladhid al-ta`am*) because what is delicious in taste is usually permissible. Consequently, all these qualities i.e., *halal*, pleasant, delightful, delicious, sweet, healthy and beautiful, are beautifully summed up in the word '*tayyib*'. (Ibn Hajar, 1978, 9: 648).

Imam Bukhari and the commentators of Sahih Bukhari are agreed that the main reason for the prohibition of food is *al-khaba`ith*, the opposite of *al-tayyibat*. This indicates that the aim of the prohibition is to make sure that human consume *tayyibat* food that would undoubtedly contribute to the preservation of the nobility of humankind and at the same time prevent man from being led astray through partaking of prohibited food. This tendency has developed particularly in modern times since medical doctors have acknowledged that prohibited foods i.e., *maytah* (the meat of dead animals or carrion); blood; pork and meat dedicated to anyone other than Allah (s.w.t), are harmful. Allah (s.w.t) says:

Forbidden unto you (for good) are dead-meat, and blood and flesh of the swine, and that over which is invoked the name of other than Allah, and the strangled, and the dead through beating, and the dead through falling from a height, and that which has been killed by (the goring of) horns, and the devoured of wild beasts, unless you have cleansed (by slaughtering) it in the proper, lawful way, while yet there is life in it, and that which has been immolated unto idols. And (forbidden is it) that ye swear by the divine arrows. This is an abomination. (Al-Ma'idah (5): 3).

Also Allah (s.w.t) commands His prophet Muhammad (pbuh) that:

Say: I do not find in what is revealed to me, anything forbidden to one who eats of it unless it be dead meat, or blood poured forth or the flesh of swine,-for it is impious, (meat) on which a name has been invoked, other than Allah's". But (even so), if a person is forced by necessity, without willful disobedience, nor transgressing due limits,- Thy Lord is forgiving, Most Merciful. (Al-Baqarah (2):173).

The Right to Have *Tayyibat* Food for Human Well Being

There is no disagreement among learned men that food is considered to be an important need that contributes to human well being. Man

can exist without clothing and shelter under certain conditions but he cannot survive without food. Cognizant of this, Islamic law guarantees the fundamental rights of the individual notably the right to have basic needs fulfilled, and does not permit anyone to forbid it. It is in this respect that, Islam lays down the rights of man to partake of food and drink as human being. Every man regardless of whether he resides in one country or another, is a believer or unbeliever, has the right to have basic needs fulfilled simply because he is a human being. This right should be exercised by every Muslim who has the means. To realise this, Islamic law protects the right of the individual notably the right to a basic standard of life. Emphasizing this right, the Holy Qur'an says: "And in their wealth there is acknowledged right for the needy and destitute." (Al-Dhariyyat (51):12). This injunction shows that Islamic law also awakens a sense of social responsibility in a Muslim. In other words, in case one is either unable to earn a livelihood or one's earnings do not suffice to meet one's basic needs one becomes entitled to social support. This indicates that Islamic teachings neglect neither the individual nor society. The rich have to pay *zakah* for the well-being of the needy and the destitute. If the *zakah* fund is insufficient, then the state must utilise its income from other sources since the poor and needy in Islamic law have a prior right to the state's income. In connection with the issues of food and drink, jurists state that it is obligatory for every Muslim to give daily bread and water to another Muslim who is about to die of hunger or thirst and save him from death. Hence the various mechanisms embodied in Islam ensure the availability of means not only to meet urgent needs but also to guarantee the healthy survival of mankind. Thus, under Islamic law, there can be no hunger. People should have no problem meeting basic needs for themselves and their families.

It must, however, be made clear that one of the important reasons for the above command is that Islamic law does not only protect all mankind from all types of violations but it also strongly supports the right to have food for all men regardless of their racial, ideological, political or religious differences. For this reason Islamic law has very broad principles regarding the distribution of wealth and the protection of all humans from starvation. Due to legal and moral values in Islam, al-Shatibi (d. 790/1388) is of the opinion that the promotion of the welfare of the people is the objective of *Shari'ah* and that welfare includes the safeguard of their faith, life, intellect, posterity and property. With respect to the removal of poverty and reinforcement of the Islamic economy, Islam realises that the oppressors of the state and unjust distribution of public wealth have brought about hunger and poverty for many people in the world and are

threatening the world with starvation. (Ala' Eddin Kharofa, 1962, 43-45). The above shows that *zakah* is important to provide the poor with basic needs. It is the real solution to their hunger and poverty. In this regard, 'Ala' Eddin Kharofa observes accurately that when a person ponders deeply the subject of *zakah* and its virtues deeply, he finds that Islamic system of finance seeks to avoid the concentration of wealth in the hands of one individual or even a handful of wealthy individuals. It is for this important reason that Islam promulgates *zakah* and has established a system by which inheritance, charity, etc. operate equitably. It is clear and even beyond argument that if the system of *zakah* were in fact implemented in the fashion that Islam advocates, Muslim society would progress and prosper, and rich and poor would both live in peace and harmony. This is because Islam takes into account both private and social interest. The objective is to build a society on a solid foundation. (Ala' Eddin Kharofa, 1992, 56). That is why Abu Bakr al-Siddiq (r.a), the first Caliph, adhered strictly to the policy of public maintenance initiated by the Prophet (pbuh). He, therefore, declared war against those who refused to pay *zakah*. This is what he announced: "By God! if they refuse to pay one rope, to be tied to the foot of a camel, from what they were paying to the Prophet, I will declare war on them for their refusal." (Imam Bukhari, *Sahih Bukhari*, Kitab al-zakah, Bab wujub al-zakah).

Moreover, in order to make sure that all people have the food to eat, Islamic law, therefore, is strongly against any monopolisation of food. Under this principle, Islam encourages commercial law for various aspects of economy to protect individual's and group interest. Thus, it is considered a great sin when one destroys food for commercial purposes. According to the hadith: "An importer is blessed, but a monopolist is accursed." This statement of the Prophet (pbuh) should also be read in conjunction with another proclamation that: "He who monopolises a commodity is a sinner. (Ibn al-Qayyim, 2000, 276). This teaching is expressed very forcefully by the great jurist Imam Ibn Hazm, who says:

It is obligatory on the person having food to feed the one who is hungry, and that being the case, the hungry person is not compelled to (eat?) the flesh of dead animals or intoxicating drink. If the person having excess food denies it to him, he has a right to fight for it. If he (the hungry person) is killed, the killer is guilty of murder and consequently subject to retaliation, while if he kills the denier of food he has dispatched him to the curse of Allah, as he denied his right and was one of the rebellious. Allah (s.w.t) says: "And if one of them transgresses against the

other, fight against the one who transgresses until he complies with the command of Allah" (49:9). (Ibn Hazm, n.d., 6: 159).

Consequently and relatively with the above discussion the destruction of food in Islam is basically considered a sin and its protection is a great responsibility under divine law. The *Qur'an* condemns the destruction of food by man who "when he becomes a ruler, he runs about on earth greedily and his great effort everywhere is to make mischief and disorder in it and destroy the crops and the offspring of mankind." (Al-Baqarah (2): 205).

Conclusion

It is found that *Tayyibat* foods are lawful in Islamic law. The *khaba'ith foods*, the opposite of *tayyibat* foods are unlawful in Islamic law. The former is defined by Islamic law as good, pleasant, delightful, delicious, sweet as well as healthy and beneficent to the human body, and what is good for the human body is also good for the mind and spirit. *Khaba'ith foods*, are not only injurious to one's physical health but also affect the character and spiritual faculties of man. This leads to other conclusion that the prohibition of *khaba'it* foods, among others, is to make sure that humans consume the *tayyibat* foods that will inevitably contribute to the preservation of the nobility of humankind and at the same time prevent them being led astray through the partaking of prohibited food.

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