Tourism and the *Ḥalāl* Industry: A Global *Sharī'ah* Perspective

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Abstract: Upon first glance, Islamic tourism seems only to cater for the needs of millions of Muslims around the globe who are performing *ḥajj* or *ʿumrah*, visiting Mecca and Medina, or the shrines of Najaf and Karbala in Iraq. Yet in many ways Islamic tourism is lagging behind more conventional forms of international tourism and has yet to realise its fuller potentials. This article addresses the sharī'ah concepts of *ḥalāl* and *ḥarām* and their manifestations in the *ḥalāl* industry and tourism in two main areas: market developments of interest to *ḥalāl* tourism internationally and those that have taken place in Malaysia. Other topics discussed are *ḥalāl* certification procedures, the role of *fatwās* in the determination of *ḥalāl*, and more generally the return of Islamic values to the market place. The final segment of this article addresses the role of custom, culture, and religion as they are manifested in the behaviour of Muslim travellers and tourists.

Shifting Patterns in International Tourism

Although the discussion concerning *ḥalāl* (permissible) and *ḥarām* (prohibited) in food and entertainment is not new, awareness of *ḥalāl* as a market phenomenon and the implications for international tourism, trade, and finance is relatively recent, and much of it seems to have emerged, oddly enough, after the 9/11 attacks. The 9/11 attacks marked a decidedly dark patch in the relations between the West and the Muslim world – with enormously damaging consequences. Many Arab tourist destinations suffered massive declines in tourism due to new visa restrictions and security concerns, while other Arab destinations benefited from a surge in the number of tourist arrivals and holiday makers. The number of visitors to Arab countries from North America, Europe, and Japan declined and Arab tourists themselves began to spend their holidays in much larger numbers in Arab and other Muslim countries. Syria, Bahrain, the United Arab Emirates, and Egypt benefited from the shift in tourist flows. Shortly after 9/11 these countries were able to stabilise their tourist industries and achieve significant growth. Some Gulf Cooperation Council (GCC)

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countries, which were traditionally reluctant participants in international tourism, began to expand their tourism sector with multi-billion dollar investments on new facilities.¹

Beyond economic stabilisation and growth, a cultural change also became noticeable. The 'traditional' cultural tourist destinations, which had been popular among European and American visitors, were in most cases also losing their appeal to average Arab tourists. This shift in resulted in a still continuing reorganisation of tourist facilities in these newly expanding tourist destinations in order to adjust to the demands of a growing flow of Arab and Muslim tourists. These emerging patterns, in turn, led to increased coordination of tourism policies among Arab states and between Arab and other Muslim countries. Tourism ministers from those countries met at regular intervals in a quest to increase tourism among Muslim countries, to develop new tourist destinations, and to strengthen institutional cooperation among them. The cultural and religious dimensions of this cooperation focused on developing Islamic heritage sites to be visited by Muslim tourists. A fresh focus was also noted on the development of *ḥalāl* tourism that took into consideration *sharʿah* rulings on *ḥalāl* food, entertainment, and even gender-segregated and alcohol-free hotels and restaurants as well as 'islamically' financed and organised tourism.²

While the Arab world was taking steps to increase Arab tourism, it was noted that concern over *ḥalāl* food and facilities was even more pronounced in Southeast Asian countries such as Malaysia, Indonesia and Singapore compared to their Middle Eastern counterparts. Europe, the United States, Canada, and Australia have large and growing Muslim populations and are therefore seen as major emerging markets for *ḥalāl* production, trade and tourism.

These shifting patterns developed further during the first decade of the present century and Islamic tourism grew not only among Muslim countries and populations, but also in non-Muslim countries such Canada, Taiwan, Hong Kong, and Australia where 'Islamic' tourism is being developed on a large scale. Jeffri Sulaiman, Vice President of the Malaysian Association of Tour and Travel Agents, stated that tourist facilities and hotel rooms in these countries are expected to offer prayer rooms and *ḥalāl* food menus to lure a larger number of Muslim tourists.³ An Australian tourist expert from Brisbane, Daniel Lynn, also observed that "tourism operators will increasingly need to adjust their menus and provide another bid to meet new market needs."⁴

Muslim dietary rules have also assumed new significance because such rules as many Muslims are demonstrating, conform to the findings of scientific research on healthy food. Malaysian researchers, for instance, have shown that the *ḥalāl* certification procedures ensure such attributes as attractiveness, quality, cleanliness, and clean operations in *ḥalāl* food chains and storage⁵ and thereby meet market demand and support small and medium enterprises (SMEs) and Muslim companies.

But even more so, the *ḥalāl* industry has grown exponentially as a result of the quest for alternatives to western values and lifestyles. *Ḥalāl* among the migrant groups has also served as a focal point of Islamic identity and culture. In the modern food industry, a number of Islamic requirements are being taken into consideration, for example the avoidance of substances that may be contaminated with porcine residues or alcohol, gelatine, emulsifiers, enzymes, and flavouring.

The *Ḥalāl* Industry in Malaysia

Malaysia holds a special position in the global *ḥalāl* market. Shafie and Othman reported from their consumer behaviour survey that for the Muslim consumers of Malaysia, *ḥalāl* is a key requirement. *Ḥalāl* brands and certification originate in different places, yet some of the local brands appear to have developed their own niche. In general, Muslim consumers in Malaysia look for the authentic *ḥalāl* certification by Malaysia's Department of Islamic Development (JAKIM) of the Prime Minister's Office. In 2004 when Malaysia launched its first *Malaysia International Ḥalāl Showcase* (MIHAS) in Kuala Lumpur, the then Prime Minister Abdullah Ahmad Badawi in his speech declared that establishing Malaysia as a "global *ḥalāl* hub" was a major priority of the government and that MIHAS was the largest *ḥalāl* trade expo to be held anywhere in the world. *Ḥalāl* products and services in Malaysia cover a wide spectrum that extends from food and beverage to accommodation, attire, insurance, financial products, cosmetics and personal hygiene.⁶

Malaysia's global *ḥalāl* hub concept aims to create opportunities for SMEs to penetrate the *ḥalāl* markets in the Middle East, the OIC countries and elsewhere. The Federal Agricultural Marketing Authority (FAMA) estimated the market size for frozen food only to increase to MYR 193 billion by 2010. Yet actual developments have fallen short of meeting forecasts owing partly to the limited range of *ḥalāl* products in the market which are insufficient to cater for the demand. As of June 2011, the *ḥalāl* industry in Malaysia was estimated to be worth MYR 56 billion a year whereas for the global market it is estimated between US\$ 2.5 trillion and US\$ 2.7 trillion. In announcing these figures, the Deputy Minister of Trade and Industry, Mukhriz Mahathir, also revealed that Bumiputras (mainly native Malays) hold only 30 per cent of the 4,787 *ḥalāl* certificates so far issued by JAKIM to companies in the food and beverage industry. He noted that more non-Bumiputra companies were applying for *ḥalāl* certification. "This is despite the fact that being certified *ḥalāl* could be a ticket to growth outside Malaysia," Mukhriz Mahathir said adding "that the market potential for *ḥalāl* products is huge, especially in ASEAN, the Middle East and China....In China alone, there are good prospects for *ḥalāl* products as four provinces there have a huge Muslim population with high purchasing power."⁷ As part of its global *ḥalāl* hub policy, the Malaysian government has taken measures

in both its Second Industrial Master Plan (1996-2005) and the National Agricultural Policy (1998-2010) to support the industry through the creation of a number of *ḥalāl* parks in the country. The state governments of Selangor, Kedah, Melaka, Negeri Sembilan, Perak, and Pahang have consequently established industrial *ḥalāl* parks in their respective states.⁸ Malaysia has also formed a working group with several ASEAN countries to look into global issues such as the accreditation of *ḥalāl* food and registration list for *ḥalāl* preservatives.

JAKIM which supervises *ḥalāl* certification is entrusted with monitoring operations relating to *ḥalāl* production such as handling and packaging. Imported products are being certified by certain organisations accredited by JAKIM and government agencies such as the Department of Veterinary Services, and the Food Safety and Quality Division of the Ministry of Health, which issues clearance on suspected hazardous food substances. Malaysia's *ḥalāl* hub concept, moreover, aims to develop benchmarks for a Global *Halāl* Standard not only for food production and processing but also for pharmaceuticals, cosmetics and preservatives.⁹ Once a *ḥalāl* certification is issued, the companies print and display the *ḥalāl* logo on their products and advertisements and at their company premises and outlets.

One of the reasons the Muslim and Bumiputra portion of the *ḥalāl* certificates is relatively small is the cost. It costs up to MYR2,000 to get a two-year certificate for each product. To get a *ḥalāl* certificate is described as "a very meticulous process. Every single step of the business or manufacturing process will be evaluated and assessed, from the ingredients, process, handling of the materials to the logistics."¹⁰ Yet there are shortcomings in enforcement, one of the widely organised challenges the *ḥalāl* regulators in Malaysia need to address. Commentators have noted that lack of adequate enforcement by JAKIM personnel in monitoring the use of the *ḥalāl* logo has caused the public to question the authenticity of some of the products or services claimed to be *ḥalāl*.¹¹

***Ḥalāl* and Other *Fiqh* Terminologies**

In its *qur'ānic* usage *ḥalāl* is synonymous with *ṭayyib*, that which is clean and lawful. *Ṭayyib* is an adjective basically denoting any quality that strikes the senses of taste and smell as delightful and pleasant. *Ṭayyib* is also used in reference to speech as a 'pleasant speech' (*kalām ṭayyib*), and occasionally also as a description of piety of people and angels (cf., 6:31). Both, *ḥalāl* and *ṭayyib*, carry the basic meaning of lawfulness as in the following: "They ask thee [Muḥammad] what is made lawful (*uḥilla*) for them. Say 'Lawful to you are all good things (*ṭayyibāt*) (5:4)."¹² Elsewhere, the *Qur'ān* uses *ḥalāl* and *ṭayyib* together with their opposites, respectively:

He [the Prophet] makes lawful (*yuhillu*) for them all good things (*ṭayyibāt*), and makes unlawful (*yuharrimu*) for them that which is filthy and evil (*khabā'ith*) (7:157).

The opposite of *ḥalāl* is thus *ḥarām* whereas the opposite of *ṭayyib* is *khabiṭh*. *Ḥarām* thus becomes filthy and *khabiṭh* whereas *ḥalāl* is signified as *ṭayyib*, pleasant and clean.

A parallel is evidently drawn between *ḥarām* and *khabiṭh* in that they tend to coincide: *ḥarām* becomes unclean and the unclean becomes *ḥarām*, but I shall have more to say on this. In the usage of Islamic legal scholars and *fiqh* text books, *ḥalāl* is synonymous with *mubāḥ* and *jā'iz*, all implying permissibility and a neutral position the *sharʿah* takes on aspects of human conduct, including consumption of victuals, recreation, travel, treatment of animals, customary matters and commerce. That said, however, Islamic jurists are inclined to use *mubāḥ* and *jā'iz* more frequently than *ḥalāl* to signify *sharʿah*-neutrality.¹³ It is interesting to note that of the three terms, it is *ḥalāl* that is used more frequently in the Qur'ān, whereas the *fiqh* discourse uses *mubāḥ* more frequently than its other synonyms. *Ḥalāl* and its opposite *ḥarām* are qur'ānic terms whereas *mubāḥ* and *jā'iz* are, broadly speaking, juristic terminologies developed by the *fiqh* tradition. This can be said more widely perhaps of the renowned 'five values' ranging from the obligatory (*wājib* or *fard*) to recommendable (*mandūb*), permissible (*mubāḥ*), reprehensible (*makrūh*), and forbidden (*ḥarām*). Only the two extremes in this scale are qur'ānic terminologies but the remaining three value points were developed by the *fiqh* schools and jurists.

The eighth century CE witnessed intensive scholastic activities in *ijtihād* and legal verdicts (*fatāwā*). That also meant expansion of *fiqh* itself and its engagement with classification and theoretical indicators beyond the binary *wājib-ḥarām* categories of the Qur'ān. Much of the bulk of *ḥadīth* had also been compiled by that time, which in turn provided the *fiqh* scholars with a broad range of data for their scholastic activities. *Fiqh* scholars admittedly expanded the scale of values to five, and if one takes the added specifications of the Ḥanafī school into account, to seven values points, as the Ḥanafīs added a sub-category each to *wājib* and *makrūh*, respectively.¹⁴ *Fiqh* scholars conducted this exercise, not independently of course, but in the light of their general knowledge of the Qur'ān and *ḥadīth*, and most probably as a mark of reverence to the sanctity of these sources because of the qur'ānic guideline which advised a degree of restraint with regard to *ḥarām*:

And do not say, concerning the falsehood which your tongues utter, 'this is *ḥalāl* and that is *ḥarām*,' lest you fabricate a lie against God; for those who do so shall certainly not prosper (16:116).

Imām al-Shāfi'ī (d. 820 CE) thus narrated from Abu Yūsuf (d. 798 CE) a statement to say: "I know that our learned teachers avoided saying: this is *ḥalāl* and that is *ḥarām* [...] When they gave judgment concerning something, they would say 'it is disapproved' or 'there is no harm in it,' 'I do not prefer it,' or something to that effect". In the same spirit, when Imām Aḥmad b. Ḥanbal (d. 869 CE) was asked about

a matter, he would say “It does not appeal to me,” “I disapprove of it,” “I do not like it”. Similar reports have been recorded from Imām Mālik (d. 795 CE), Abū Ḥanīfah (d. 767 CE) and all the leading imāms, who did not term anything *ḥarām* unless it was definitely known to be so.¹⁵

As will be noted the five (or the seven) point scale of values under review does not employ the term *ḥalāl* but only its equivalent *mubāḥ*. *Ḥalāl* in the Qur’ān is normally used in reference to what is made permissible by the will and command of Allah, and does, to that extent, carry a degree of sanctity higher perhaps than the juristic labels *jā’iz* and *mubāḥ*. In this way the *fiqh* scholars have distinguished what they deem to be a human endeavour from that of the Divine expression and approval. This is perhaps little more than symbolic and should not imply that *mubāḥ* and *jā’iz* are doubtful categories, for they are clearly not, and the *fiqh* tradition has developed elaborate methods of enquiry to provide that assurance. It remains to be said, nevertheless, that the customary use of the term *ḥalāl* and the currency it is given in the Islamic tourism, food and finance discourse nowadays might be said to be in some ways marking a return that may signify direct recourse to the language and terminology of the Qur’ān.

A glance at developments in recent decades would also show a certain change in the linguistic usage and application of *ḥalāl*. *Ḥalāl* used to be more or less confined to foodstuffs and beverage, and also to lawful earning (*rizq ḥalāl* and *kasb ḥalāl*). Within living memory, one notes that even after the emergence of Islamic banking and finance, ‘*ḥalāl* banking’, and ‘*ḥalāl* finance’ were hardly familiar expressions to the industry. *Ḥalāl* tourism as a term is also a newcomer in that sense. Suppose we tried to describe tourism as *mubāḥ* or *jā’iz* – the exercise might sound somewhat redundant. Tourism is permissible, even recommended, if it is with the purpose of discovering the wonders of the created world – as per Qur’ānic invocation to “traverse the tracts of earth and eat of its sustenance” and “travel therein secure by night and by day” (67:15; 34:18). Besides, the *fiqh* tradition is not wont to labelling every permissible activity as *mubāḥ* or *jā’iz*, simply because permissibility is the basic norm and presumption of the *sharī‘ah*, as I will presently elaborate. *Ḥalāl* tourism as a term thus signifies value-added tourism that is not altogether neutral but to be recommended from the Islamic perspective.

Ḥarām, Permanence and Change, and the Principle of Istiḥālāh

Ḥalāl and *ḥarām* are basically permanent and unchangeable. What the *sharī‘ah* has made *ḥarām* thus remains so for all time regardless of personal preferences, custom and culture. *Sharī‘ah*-rules on *ḥalāl* and *ḥarām* are also all-inclusive in that Muslims do not have the privilege of making something *ḥarām* for others and *ḥalāl* for themselves. The designations are meant to be for everyone, although certain

exceptions have been made for non-Muslims, and even for Muslims themselves under stressful circumstances and danger to life. The renowned legal maxim of *fiqh* that “necessity makes the unlawful lawful – *al-ḍarūrāt tubīḥ al-maḥūrāt*,”¹⁶ has wide applications to conditions of illness, advanced age, pregnancy, emergencies, and even travelling as a hardship category in its own right. Another basic position of the *sharīah* concerning *ḥalāl* and *ḥarām* to be noted is that small amounts and large all fall under the same rules. When something is made *ḥarām*, even the smallest amount partakes in the same. Muslims are thus prohibited from consuming pork or alcohol, even a small quantity. Any amount becomes sinful even if it does not pollute or intoxicate, on grounds of caution and the *sharīah*-principle of blocking the means to *ḥarām*, known as *sadd al-dharāʾir*.¹⁷ Yet the *ḥarām* can change into *ḥalāl* as explained below.

Internal changes that alter the essence and basic properties of objects, such as chemical permutations occurring with or without human intervention, may alter the *ḥarām* and convert it to *ḥalāl* – such as the transformation of alcohol into vinegar, or when pig meat falls into salt and over time becomes an indistinguishable part of it. This transformation can occur, as in the case of alcohol when an alcoholic substance is left in an open place or exposed to the sun, or when other substances such as onion, bread or yeast are immersed in it.¹⁸ The *fiqh* discourse on this is expounded under the principle of *istiḥālah*, or transformation, which is nowadays more frequently practised within the context of food augmentation or alteration due to chemical treatment and industrial intervention for trading, nutrition, medicinal and other purposes. According to the Islamic Organisation for Medicinal Sciences (IOMS), *istiḥālah* is the transformation of the natural characteristics of a forbidden substance to produce another substance with a different name, properties or characteristics. Substance transformation here refers to a chemical permutation, such as the process that changes oil and fat into soap or the decomposition of fats into fatty acids and glycerol through scientific intervention.¹⁹

Juristic opinion tends to differ over the legality and effects of *istiḥālah*. Can a Muslim consume or use an unclean substance if its chemical properties have changed? The majority opinion of the Ḥanafī, Mālikī, and Ḥanbalī, as well as the Shāfiʿī schools hold this to be permissible based on the reasoning that *ḥarām* exists due to unclean properties, and when they cease to obtain, the original status of permissibility is restored – as in the case of alcohol changing into vinegar.

A different view is also recorded by a number of jurists within the leading schools holding that inherent impurity remains even after *istiḥālah* – as transformation is often partial and unclean. The majority view has been adopted by the 9th Fiqh-Medical Seminar (June 1997) of the International Organisation for Medical Sciences (IOMS), which held that additive compounds extracted from prohibited animals or defiled substances that have undergone *istiḥālah* are clean and permissible for consumption

or medicine.²⁰ This is also the decision of the Islamic Fiqh Academy of the Muslim League (held in Mecca, 13-17 December 2003) with the proviso that transformation is complete and that none of the original properties of the porcine substance is known to have survived. A partial transformation that causes only a change of form leaving the substance totally or partially unaffected, would thus fail to render the substance in question permissible.²¹ Differences of opinion persist, however, over the usage of lard in food processing and also gelatine, both of which are porcine derivatives, although gelatine can also be obtained from other animals and, according to more recent research, from certain varieties of fish. A general advisory is inserted, however, that one should try to avoid doubtful substances where other options are easily available and there is no compelling necessity.

The 8th Fiqh-Medical Seminar of 1996, organised by IOMS, held that foodstuffs containing lard which does not undergo denaturation, such as in cheeses, vegetable oil, lubricants, cream, biscuits and ice cream, are prohibited due to the impermissibility of the pig and its derivatives. The same prohibitive stance is taken regarding ointments, creams and cosmetics which contain pig fat unless the substances from which they are derived undergo a transformation that eliminates their original properties.²²

Gelatine derived from swine is used as a food ingredient for gelling, stabilising and emulsifying. Expert opinion has it, however, that gelatine whether from porcine, bovine or other animal sources undergoes transformation that fulfils the Islamic law requirements of *istiḥālah*, and as such is not prohibited. This is because gelatine no longer possesses the original attributes of the skin and bone of swine or carrion from which it was derived. Since it no longer has the same form, taste, smell or chemical structure of its original source, it falls under the basic norm of permissibility.²³ The 8th Fiqh-Medical Seminar already referred to also held that “gelatine made of unclean animal’s bones, skin and tendons is clean and permissible for consumption.”²⁴

The Principle of Permissibility (*ibāḥah*)

The norm of the *sharīʿah* regarding commercial transactions (*muʿāmalāt*), customary matters (*ʿādāt*), foodstuffs, beverages, and virtually all things pertaining to the daily activities of life, is that they are permissible unless there be a clear injunction to the contrary. This is the purport of the *fiqh* maxim that “permissibility is the basic norm – *al-aṣl fī ‘l-ashyā’ al-ibāḥah*.”²⁵ This maxim has been derived, in turn, from numerous references the Qur’ān makes that God Almighty created all that is in the heavens and the earth for the benefit of humankind.²⁶ That being the case, human beings are naturally authorised to utilise them for legitimate purposes. God would not grant humankind control over all things, count this as His favour upon them, and then inform them that they are prohibited from using them for their benefit.²⁷

When the Prophet was asked, as his Companion Salmān al-Fārsī narrated, about animal fat, cheese and fur, he replied: “The *ḥalāl* is that which Allah has made lawful in His Book, and the *ḥarām* is that which He has forbidden. But concerning things over which He has chosen to remain silent, He has permitted them as a favour upon you.” Thus instead of mentioning the three items in the question, the Prophet laid down the general guideline that whatever God has not made *ḥarām* to us is meant to be permissible - there being no need to look for specific rulings to establish permissibility.²⁸ Although certain things may have been either recommended or disapproved (*mandūb* or *makrūh* respectively) they fall short of prohibition and they consequently fall within the principle of permissibility.²⁹

Prohibiting something which is *ḥalāl* or permitting what has been made *ḥarām* is a serious transgression as already noted. The emphatic tone of the Qur’ān and the very restrictive approach it has taken on *ḥarām* (cf., 16:116) mean that no one should interfere with the basic freedom of people without clear evidence, and that also applies to the judge, *muftī* and *mujtahid*, who should avoid issuing prohibitive *fatwās* and verdicts that impose hardship on people without there being clear evidence to warrant such. This is also the clear purport of the qur’ānic principle of *raf’ al-ḥaraj* (removal of hardship) which the text has expounded in more than one place (5:6 and 22:78), providing that we should alleviate hardship whenever we can and not unnecessarily impose it on people.

The only two exceptions the ‘*ulamā*’ have mentioned concerning *ibāḥah* are devotional matters (‘*ibādāt*’) and relations between members of the opposite sexes. These are normally forbidden unless there is a ruling to the contrary that would validate them. No one may thus invent or originate a new form of worship, a new kind of ritual prayer (*ṣalāh*) for instance, in addition to the daily five, nor prescribe fasting outside the month of Ramadan. For God may only be worshipped, as Ibn Qayyim al-Jawziyyah (d. 1350 CE) put it, in the manner He has specified.³⁰ This is also the case with regard to intercourse between members of the opposite sexes, which is normally prohibited unless made lawful through marriage.

The opposite of permissibility is prohibition (*tahrīm*), which cannot be determined on speculative grounds, nor by means of *ijtihād* (independent reasoning) and requires specific textual evidence to declare something *ḥarām*. This is the purport of the qur’ānic verse that “[God] has explained to you in detail what is forbidden to you unless you are compelled to it” (6:119). A clear text is thus required to establish *ḥarām*. A text is not clear, for example, if it is a weak *ḥadīth*, or if it is not clearly stating the prohibition; in that case the matter would fall under the original principle of permissibility.³¹

The Prophet has instructed believers to seek treatment for disease, but not seek cure for illness in *ḥarām* substances. Yet the language of the relevant *ḥadīth* texts expresses their message in terms of education and guidance partly due to the principle of *ḍarūrah* (necessity) which has even stronger grounding in the *sharīah*. Illness is

for the most part subsumed under necessity, “which makes the unlawful lawful,” as earlier mentioned. Necessity is regulated by its own rules, which would require much detail to encapsulate here. Suffice it to note briefly that the leading schools of Islamic jurisprudence have recorded different rulings in response to questions over the use of unclean and forbidden substances for medication. The Mālikī and Ḥanbalī schools of *fiqh* have ruled against it and do not permit the use of *ḥarām* and *najās* for medicinal purposes. The Ḥanafī school permits it in situations of necessity on the conditions 1) that the illness is life threatening; 2) that the effectiveness of medication is known definitively or by strong probability; 3) that no alternative *ḥalāl* medication is available for the illness in question; and 4) that all is confirmed by a competent physician. The Shāfi‘ī school has recorded differentiated rulings; some of their scholars have agreed with the Ḥanafī position, whereas others have supported the Mālikī-Ḥanbalī position, but the preferred view is that allowance should be made for situations of necessity.³²

The Principle of Original Cleanliness (*Ṭahārah*)

The principle of cleanliness (*ṭahārah*) is in many ways supplementary to that of *ibāḥah*. A general position of note here is that whatever the *shar‘ah* has made *ḥarām* is also most likely impure (*najās*). Original cleanliness means that the normative position of *shar‘ah* with regard to all things is that of cleanliness.³³ It tells us that God has created all things clean for the use and benefit of human beings. Whereas the Mālikī school, to all intents and purposes, retains the unqualified and general terms of this principle, the Shāfi‘ī and Ḥanbalī schools specify “all things” therein by saying that cleanliness is the norm with regard to all tangible objects (*al-a‘yān*) which include solid matter and animals (*jamād wa ḥayawān*), except for two: pigs and dogs. Dead carcasses are all unclean except for three: the human body (Muslim and non-Muslim alike), the fish and the locust. What is emitted from living animals, such as body fluids and sweat, also falls under the principle of original cleanliness, but according to an alternative view, only of the clean and ‘slaughterable’ (i.e. ‘permitted’) animals.³⁴ The Ḥanafīs are in agreement with the majority on this with one exception, which they make concerning dogs, by holding the view that dogs are not intrinsically unclean. The Mālikīs widen the scope further by holding that the *shar‘ah* presumption of cleanliness subsumes all things, including land and sea animals, dog and swine included. For life in itself is the effective cause of cleanliness. What is prohibited is the flesh of these animals for consumption but they are not intrinsically unclean when alive. The body fluids of dogs and pigs, whether emitted in the state of wakefulness or sleep, except for the contents of their bellies, excrements and vomit, are also clean.³⁵ Cleanliness thus becomes an attribute of the created world and life forms therein. This is a corollary also of the basic qur’ānic

position, which is one of specification concerning things that are unclean. Filth and impurities of things thus need to be determined by a clear text, failing which they are presumed to be clean. This limited definition of *najas* and *ḥarām* is confirmed in that the Qur'ān specifies only ten items as *najas* for human consumption (cf., 5: 3-4)³⁶ and then declares in an address to the Prophet Muḥammad: "They ask you what is made lawful for them. Say (all) that is good and wholesome is made lawful" (5:4). Thus it is not for us to expand the range of prohibitions, *ḥarām* and *najas*, beyond the textual specifications. Only a clear text, and failing that, factual evidence that makes dirt detectable by the senses, determines that something is impure/*najas*. Water is generally clean, for instance, for purposes of ablution, unless one detects dirt and impurity therein either physically or through the change of colour and smell etc. In addition to text and palpable evidence, Muslim jurists have held that general consensus (*ijmā'*) and inherited wisdom across the generations can determine what is unclean for human consumption. Thus only a clear text, factual evidence and general consensus can rebut and set aside the presumption of cleanliness.³⁷

Arab linguistic usage and Islamic texts use a variety of expressions to signify defilement and dirt, whether inherent or putative, including *najas*, *qadhir*, *khabiṭh*, *rijs* and *rikz*. *Fiqh* scholars have divided the *najas* into two types, namely physical (*ʿayniyyah*) and fictitious (*ḥukmiyyah*). Physical impurity is real and palpable to the senses and often inherent in the object itself. This is usually supported also by the *sharī'ah*, which has in most cases identified inherently unclean substances. Physical dirt has been subdivided into three categories of intense, light, and average. If there is total consensus among juristic schools and scholars on the impurity of something, it is intense (*mughallaz*). Differences of opinion among them reduce the level to either average or light (*mutawassit* and *mukhaffaf* respectively). Without entering into details, these categories are often relevant in determining the legality or otherwise of the sale and other uses of the items concerned. The basic position concerning *ḥarām* and *najas* is that, barring dire necessity, they may be neither consumed nor sold or used for medicinal, cosmetic or other purposes, and that any contact with them is likely to interfere with the integrity of one's ritual prayer (*ṣalāh*).³⁸

Fictitious impurity is essentially a juridical attribute which may or may not be visible to the naked eye, but which the *sharī'ah* has identified as such, and it nullifies ablution for ritual prayer - for example, passing a motion, urination, or sexual intercourse. The state of cleanliness is restored either through taking a minor ablution (*wuḍū'*) or full bathing (*ghusl*) and washing generally with clean water. Other methods of purification of *najas* that the *fiqh* texts have recorded include drying and tanning, as in the case of animal skins, heating by fire and burning, pouring away certain quantities of water from a polluted well and ritual cleanliness through dry ablution (*al-tayammum*).³⁹

The *sharī'ah* has also identified other varieties of impurity as the denial of faith (*kufṛ*), crime, and sin, which are deemed to pollute and compromise the purity of

one's personality and character. This pollution may be removed by embracing the faith, or in the case of crime and sin, through prosecution and punishment, or through expiation (*kaffārah*) involving charity, fasting, and finally repentance (*tawbah*).⁴⁰ As already mentioned, the consequence of declaring something as *najas* may be that this substance becomes wholly unlawful or when mixed with other substances, for human consumption, or vitiates the ritual prayer when present on one's person or clothes or in the place of worship.⁴¹

The question as to precisely what items are *najas*, apart from the ones mentioned in the clear text is a subject of juristic disagreement. The first point of disagreement arises over the authority of determining the purity or impurity of objects, acts and conduct. Is it only the *sharī'ah*, or also popular custom and the natural predilections of people that can detect and determine legality and cleanliness? The *fiqh* scholars generally maintain that *najāsah* from the viewpoint of the *sharī'ah* is a particular category, which does not always correspond with what people may normally think. For example, the *sharī'ah* declares alcohol as unclean (*rijs*; see Qur'ān 5:90), a declaration which does not coincide with popular perceptions among the Arabs. Then also the Arabs consider certain things to be unclean which are not necessarily so in the *sharī'ah*. Included in these are certain human bodily emissions such as semen, spit, and mucus which are not textually declared to be impure. Thus people's perceptions vary according to their respective culture, climate and customary habits and do not always correspond with *sharī'ah*-positions.⁴²

Many *fiqh* scholars have drawn the conclusion that everything which the *sharī'ah* has made *ḥarām* is also *najas*. Yet a closer analysis would show even this to be less than accurate. For example, the *sharī'ah* prohibits marriage to one's mother or sister, which is *ḥarām* without question, yet the object of that prohibition, namely the women involved, cannot be said to be *najas* in themselves. In response, it has been stated that these prohibitions are not concerned with objects or persons as it were, but with relations, and that there is no issue over inherent dirt and cleanliness. Yet the argument is further extended to such other items as poison, which may not be dirty as such but which the *sharī'ah* prohibits for consumption. Many scholars of the leading *fiqh* schools have also gone on record to say that even the birds and animals which the *sharī'ah* has prohibited for consumption, such as predatory animals and birds with claws and other characteristics, are not necessarily dirty in themselves, but that they have been declared prohibited for reasons most likely other than impurity (*najāsah*). This is conveyed in the *fiqh* maxim that "everything *najas* is *ḥarām*, but not all *ḥarām* is *najas*."⁴³

The question still remains as to what exactly is the effective cause of determining something as unclean/*najas*. If one could identify that the presence of a certain factor means the presence of impurity/*najāsah*, and its absence also means that *najāsah* is absent, then one would have a formula and guideline to operate on. It is admitted,

however, that we are unable to identify an effective cause or meaning of that kind. “Since this is a gray area and points of doubt still remain in the whole debate over *najāsah*, the ‘ulamā’ have held that we can only look at the textual injunctions of the *sharʿah* to tell us what is *najas*. This is the only way and the best guideline to be applied.”⁴⁴

The Gray Areas (*al-Mashbuhāt*)

The *ḥalāl* industry and new market realities in the tourism sector have given rise to unprecedented issues which the *fiqh* literature has not specifically addressed. Uncertainties are likely to exist and questions arise over the permissibility and purity of products and procedures in the *ḥalāl* industry. For one thing, it is almost certain that a clear text is not available to determine all aspects of *ḥarām* and *najas*. A general guideline of note in the *ḥadīth* is that it is preferable for a Muslim to avoid what is doubtful and to opt for that which is clear of doubt. But the *ḥadīth* then immediately adds that by doing so, “he would have protected the purity of his religion and his honour/character.”⁴⁵ This would suggest that the *ḥadīth* under review provides moral guidance rather than a legal ruling. Protecting the purity of one’s character and dignity is moral advice; in addition, the message is somewhat subjective: what may be doubtful to some people may not be so for others. Legal rules normally do not allow for preferences of this kind. There also may well be instances where *ḥarām* is not committed but that avoiding it is preferable in order to block avenues that may lead to it.

Market practices are also not devoid of fraud and doubtful operations, some of which are not even *fiqh* issues. *Ḥalāl* labelling and certification, for example, have raised questions of authenticity, and in some cases are seen to be less than reliable. A team of researchers who looked into this issue reported that when a meat product is labelled as *ḥalāl* with no reference to the certifying authority or organisation, the chances are that the meat is mislabelled. Food producers and meat processing plants that use *ḥalāl* meat as an ingredient should be wary of such labels. To be certain, one should request a *ḥalāl* certificate for each lot of meat to be used.⁴⁶ Another observer added that abstract and fuzzy scenarios are also encountered in answering questions over the *ḥalāl*-ness of a product, and that issuance of guidelines and *fatwās* on such doubtful (*mashbūh*) matters is left open to Islamic specialists and state institutions, such as JAKIM.⁴⁷

An informed observer of the London World Food Market seminar (30 November 2006) who was also advisor to the London Central Mosque criticised products promoted in London for not being properly certified. He argued that there was for fraudulent products and corrupt practices within the *ḥalāl* trade as well as with local certifying bodies and suggested that state authorities should take action against fraudulent operators. The same observer stated that ‘You can easily buy certification if you pay for it.’⁴⁸

Role of Custom, Culture and Religion

The law may recognise something, whether an item of food or a certain activity, as being clean and *ḥalāl*, which may not, however, be accepted by the people and it is to all intents and purposes relegated to the category of *makrūh*. It is also possible that what the text may have determined as permissible, popular preference may elevate to the level of *mandūb*. The Ḥanafī Muslims of Pakistan, for example, do not take prawns, notwithstanding the clear *ḥadīth* text to the effect that “the sea is clean, its water is clean and so is the dead of the sea.”⁴⁹ It is also true that not all sea creatures are perceived to be equally clean and *ḥalāl* for public consumption. Horse meat and camel meat are also lawful to eat, yet customary practice in many Asian countries has not encouraged their consumption. People’s living conditions and natural environment play a role as well in determining of their customary practices and choices of food.

In the event where no ruling can be found in the *sharʿah* concerning an animal or plant whether *ḥalāl* or *ḥarām*, clean or unclean, it is *ḥalāl* and also clean by reference to the presumptions of permissibility and cleanliness as already explained. Yet the Shāfiʿī and Ḥanbalī scholars mention in this connection the likes and dislikes of the majority of Arab people, and people of sound nature, as a point of reference, having accepted that Arab custom has played a significant role even in the determination of the rules of the *sharʿah*, especially those of the *Sunnah*. Yet the scope of custom extends wider than the rules of *ḥalāl* and *ḥarām*, as custom goes beyond the limited circle of do’s and don’ts, commands and prohibitions. Customary practices are mainly concerned with choice and preference that also extend to foodstuffs, recreation and matters of travel and tourism, clothes and lifestyle and so forth. Customary practice may not determine *ḥarām* and *wājib* as such but may greatly influence intermediate values in the daily lives of people. The choice of recreation and sport is generally speaking an optional matter for individuals and societies, provided, however, that the option so exercised does not violate what the *sharʿah* has prohibited or made obligatory. Recreation may therefore not include gambling, casino activity, and pornography, nor even activities that endanger life and which are manifestly harmful, such as the use of drugs.

With reference to Islamic tourism, it would appear that market dynamics in countries that promote this line of tourism are likely to be influenced by custom and culture no less than the specific rules of the *sharʿah*. One can see this in Malaysia, especially in the up-market sections of Kuala Lumpur, which have witnessed the emergence in recent years of food outlets, hotels, shops and recreation facilities that appeal to the largest categories of tourists, or those with larger spending capabilities, perhaps Arabs. One also sees similar trends with regard to Japanese restaurants, which may be said to be totally non-religious. The determining factor here in the case of mushrooming Japanese outlets is perhaps increased awareness of food and

preparation, cultural attitudes, and such other factors as general affluence and the purchasing power of the Malaysian public.

Muslim cultural attitudes are naturally influenced by religion, especially the spiritual and ethical teachings of Islam. *Ḥalāl* and *ḥarām* are not all about money and market but about moral and spiritual values and the objectives of Islam. *Ḥalāl* is as much an ethical as it is a legal concept and the ethical component of *ḥalāl* refers to personal conduct and culture of persons and communities especially when in visiting and doing business with one another. Much of the advice in the source guidelines of Islam on *ḥalāl* and *ṭayyib* extends beyond narrow legalities to ethical aspects of market discipline, consumer attitude and personal conduct. *Ribāʾ* (usury), gambling, misappropriation and wrongful devouring of the property of others (*akl al-māl bi ʾl-bāṭil*; Qurʾān 4:29) are *sharīʿah*-prohibitions which seek to prevent exploitation of the weak, fraudulent behaviour and cheating. The text often combines its legal and moral purpose side by side, such as in the verse: “God commands justice and the doing of good” (*al-ʿadl wa ʾl-iḥsān*; Qurʾān 16:90). Justice is concerned with a measure for measure and thus essentially a legal concept, which is juxtaposed here with the more open concept of *iḥsān*, or being good in one’s dealing with others. Forgiveness, which is a moral principle, may sometimes be preferable to doing justice, and justice should normally be tempered with *iḥsān* so the two operate side by side.

Islam also emphasises trustworthiness (*amānah*) in business, the work place and government, as well as in the fulfilment of promises and giving to others what is due to them.⁵⁰ The Prophet added his voice to say in one *ḥadīth*: “He who has no *amānah* has not faith” and in another that “*amānah* is wealth,” simply because people prefer to do business with those they can trust.⁵¹ Muslims are moreover cautioned not to be extravagant and wasteful but to act, as God’s vicegerents on earth and custodians of its resources (Qurʾān 7:57). The Qurʾān, moreover, speaks in praise of those “who spend but are neither extravagant nor niggardly and act moderately between the two” (25:67). Generosity is a virtue especially to one’s family and to those in need and is best given not of the things one wishes to discard but of those one would wish to have for oneself.⁵²

Suppliers and market operators are enjoined to act with honesty and make trust a visible feature of trading. Idle accumulation of wealth that does not involve self-application and labour, hoarding and profiteering are un-Islamic, and sellers are expected to be transparent and avoid concealment of defects in their goods. This is expounded under the *fiqh* provision on option of defect (*khiyār al-ʿayb*) which entitles the buyer to annulment and return of defective goods. This is meant of course to build the element of trust in market operations and protect the consumers. Compare this to its western law counterpart of *caveat emptor* (i.e. buyer beware), which unlike *khiyār al-ʿayb*, places the burden of scrutiny on the buyer with a warning that he is the one responsible for failing to notice a defect in what he buys.

The Qur'ān warns with adverse consequences those who “take full measure when they demand what is due to them but who give less than that when they give to others” (83:1). The Prophet instructed market participants to “weigh and measure foodstuff faithfully and be blessed.” He also said by way of invocation: “May Allah be merciful on His servant who is easygoing/pleasant (*samḥan*) when he sells, pleasant when he buys, and pleasant when he makes a demand.”⁵³ According to a *ḥadīth qudsī*, God said:

I love three things, but My love is greater for three: I love the wealthy who is generous, but My love is greater for one who is poor but generous. I love the poor who is humble, but My love is greater for one who is wealthy but humble, and I love an older person who is pious, but My love is greater for a pious youth.⁵⁴

I quote this to show how the text and language of the sources are expressive of the moral and cultural purposes of Islam. The values emphasised here are appealing in everyone, Muslims and non-Muslims, and are especially noteworthy when Muslims visit other countries as representatives and exemplars of these moral and cultural values.

Islam also places a high premium on the purity of one's intention, whether declared or otherwise, concerning one's conduct. Thus according to a renowned *ḥadīth*-cum-legal maxim of Islamic law, “actions will be judged by intentions, and everyone will be recompensed according to what he intended.”⁵⁵ This being the case, many of the mundane activities of everyday life are transformed, as we learn from numerous other *ḥadīth* texts, into acts of worship (*ibādah*) when done with noble intentions. Honest work undertaken to earn a decent living is tantamount to worship, and a cheerful word uttered with good intention is a form of charity.⁵⁶

Yet neither good intention nor good cheer can alter the enormity of a *ḥarām*, for *ḥarām* remains so, no matter the intention behind it. Nor does the *shar'ah* permit employing a *ḥarām* means to achieve a praiseworthy end. Morality and law complement one another again in the *shar'ah*-principle that both the means and ends must be lawful and that a good purpose should be secured only through just and lawful means.

Conclusion and Recommendations

I have discussed two aspects of Islamic tourism, one of which relates to observance of the *shar'ah*-guidelines, and the other to market developments. I also looked at developments in both of these in Malaysia and the Muslim world generally. All of these call for coordination and integrated planning such that developments in one area take into account the requirements of another. The *ḥalāl* industry, whether within or outside the tourism sector, has seen eye-catching developments in recent years and has rapidly become a lucrative business. Visualising the rules of the *shar'ah*

on *ḥalāl* and *ḥarām* side by side with scientific advancements in food and medicine, recreation, cosmetics and the like, one can see that the *sharīʿah*-rules need to evolve in response to new developments and issues. I may now propose the following:

- In Malaysia, government departments, universities and institutions of research should coordinate their efforts more effectively in the development and standardisation of *sharīʿah*-rules that concern Islamic tourism and the *ḥalāl* industry. Multinational corporations and banks are already active and will continue to take advantage of the lucrative market if the Islamic tourism sector in this country and the Muslim world lag fails to maintain a leading role in determining *sharīʿah* and *ḥalāl* issues. JAKIM may consider, for instance, setting aside a percentage of the *ḥalāl* certification fees it charges for an Islamic tourism research fund, and in cooperation perhaps with the Ministry of Tourism, promote publication of a bilingual journal on research and market developments in Islamic tourism and the *ḥalāl* industry. Other interested parties should also participate in this effort.
- As an extension of Malaysia's global *ḥalāl* hub concept, Malaysian authorities should consider setting up an International forum, say a *Ḥalāl* hub roundtable, to consist of Islamic scholars and food and market specialists to plan strategies, approve research findings, and work toward better standardisation in the *ḥalāl* and tourism sectors. Standardisation in the *ḥalāl* and tourism sectors could be better pursued in cooperation with other countries in Southeast Asia and elsewhere in the OIC countries.
- Islamic tourism companies and operators should continue to improve and diversify their products and services, provide more attractive packages that respond to the needs of Muslims worldwide, including the *ḥajj*, *ʿumrah*, heritage cities, trade and cultural exhibitions and recreation facilities. As one critic observed, Islamic tourism agencies should better organise their offerings and local and International promotions. "They do not provide a strict timetable for tours, or if they do, it is not adhered to."⁵⁷
- Countries should not impose restrictions on travel and visa requirements to other countries, especially to neighbouring ones, which may be perceived as hostile. Governments should encourage easy travel arrangements regardless of negative perceptions and compete in attracting highest numbers of tourists on the merit of good practice and better treatment of visitors in the true Islamic spirit of hospitality.
- Governments and the general public everywhere should do their utmost to curb violence and terrorist activities, which paralyse everyday life and are especially damaging to the tourist industry. Government authorities are in the mean time advised to find appropriate strategies that avoid imposition of unnecessary travel restrictions and see Islamic tourism as means to of better understanding among nations and a harbinger of good relations.

Notes

1. Karen Dabrowska, "The Rise of Islamic Tourism: International Conference Discusses the Effects of 9/11 on Arab Tourism," *Islamic Tourism* 13 (September-October 2004), 58.
2. *Ibid.*, 60.
3. See Jeffri Sulaiman, Vice President of the Association of Tour and Travel Agents Malaysia (MATTA) interview at Islamic Tourism Media, available online at <http://www.islamictourism.com> (accessed on 30 May 2011).
4. *Ibid.*
5. Mohammad Noorizzuddin bin Nooh et al., "Halal Certification: What the SME Producers Should Know," available online at <http://www.ultraconsulting.org> (accessed on 30 May 2011).
6. Shahidan Shafie and Mohd Nor Othman, "Halal Certification: International Marketing Issues and Challenges," Kuala Lumpur, Faculty of Business and Accountancy, University of Malaya, unpublished conference paper, p. 2.
7. Roziana Hamsawi, "Bumis only Hold 30pc of Halal Certs," *New Straits Times* (Kuala Lumpur), 29 June 2011, p.5.
8. *Ibid.*
9. See for details Sabariyah Din, *Trading Halal Commodities: Opportunities and Challenges for the Muslim World* (Kuala Lumpur: Penerbit Universiti Teknologi Malaysia, 2006), 20-21.
10. Roziana Hamsawi, "Bumis."
11. Shahidan Shafie and Mohd Nor Othman, "Halal Certification," 5.
12. Cf., Toshiko Izuzu, *Ethico-Religious Concepts in the Qur'an* (Kuala Lumpur: Islamic Book Trust, 2002, reprint), 274.
13. See for a discussion of these terms Mohammad Hashim Kamali, "The Principles of *Ḥalāl* and *Ḥarām* in Islam," in: Halal Development Corporation, *The Essence of Halal* (Kuala Lumpur: HDC, 2011), 19f.
14. The Ḥanafīs thus drew a distinction between *wājib* and *fard* on the one hand and between *makrūh taḥrīmī* and *ḥarām* on the other. See for details, in addition to the previous note, Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), chapter 17 on *ḥukm sharʿī*.
15. Arif Ali Khan et al. (eds.), *Encyclopaedia of Islamic Law. Vol. 3: Islamic Law in Practice* (Kuala Lumpur: Crescent News Sdn Bhd, 2006), 127-128.
16. Muḥammad ʿUthmān Shābir, *al-Qawāʿid al-kullīyyah wa ʾl-qawābiḥ al-fiqhiyyah* (Amman: Dār al-Nafāʾis, 1426AH/2006), 213.
17. ʿAlāʾ al-Dīn al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1406AH/1986), 5:113, claims a conclusive consensus (*ijmāʿ*) on the prohibition of even a smallest quantity of alcohol. See for a discussion of *sadd al-dharāʾiʿ*, Kamali, *Principles*, chapter 16, 397-410.
18. Cf., Abdul Rahman Awang, "Istihālāh and the Sunnah of the Prophet," in: Halal Development Corporation, *The Essence of Halal*, 58.
19. *Ibid.* See also on *istihālāh*, Aḥmad al-Ḥājjī al-Kurdī, *Buḥūth wa fatāwā fiqhīyyah muʿāṣirah* (Beirut: Dār al-Bashāʾir al-Islāmiyyah, 1427AH/2007), 29.
20. <http://www.islamset.org/bioethics/9thfiqh.html#1> (accessed on 10 January 2012).
21. The Fiqh Academy decision was carried in *al-Sharq al-Awsat* (London), no. 9173, 9 July 2004, p. 14, available online at <http://www.asharqalawsat.com/print.asp?did=211692> (accessed on 10 January 2012).
22. <http://www.islamset.org/bioethics/8thfiq.html> (accessed on 10 January 2012).
23. Nazih Hammad, "Dieting the Islamic Way," available online at <http://www.themodernreligion.com/health/diet.html> (accessed on 10 January 2012); also quoted by Abdul Rahman Awang, "Istihālāh," 60.
24. <http://www.islamset.org/bioethics/8thfiqh.html> (accessed on 10 January 2012).
25. Jalāl al-Dīn al-Suyūṭī, *al-Ashbāḥ wa ʾl-naẓāʾir* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1403AH/1983), 60.
26. Cf., Qurʾān 2:29; 45:13; 31:20.
27. Cf., Arif Ali Khan et al. (eds.), *Encyclopaedia of Islamic Law*, 3:123f.
28. *Ibid.*, 3:124. The *ḥadīth* of Salmān al-Fārsī is also recorded by Muḥy al-Dīn al-Nawawī in his

- well-known *Arbaʿīn aḥādīth*; see also Mohammad Hashim Kamali, *Islamic Commercial Law: An Analysis of Futures and Options* (Cambridge: Islamic Text Society, 2000), 68.
29. See for details on *mandūb* and *makrūh*, Kamali, *Principles*, chapter 17 on *ḥukm sharʿī*, 419ff.
 30. Ibn Qayyim al-Jawziyyah, *Flām al-muwaqqiʿīn ʿan rabb al-ʿālamīn* (Cairo: Maktabah Wahbah, 1407AH/1987), 13. Legal maxims, or *qawāʿid kullīyyah fiqhīyyah*, consist mainly of epithets and brief statements that ascertain the basic *fiqh* position on their subject matter in a concise language that is normally stripped of all details.
 31. See for further detail, Kamali, *Islamic Commercial Law*, 66f.
 32. See for a summary of the views of various schools of Islamic law al-Kurdī, *Buḥūth*, 24-25.
 33. Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah al-fiqhiyyah* (Kuwait: Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, 1421AH/2001), 40:75.
 34. Ibid.
 35. Ibid., 40:79 and 85.
 36. The ten items include pork, blood, dead carcasses, animals that had been strangled, beaten, fallen, gored, that which had been partly eaten by wild beasts, and animals slaughtered in the name of deities other than Allah.
 37. Cf., ʿUmar Sulaymān al-Ashqar, Muḥammad ʿUthmān Shābir et al., *Dirāsāt fiqhīyyah fī qadāyā ijbīyyah al-muʿāṣirah* (Amman: Dār al-Nafāʾis, 1421AH/2001), 317.
 38. Muslim jurists are thus unanimous on the filth of human excrements and excrements of carnivorous animals and also on their urine, although on the latter with some differences of opinion. They have differed more widely on the excrements and urine of 'slaughterable' animals, non-carnivorous animals, and birds.
 39. Cf., al-Kurdī, *Buḥūth*, 29-31.
 40. Ibid., 313.
 41. Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah*, 40:74 and 77; see also 40:101-103.
 42. al-Ashqar et al., *Dirāsāt*, 318.
 43. Ibid., 314.
 44. Ibid., 317.
 45. Ibid., 316.
 46. Muhammad Munir Chaudry, Mary Anne Jackson, Muhamad Mazhar Hussaini, and Mian Nadeem Riaz, "Halal Industrial Production Standards," available online at <http://www.dsdp.dla.mil/subs/rations/programs/rel/halstd.pdf> (accessed on 10 January 2012), p. 6.
 47. Johan Fischer, "Feeding Secularism: The Halal Market in London" (pre-publication report on the Halal Exhibition at the World Food Market, London, November 2005), p. 6.
 48. Ibid., 14.
 49. Abū Dawūd, *Sunan Abī Dawūd*, 1:64; also al-Tirmidhī, *Sunan al-Tirmidhī*, 1:101; see also Wizārat al-Awqāf wa ʿl-Shuʿūn al-Islamiyyah, *al-Mawsūʿah*, 40:77.
 50. Cf., Qurʾān 4:58; 8:27.
 51. Cf., Muḥy al-Dīn ʿAṭīyyah, *al-Kashshāf al-iqṭisādī li-āyāt al-qurʾān al-karīm* (Herndon VA: International Institute of Islamic Thought, 1991), 74f.
 52. Cf., Qurʾān 2:177; 51:19.
 53. Aḥmad b. ʿAlī b. Ḥajar al-ʿAsqalānī, *Jawāhir Ṣaḥīḥ al-Bukhārī*, ed. ʿIzz al-Dīn al-Sayrawān (Beirut: Dār Iḥyāʾ al-ʿUlūm, 1407AH/1987), *ḥadīth* no. 275.
 54. Quoted in al-Shaykh Muḥammad Mutawallī al-Shaʿrāwī, *Fiqh al-ḥalāl wa ʿl-ḥarām* (Beirut: Dār al-Qalam, 1421AH/2000), 114.
 55. Muslim b. Ḥajjāj al-Nisābūrī, *Mukhtaṣar Ṣaḥīḥ Muslim*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: al-Maktab al-Islāmī, 1407AH/1987, 6th ed.), p. 287, *ḥadīth* no. 1,080.
 56. The *ḥadīth* reads in Arabic "al-kalimat^u al-ṭayyibah ṣadaqah," see Muḥy al-Dīn al-Nawawī, *Riyāḍ al-ṣāliḥīn*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: Dār al-Maktab al-Islāmī, 1404AH/1984, 2nd ed.), 284, *ḥadīth* no. 699.
 57. A.S. Shakiry, "Islamic Tourism: Uncertain Location on the International Tourist Map," *Islamic Tourism* 11 (May-June 2004), 58.