

Non-Muslim's Testimony

in the Matters of Halaal and Haram

Written by:

Mufti Yousuf Abdul Razzaq

CEO SANHA Halal Associates Pakistan

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Aim and Objective:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Translation: O ye people! Eat of what is on earth, lawful (halal) and good (pure); and do not follow the footsteps of Satan, for he is surely your open enemy. (Surah Al-Baqra: 168)

The Holy Quran has addressed man with various names; in some instances, 'O people!' while at other 'O believers!', then these are further categorized when sometimes addressing a certain nation, collectively to mankind and specific group of people while intending to address the whole mankind. For this reason, Muslim Sharia scholars have worked for centuries to draft rules and regulations to comprehend Quranic style of communication, which are vital for common people to understand in order to correctly follow Quranic teachings and avoid indulgence in darkness.

The reason for making the above mentioned Quranic verse a subject matter is that once on a trip, I met with delegates from different Islamic countries who were associated with Halal sector. To my surprise, they were using the literal meanings of the words 'O people' as a reason for Non-Muslims' witness for Halal and haram.

Their Claim and Reasoning

They claimed that since the verse is addressing the mankind collectively i.e.

O ye people! Eat of what is on earth, lawful (halal) and good (pure); and do not follow the footsteps of Satan, for he is surely your open enemy.

Hence, Non-Muslims are also addressed. And since Non-Muslims are also addressed, it won't be correct to say that only Muslims are eligible for running matters of Halal and Haram. Non-Muslims can also be given the same authority.

Even though, literal translation of the mentioned Arabic words includes Muslims and Non-Muslims; however, it is not correct to interpret as to give Non-Muslims the authority for witnessing Halal. Interpretation of Quran and Sunnah will be accurate only if it is in accordance with the rules of the Quran and Sunnah.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Alhamdulillah! I have spent almost two decades in learning and teaching of divine studies and also have been associated with Halal sector for over a decade. As the first trained auditor of Halal Foods in Pakistan, and being a part of Pakistan's first Halal certifying team, I took this matter seriously and decided to research on this verse in light of discussions with notable interpreters(Mufasssereen) and communicate the result to the masses so that we all can understand this verse in its true sense and act accordingly. May Allah grant us the strength us to learn, teach and act on the truth.

Relevant Critical Information

To understand this Quranic message, we will first have to gather information as noted below:

1. How many times did Quran use the salutation "O People!" and why?
2. What is the context of this verse?
3. Is the verse addressed commonly or specifically?
4. About which matters, are rules revealed this verse?
5. Is the claim of Non-Muslim's eligibility of attesting in the department of Halal and Haram proven by this verse or not?
6. To what extent, Shariah authorizes Non-Muslim in the department of Halal and Haraam?

1. How many times is Quran using the salutation "O People!" and why?

The salutation of "O People!" has appeared approximately 20 times in the Quran, which is as follows:

Al-Baqra: 21; Al-Baqra: 172; Al-Nisa: 1; Al-Nisa: 170; Al-Nisa: 174; Al-Aaraf: 158; Al-Younis: 23; Al-Younis: 57; Al-Younis: 104; Al-Younis: 108; Al-Hajj: 01; Al-Hajj: 05; Al-Hajj: 49; Al-Hajj: 73; Al-Namal: 16; Al-Luqman:33; Al-Fatir: 03; Al-Fatir: 05-06; Al-Fatir: 15; Al-Hujraat: 13

Above mentioned verses reveal that Prophets are bestowed only when man forgets his true creator and indulges in worshipping of false gods. Since Almighty Allah is the most Merciful and Beneficent, He does not trial his creation immediately, instead gives them a chance to return to the righteous path and hence He addresses his creation in the most compassionate manner telling him to leave deviation! Return back to the right path! The judgement day is strict! Etc.

Some of the calls-to-action in these verses are as follows:

1. Encourage obedience and avoid failure. (Al-Baqra: 21)

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

2. Mercy on humanity and despite insurgence, making them realize His bounty by inquiring of their false allegations upon Him and hurting themselves by marking beneficial items as Haram and harmful items as Halal. (Al-Baqra: 176)
3. Informing about the severity of Qayamat (Day of Judgement) and the method to avoid it, which is Taqwa (Piety). (Al-Hajj: 01)
4. Responding to people's questions with examples in order to satisfy them and not leave them with the excuse of ignorance on the day of Qayamat. (Al-Hajj: 5)
5. Reply to the objections raised by people on the status of Prophet (PBUH). (Al-Hajj: 49)
6. Politely tell those who have left Allah for other false gods that their gods cannot even create a fly. (Al-Hajj: 73)
7. Prophet Sulaiman (AS)'s address to his nation (Al-Namal: 16)
8. Allah reminds of his favors (Al-Luqman: 33)
9. Assuring his promises to be true and righteous. (Al-Fatir: 3)
10. Announcing his independence. (Al-Fatir: 15)
11. Reminding man of his creation. (Al-Hujraat: 13)

Summary of Above Verses

In these Quranic verses, we can say that man has been invited towards Allah's devotion; however, by calling 'O People!', nowhere Non-Muslims are eligible about any matters of Shariah because Imaan (Faith) is the primary condition for eligibility. For this reason, we can say that man is invited towards Imaan but the rights and orders of Shariah are not given.

2. What is the context of this verse?

'O People!', as referred here, according to the context is specifically for the tribes of Saqeef and Khuza'a and Aamir Ibn SaaSaah and Bani Mudlaj, who had themselves declared things as Haraam which were made Halal by Allah and vice versa. For instance, as elaborated by narrators that polytheists used to name their animals after their gods, and then made it Haram to eat them or gain any other benefits; or ban any food on themselves by declaring its Haraam. A Similar situation would arise when declaring anything as Halal, for instance, the Jews claimed 'interest' to be Halal etc.

This narration is present in the commentary of follow narrators:

1. Tafsir Ruhul Ma'aani
2. Tafsir Muqaatil ibn Sulaimaan

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

3. Tafsir Mazhari
4. Tafsir Al Kashf Wal Bayaan An Tafsir il Quraan
5. Tafsir Al Jame-ul- Ahkaam-ul-Quraan
6. Tafsir Al Baghawi
7. Ma'aalim ul Tanzeel Fi Tafsir il Quraan
8. Gharaaib ul Quraan Wa Raghaaibul Furqan

3. Who were the people to be first addressed as 'O people!'

The people who are addressed are polytheist of Quraish.

وكان لهم على قوم من قريش الكشاف عن حقائق غوامض التترييل
(تفسير النسفي - مدارك التترييل و حقائق التاويل)

4. Is the verse addressed commonly or specifically?

Hazrat Hasan Basri (RA) is quoted by Al-Bahar Al-Muheet as saying the address 'O People!' here is common to everyone who declare things Haram upon themselves that were not marked Haram by Allah.

قال الحسن: نزلت في كل من حرم على نفسه شيئا لم يحرمه الله عليه
(البحر المحيط في التفسير)، (فتح البيان في مقاصد القرآن)

5. About which matters, are rules revealed in this verse?

To understand this verse properly, we need to have a look at two later verses.

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُواتِ الشَّيْطَانِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ {البقرة: 168}

Translation: O ye people! Eat of what is on earth, lawful (halal) and good (pure); and do not follow the footsteps of Satan, for he is surely your open enemy. (Surah Al-Baqra: 168)

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ ۚ إِنَّ كُنتُمْ إِيَّاهُ تَعْبُدُونَ {172}

Translation: O believers! Eat from the good things which We have provided for you and be grateful to Allah, if it is [indeed] Him that you worship. (Surah Al-Baqra: 172)

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَحُمَ الْخِنْزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ ۖ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ۚ إِنَّ اللَّهَ
عَفُورٌ رَحِيمٌ {173}

Translation: He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful. (Surah Al-Baqra: 173)

Surah Baqra's verse 'يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا' carries two messages:

First Message

This verse is the proof of the true prophet hood of Prophet Muhammad (P.B.U.H). The people of Makkah were considered to be followers of Hazrat Ibrahim (AS) and when they started contemplating Deen-e-Ibrahimi by making things haram on themselves which were not haram in Hazrat Ibrahim (AS)'s deen, Allah sent his true Messenger Prophet Muhammad (P.B.U.H) to tell them that by doing so not only they are deceiving themselves but also their followers.

Second Message

Muslims are ordered not to declare anything Haram themselves as this right is only held by Allah.

Issue: Another issue that is settled here is for Muslims, the only standard is the law set by Almighty Allah and Prophet Muhammad (P.B.U.H). The jurisdiction of Shariah should never be broken. In other words, human nature shall be controlled under Shariah and not vice versa.

This verse has the status of Shariah Law tells Muslims to consume anything from the earth that is pure and Halal.

After the command is received, it is mandatory to act accordingly and reason to enhance health, SAWAB (reward) and BARAKAH(Blessings), while in the case of not following a man will earn nothing but sin, the loss of this world and hereafter and failure at the end.

For this reason, in the coming verses, Allah has addressed only the believers:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ وَاشْكُرُوا لِلَّهِ ۖ إِنَّ كُنتُمْ إِيَّاهُ تَعْبُدُونَ {172}

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Translation: O believers! Eat from the good things which We have provided for you and be grateful to Allah, if it is [indeed] Him that you worship. (Surah Al-Baqra: 172)

So, first all the mankind is addressed and later only the Muslims. What could be the reason of this?

Allama Shabbir Ahmed Usmani (R.A) has answered this question in Tafseer-e-Usmani:

The ruling regarding consumption of pure things was already given, but since polytheists cannot stop following the Satan, and would present their own rulings as divine and cannot stop false customs of their forefathers and are unable to comprehend the truth, so now overlooking them, specifically Muslims are ordered for consumption of pure things and also ordered them to show gratitude for his blessings. It also carries an indication that the believers are obedient and accepted, while polytheists are defiant, cursed and rejected by Allah. (Tafseer Usmani by Shaikh Al Islam Maulana Shabbir Ahmed Usmani (R.A) Vol 1, Pg: 145)

In the light of these verses, Allah has also highlighted some of the characteristics of non-Muslims, such as:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّبِعُوا خُطُوتِ الشَّيْطَانِ (النور: 21)

Cannot stop following the Shaitan

إِنَّمَا يَأْمُرُكُمْ بِالسُّوءِ وَالْفَحْشَاءِ وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ (البقرة: 169)

They present their own laws as divine.

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا (البقرة: 170)

They do not part with their ancestral customs.

وَمَثَلُ الَّذِينَ كَفَرُوا كَمَثَلِ الَّذِي يَنْعِقُ بِمَا لَا يَسْمَعُ إِلَّا دُعَاءً وَنِدَاءً ۚ صُمُّ بُكُمْ عُمِّي فَهُمْ لَا يَعْقِلُونَ (البقرة: 171)

They are unable to comprehend the truth.

After indicating these characteristics, Allah has ignored them and addressed the believers regarding Halal and Haram; because a Muslim is a person who has Faith on Almighty Allah and his Prophet Muhammad (P.B.U.H). And only those people are eligible of Allah's recognition, who, acknowledge that Allah is one and Prophet Muhammad (P.B.U.H) is his last Messenger and act according to the Islamic teachings.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

The point to be made clear here is when Allah has not even addressed them, then how can we authorize them in such a sensitive matter, for which they are not even eligible. If the above mentioned traits are identified in a person, we might not make him responsible for even worldly actions, how is it possible to authorize him for something that is vital to our success or failure in the afterlife(Akhirah). The Even more crucial question is who have given us this right to decide? The answer is 'No one'.

In my opinion, the reason of this misconception is that we have never tried to distinguish in eligibilities of Muslim and non-Muslim. If we can differentiate between the two eligibilities, then we can clarify the whole scenario.

Type of Eligibilities

Experts in Usool-al-Fiqh have a detailed debate on it; Sahib-e-Husaami notes:

الاهلية نوعان اهلية الوجوب واهلية الاداء، اما اهلية الوجوب فبناء علي قيام الذمة فانا الآدمي يولد وله ذمة صالحة للوجوب له وعليه، باجماع الفقهاء بناء علي العهد الماضي الخ

According to the context, eligibility is of two types:

1. Ahliat-e- Wojoob (Primary Eligibility)
2. Ahliat-e-Adaa (Eligibility for Fulfilment)

What is Ahliat-e- Wojoob:

Man, by birth, possesses the eligibility of recognition or indication of his rights and responsibilities. This is Complete Ahliat-e-Wajoob. For Non-Muslims, it is mandatory to accept Islam in order to attain the rights and responsibilities of a Muslim. In other words, rights and responsibilities depend on Imaan(Faith).

What is Ahliat-e-Adaa?

This means that man has the ability of fulfilling rights and responsibilities of Ahliat-e-Wajoob, i.e. his intention and authority.

In the same para, the author of Husaami also notifies of another principle:

ان الوجوب غير مقصود بنفسه فجاز ان يبطل لعدم حكمه وغرضه كما ينعدم لعدم محله، ولهذا لم يجب علي الكافر شئ من الشرائع التي هي الطاعات لما لم يكن اهلا لثواب الآخرة ولزمه الايمان لما كان اهلا لادائه و وجوب حكمه

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Translation: Verily the injunction is not the objective in itself. Thus it (the injunction) can be deemed void due to the absence of its motivation and purpose just as it is deemed void when its context is not found. Therefore, the rulings of the Shari'ah pertaining to acts of worship are not applicable to non-Muslims because they are not worthy of reward in the Hereafter. However, Imaan (embracing the tenets of faith) is compulsory upon him as he is capable of fulfilling this injunction.

To summarize, compulsion of Shariah laws are dependent on following factors:

1. Being human (Animal is exempted)
2. Being sensible (Mad person is exempted)
3. Being an Sane (Minor is exempted)
4. Being independent, i.e. authorize to make a choice (Slave is exempted in certain matters)

So, we can conclude that when a man does not embrace Islam and does not follow its rules and regulations then he is not eligible. If he wants to be eligible, he has to embrace Islam first. The same principle is followed for Zakat. Zakat is directly associated with Allah's obedience and reward in the hereafter; and when non-Muslim has not even approved Allah's oneness and his obedience and reward are not his concerns, then Shariah's laws don't apply to him.

Allama Ibn-e-Hajar Asqalani Al-Shafai writes in Fateh Al-Bari (Sharah-e-Bukhari):

وَأَنَّ الزَّكَاةَ لَا تُدْفَعُ إِلَى الْكَافِرِ
فتح الباري لا بن حجر (360/3)

By now, we know that the whole of mankind is bound to:

1. Believe that Allah is one
2. Believe in prophet hood of Muhammad (P.B.U.H)
3. Act, according to Shariah

This is why Allah initially addressed the mankind in general with 'O People', at which some responded positively while others remained ignorant. At this point mankind was divided in two categories:

1. Those who accept Allah's message and then come to be known as Muslims or Believers etc.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

2. Those who reject Allah's message and then come to be known as non-Muslims, Kaafirs, Mushrik etc.

The First Category:

The first category is the believers who focused on Allah's commandments, including how to pray, and how to perform daily chores in order to understand the true meaning of life and fully cherish the blessing of this world and hereafter that are being promised by Allah and his messenger and refrain from the wrong doings that are being ordered to do so.

The Second Category:

Second category includes the non-believers who do not attend to Allah's commandments and are left to perish because the benefit of these commandments comes to those who believe in Allah and his Messenger in the first place.

Let's make it more comprehensible with a simple example that I presented in an international conference. Every country promises the best facilities and rights of its citizens; moreover, countries are inviting people from other regions to become their citizens. However, the laws of a country are applicable to us only when we enter its boundary and become a citizen via legal means. If we do not meet their citizenship requirements, we cannot ask them to allow us the same rights as their own citizens enjoy. In recent times, there is even more categorization as temporary tourists, businessmen and permanent residents have different visa statuses and none can argue upon this. So, to fully enjoy their facilities, we first need to enter the country and secondly, we will have to comply with their rules and regulations to attain citizenship status.

When a man has the right to make such rules in his small kingdom and everyone abides by them, then Allah, who is the owner of the entire universe, is the most righteous in to differentiate between the believers and non-believers.

Core of the Misconception

The primary reason for this misconception is lack of knowledge and implying deficient intellect to comprehend Quran, Quranic teachings and Shariah Law on nothing but illogical grounds, which is illegal according to Shariah. Regarding this illogical narration of Quran, Hazrat Muhammad (SAW) has said in a hadith:

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

مَنْ قَالَ فِي الْقُرْآنِ بِغَيْرِ عِلْمٍ، فَلْيَبْنِ وَأَمْعَدَهُ مِنَ النَّارِ

مسند أحمد (250/4)

Translation: He, who speaks regarding the aspects of the Quran without knowledge, should build his abode in the hell.

This Hadith establishes that interpretation of Quran without logic and knowledge of Shariah is treacherous and can lead to failure in the hereafter. And with this, it can be hazardous in worldly affairs as this could lead non-Muslim certification bodies to think that they can also initiate Halal certifying service along with other services, even though it is now quite clear that certifying Halal is purely Islamic ruling and non-Muslims are not eligible for this. This makes pre-guidance for them even more important.

6. Can non-Muslims play a role regarding Halal and Haram in the light of Shariah?

The answer is 'Yes!'; in fact, they can actually play a very important role. Let's see, how?

Basic Principle

First of all, let's establish that Allah made it mandatory upon every Muslim to consume Halal and refrain from Haram; thus seeking Halal food is the Ibadat from him. There are four basic parts of Halal food:

1. Manufacturing
2. Logistics
3. Consumer
4. Halal Certificate

The first three parts can only be practical when the fourth part is put into practice. In other words, Halal certificate is the proof of halal ingredients, halal manufacturing and halal logistics of any product. Now, a non-Muslim has to only attest all these processes from a Muslim Halal certifying body. The rest is an open ground for him. We can now safely say that:

1. Non-Muslim can manufacture Halal
2. After certification from the Muslim Halal certifying body, Non-Muslim can supply Halal goods
3. Non-Muslim can also be a consumer for Halal foods.
4. Non-Muslim cannot certify halal.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

It can be seen that Non-Muslim can be contributed to 85% of halal process. They are not eligible only for the 15%, for which they have to get halal certification from a Muslim body, which actually is a testimony of Shariah.

This is also the basic reason that Pakistan Standard: **PS: 4992:2010** also puts the condition of being a Muslim.

8.1. General

The Halal Certification Body (HCB) should be a Muslim entity and shall have a profound belief in the necessity of proper supply of Halal product/service and take all relevant steps to ensure Islamic responsibility have been observed in all activities. HCB shall have the responsibility for conformity with all Islamic requirements.

Ref: Accreditation Conditions for Halal Certification Body Part II, Doc G-25/01 Part II, Issue Date: 30/01/12, Rev No. 00, Page 3

It states that a Halal certification body should be owned by a Muslim, who believes on basic principles of Islam in order to follow them. Here, the word *Entity* should be specifically considered which signifies independence. In other words, the halal certification body should be an independent organization owned by Muslims and as the Cambridge dictionary defines the term Entity:

Something that exists apart from other things, having its own independent existence

This is further elaborated in **PS: 4992-2016** as:

*6.1.1. The Certification body shall be **owned, managed and operated** by the **Muslims**.*

In my humble opinion, the addition of the word 'control' would be even more beneficial, since the core is authority, and the person authorized is the key.

The word 'entity' alone makes all the non-Muslim Halaal certification bodies ineligible, that are:

1. Owned by non-Muslims, have Non-Muslim staff and issue Halal Certificate
2. Branch or franchise of non-Muslim owned organization and hire Muslims in Halal department.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

The first category is easily understood; however, we need to have a deeper look in the second category.

When a non-Muslim organization intends to open its offshore office in another country, it has to invest a lot to comply with destination country's laws. To avoid these huge unwanted expenses, a legal channel is to train their people, according to its requirements and then the citizens of that country can register a company in their country. The non-Muslim organization, then announces its franchise, of course with its own conditions.

The term 'franchise' is defined in Cambridge dictionary as:

A right to sell a company's products in a particular area using the company's name

This can save lots of money and spending a few thousand, they can achieve their objective. Moreover, the people working for them are under their control. As far as the franchise is complying with the terms and conditions of the parent organization, they can use their name; and as soon as the franchise deviates from the set conditions, the parent organization can easily take its association back and the franchise will again stand at zero.

In a nutshell, locals will be subordinate and the parent organization will be coordinated, and according to Shariah law eligibility lies with the coordinator and subordinate are not reliable.

Another Misconception

We have also observed that common food quality standards such as ISO or BRC etc. are considered equivalent to Halal standards. Average intellect also accepts the fact the all the food standards around the world are equivalent, i.e. they have set objectives, rules and regulations, and processes and only certified auditors are hired for food auditing. But the fact is not really as thought. Let's see how?

Law and Standards are of Two Types:

1. Laws and Standard derived by man are based on his experience in order to fulfil worldly requirements with ease. The core objective stays with worldly demands, i.e. ISO and CODEX etc.
2. Laws and Standard set by Allah are based on man's betterment in this world as well as in the hereafter. These laws are revealed through his true Messengers and their core objective is

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Allah's obedience, man's success in this world and hereafter i.e. Quran, Sunnah and Halal Standards.

When all this is clearly understood, then it should also be clear by now Halal standards have a wider scope and greater objectives than other standards and thus have higher level. To comprehend and comply with these standards, basic condition is being a Muslim, so that he abides by Allah's laws and he stays away from the wrong doings.

Malaysia, the leader in Halal industry have set a constant standard with the code MS 2300:2009
VALUE-BASED MANAGEMENT SYSTEMS REQUIREMENTS FROM AN ISLAMIC PERSPECTIVE

SUMMARY OF THE DISCUSSION

In a nutshell, this verse cannot be used to justify non-Muslims testimony; in fact, it goes against it. Moreover, none of the narrators (Mufasssireen) have advocated in favor of it. Contrary to it, some points that come across are:

- Commenting on Quran and Sunnah without Sharia principles can lead the man to darkness
- Commenting on Quran and Sunnah without Sharia principles is illegitimate and sinful
- Eligibility to implement a system to Halal and Haram is found in Muslim only
- Only Muslims can decide about Halal and Haram
- Kufar (Disbelief) makes non-Muslims ineligible in the matters of Halal and Haram.

Opinions of Muslim Shariah Scholars

In the end, I feel obliged to quickly present quotes, claims and logics of some prominent Muslim Sharia scholars regarding ineligibility of non-Muslims in matters of Halal and Haram.

To start off, we need to Shariah's status of consumption of Halal and Haram because this is the core of our discussion.

Which part of Shariah is associated with halal and haram?

Halal and Haram is covered in the Diyana'at chapter of Shariah, as mentioned in various books by prominent *scholars*.

فان من الديانات الحل و الحرمة

(الدر المختار وحاشية ابن عابدين (رد المختار) (كتاب الحظر والباحة)

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

ومن الديانات الحل و الحرمة
(البحر الرئق شرح كتر الدقائق، فضل في الاكل والشرب)

أي من الديانات (الحل و الحرمة)
(العناية شرح الهداية (فضل في الاكل والشرب)

According to scholars, Halal and Haram are related to most sensitive department 'Diyaniat' (or Deeniyat in Urdu).

What is Diyaniat?

Diyaniat, also known as Haqooq Allah (Rights towards Allah), are the rights established between Allah and man purely on the basis of religious grounds.

(الديانيات) هي التي بين العبد والرب
(الدر المختار شرح تنوير الأبصار و جامع البحار (كتاب الحظر والباحة)

What are Rights?

When embracing Islam, Islamic rulings or laws are applicable on every sane and adult, man and woman, which informs them about their rights as Muslims or are mandatory for them to act. These rights are basically divided in three categories:

1. Rights towards Allah
2. Rights towards man
3. Combination of the two

Since our subject matter is Halal and Haram; which falls under the chapter Deeniyat, therefore we will further our discussion on the same.

What are the Rights towards Allah?

Laws that are

- Purely and solely between Allah and man
- Not possible for man to abolish
- To be followed to gain Sawab(reward); otherwise sin would be marked
- Parameters of reward and penalty in the hereafter

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

For instance;

- Imaan: belief in oneness of Allah, belief in Hazrat Muhammad (SAW) as last prophet, Belief in angels, heaven, hell and day of Judgement etc.
- Salat: Praying 05 times daily
- Fasting: Fasting in the month of Ramzan
- Hajj: If the conditions are fulfilled
- Zakat: Charity of 2.5% yearly if conditions are fulfilled

These basic laws are considered part of Deeniyat or Rights and Sharia scholars have categorized Halal and Haram in this chapter. The primary reason is Allah has repeatedly told the believers in Quran to consume Halal and refrain from Haram; and also many Hadiths have clearly stated that prayers are not acceptable if man consumes haram food. Therefore, just like prayers are not accepted without ablution, Halal is necessary for acceptance for all the IBADAT (Worship). Looking at the sensitivity of the matter, Sharia has reserved this spot for the believers only. The case is so sensitive that in Islamic laws, even the wrong-doer Muslim's testimony is not acceptable.

Therefore, only the true and practicing Muslims are eligible for:

- Commentating and narrating Quran
- Leading the prayers (IMAM)
- Testimony of Moonsighting for month of Ramzan
- Entering the boundaries of Haram Shareef (MAKKAH)
- Zakat
- Witnessing and attesting Halal and Haram
- Taking the decision based on testimony for Halal and Haram
- Clarifying the standards of Halal and Haram

It should be noted that Fasiq (incompetent) or Transgressor, even though Muslim, is not eligible for the above-mentioned activities and responsibilities.

Who is Fasiq or Transgressor?

Fasiq or Transgressor is a person who is openly involved in major sins, e.g. Interest, gambling, drinking, murder or rape etc.

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Rational Examples

- The right to vote is reserved for the citizens of a country
- No religious leader can be from another religion
- Entry or admission to sensitive locations in an office is reserved for its employees
- Rights enjoy by the host in a house are not available to the guest

Thus, the strictness or severity is due to the sensitivity of the matter, which is logical. Unless a man is facing a situation, he cannot realize its importance; as only parents can feel the pain of their children. This does not mean that every other person is heartless; it means that to feel the pain of children, it is mandatory to be a parent. The crux of all these principles and restriction is to protect the mutual benefits of people with similar capabilities, which is also the basic teaching of Islam.

Researchers can further study Mufti Arif Ali Shah's book "**Halaal certification in the light of Sharia**" on this subject which gives a detailed in the light of combined Fiqh.

Allah bless all mankind to recognize its true creator.

Our Job Is Only to Convey the Message

References

Al-Tafaseer (Quranic Narrations)

Ahkaam-ul-Quran, Ahmed Bin Ali Al-Razi Al-Jisaas (Died:: 370 H), Dar-ul-Mushaf, Egypt

Ahsan-ul-Tafaseer, Maulana Syed Ahmed Hasan (Died: 1338), Al-Maktaba Al-Salfi, Sheesh Mahal, Lahore, Pakistan

Al-Bahar-ul-Muheet Fi-al-Tafseer, Abu Hayyan Muhammad Bin Yousuf Bin Ali Bin Yousuf Bin Hayyan Aseeruddin Al-Andulasi (Died: 745H), Dar-ul-Fikr, Beirut, Lebanon

Al-Dar Al-Mansoor, Abdul Rehman Bin Abi Bakar, Jalaluddin Al-Saiyoti (Died: 911H), Dar-ul-Fikr, Beirut, Lebanon

Al-Jamaa Le-Ahkam Al-Quran (Tafseer-ul-Qurtabi), Muhammad Bin Ahmed Al-Ansari Al-Qurtabi, Dar-ul-Kitaab Al-Arabi Lil-Tabaa Wa-al-Nashar, Beurit, Lebanon

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Al-Kashaf Wal Bayan An Tafseer Al-Quran, Ahmed Bin Muhammad Bin Ibrahim Al-Saalabi, Abu Ishaq (Died: 427H), Dar Ahya-ul-Turaas Al-Arabi, Beirut, Lebanon

Al-Kishaaf An-Haqaiq Ghawamiz-el-Tanzeel, Abul Qasim Mehmood Bin Aamer Bin Ahmed Al-Zemakhisri Jaar-ul- Allah (Died: 538H), Dar-ul-Kitab Al-Arabi, Beirut, Lebanon

Al-Tafseer Al-Mazhari, Muhammad Sanaa-ul-Allah Al-Mazhari, Maktaba-Tul-Rasheed, Pakistan

Fatah-Ul-Bayan Fi Maqasid-el-Quran, Abu Tayyab Muhammad Siddique Khan Bin Hasan Bin Ali Ibne Luft Allah Al-Hussaini Al-Bukhari Al-Qinnuji (Died: 1307H), Al-Maktaba-Tul-Asriya Lil-Tabaa Wal Nashar, Saida, Beirut, Lebanon

Gharaib Al-Quran Wa-Ra-Ghaib-ul-Quran, Nizaamuddin Al Hasan Bin Muhammad Bin Hussain Al-Qumi Al-Nishapoori (Died: 850 H) Dar Al-Kutub Al-Ilmia, Beirut, Lebanon

Madarik-ul-Tanzeel Wa Haqaiq-ul-Taweel (Tafseer Al-Nasfi), Abul Barkaat Abdullah Bin Ahmed Bin Mehmood Hafizuddin Al-Nasfi (Died: 710H), Dar-ul-Kalam-ul-Tayyab, Beirut, Lebanon

Mualam-ul-Tanzeel Fi Tafseer Al-Quran (Tafseer Al-Baghawi), Muhi Al-Sunna, Abu Muhammad Al-Hussain Bin Masood Bin Muhammad Bin Al-Faraa Al-Baghwi Al-Shafaii (Died: 510H), Dar Ahya-ul-Turaas Al-Arabi, Beirut, Lebanon

Muarif Al-Quran, Mufti Muhammad Shafee Rehmahullah, Idara Tul Muarif, Karachi, Pakistan

Rooh Ul Muaani Fi Tafseer-el-Quran Al-Azeem Wa-al-Sabaa-al-Masani, Mahmood Shukri Bin Abdullah Bin Muhammad Bin Shahabuddin Al-Aloosi (Died: 1270H) Maktaba Al-Nahza, Baghdad, Iraq

Tafseer Al-Quran Al-Azeem (Ibn E Kaseer), Ismail Bin Aamer Al-Basri, Ab-ul-fidaa Ibne Kaseer, Dar-ul-Ahyaa Al-Kutub Al-Arabia, Beirut, Lebanon

Tafseer Dawat-ul-Quran, Abu Nauman Saif Ullah Khalid, Dar Andulus, Leak Road, Choburji, Lahore, Pakistan

Tafseer Fateh-ul-Mannan (Tafseer Al-Haqqani), Ab Muhammad Abdul Haq Haqqani Dahlawi

Tafseer-e-Maqatil Bin Suleiman, Ab-ulHasan Maqatil Bin Suleiman Bin Bashir Al-Azdi Al-Balkhi, (Died: 150H), Dar Ahya-ul-Turaas Al-Arabi, Beirut, Lebanon

Tafseer-E-USmani, Allama Shabbier Ahmed Usmani, Idara Tul-Muarif, Karachi, Pakistan

NON-MUSLIM'S TESTIMONY IN THE MATTERS OF HALAAL AND HARAM

Al-Hadith

Fateh-ul-Bari Sharah-e-Shahih-ul-Bukhari, Ahmed Bin Ali Bin Hajar Abul Fazal Al-Asqalani Al-Shafai, Dar-ul-Maarif, Beirut, Lebanon

Masnad Imam Ahmed Bin Hanbal, Ahmed Bin Hanbal Al-Sheebani Al-Imam, Dar Al-Muarif, Egypt

Usool-ul-Fiqh

Husaami, Muhammad Abu Abdullah Hussam--ul-Din (Died: 644H), Maktaba-Tul -Bashra, Karachi, Pakistan

Al-Fiqh

Al-Bahar-ul--Raiq Sharah-e-Kinzul Daqaiq, Zianuddin Bin Ibrahim Bin Muhammad, Al-Maarroof Ba-Ibin-e-Nujaim Al-Misri (Died: 970H), Wa Bil Hashia: Minhatul Khaliq Le-Ibin-e-Abideen, Dar Al-Kitaab Al-Islami

Al-Hidaya Fi Sharah Bidaya Tul Muftadi, Ali Bin Abi Bakar Bin Abdul Jalil Al-Farghani Al-Marghinani, Abu Hasan Burhanuddin (Died: 593H), Dar Ul-Ahyaa Al-Tiraas Al-Arabi, Beirut, Lebanon

Al-Inaya Fi-Sharah-ei-Hidaya, Muhammad Bin Muhammad Bin Mehmood, Akmaluddin Abu Abdullah Ibn Al-Sheikh Shamsuddin Ibn Al-Sheikh Jamal-u-ddin Al-Roomi Al-Babarti, (Died: 786H), Dar Al-Ahyaa Al-Kutub Al-Arabia, Beirut, Lebanon

Al-Radd -ul-Mukhtar Sharah Tanveer-ul-Absaar Wa Jam-ul--Bihaar, Muhammad Bin Ali Bin Muhammad Bin Ali Bin Abdul Rehman Al-Haskafi (Died: 1088H), Dar Al-Saadir, Beirut, Lebanon

Hujjattulah-el-Baligha, Ahmed Bin Abdul Raheem Bin Al-Shaheed Wajeehuddin Bin Muazzam Bin Mansoor Al-Maarroof 'Shah Wali Allah Al Dahalwi' (Died: 1176)

Radd-ul-Muhtar Ala Durr-el-Mukhtar Sharha Tanveer-ul-Absaar, Al-Marroof Be-Haashia Ibne Abideen ,Shamia, Muhammad Alauddin Bin Muhammad Ameen Bin Umar Bin Abdul Aziz Abideen Al-Hussaini Al-Dimashqi Al-Hanfi Al-Shaheer Babine Abideen, (Died: 1252H), Dar-ul-Fikr, Beirut, Lebanon