

2nd Edition  
Revised & Updated

**The Shari'ah Laws Regarding**

# ALCOHOL

*In Light of the Quran, Sunnah and  
Islamic Jurisprudence*

*Mufti Syed Arif Ali Shah Al Husaini*

PUBLISHER:  
**SANHA Halal Associates Pakistan (Pvt). Ltd.**

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**Title:**

**The Shari'ah Laws Regarding Alcohol**

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**1st Edition:**

*Rabi' al-Awwal 1439 / November 2017*

**2nd Edition:**

*Rabi' al-Awwal 1440 / November 2018*

**PUBLISHER:**

*SANHA Halal Associates Pakistan Pvt. Ltd.*

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## Acknowledgement

I would like to express my sincerest gratitude to the following individuals for sparing their precious time in providing guidance and support with regards to various technical and Shari'ah aspects in the preparation of this treatise:

The Respected and Honourable...

- **Professor Dr. Javed Aziz Awan Saheb**

> Head of IFANCA Pakistan,

> Chairman - National Halaal Standardization Committee,  
Pakistan Standards and Quality Control Authority (PSQCA)

- **Mufti Yousuf 'Abdur-Razzaq Khan Saheb**

> CEO - SANHA Pakistan

> Vice Chairman - National Halaal Standardization Committee,  
Pakistan Standards and Quality Control Authority (PSQCA)

- I also take this opportunity to record my special thanks and appreciation to the

**South African National Halaal Authority (S.A.N.H.A.)**

for arranging the translation into English.

- I am also greatly indebted to the

**Members of the Shari'ah research department SANHA Pakistan,**

> Mufti Shoaib Aalam,

> Mufti Muhammad Ahsan Zafar,

> Mufti Muhammad Ebrahim,

Who revised the manuscript together with guiding me every step of the way during its preparation.

I make du'aa that Allah ﷻ accepts this humble effort and makes it a continues sadqah for my parents, teachers as well as the members of the organisation.

Sayed 'Arif 'Ali Shah

01,Rabi'al-Awwal 1440/10, November 2018

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### Author's Note:

To determine whether an intoxicating substance is Halaal or Haraam is a very important Shari'ah standard, which has been discussed in great detail in the books of Tafseer, hadith and Islamic law. We have attempted to present a summary of this in a single book. The reason we found it necessary to write a separate book on the subject is that a great deal of emphasis has been placed on intoxicating substances in general, and specifically on a number of issues pertaining to alcohol (ethanol), in the modern-day standards and regulations within the Halaal industry.

Furthermore, there is a difference of opinion regarding the matter between the majority of the scholars and the jurists of the Hanafi school of thought, due to controversy concerning the Shari'ah proofs which both sides present. This controversy can be clearly seen in the Halaal standards which have been prepared by the various countries. As a result, the scholars involved in the Halaal industry experience some difficulty in understanding the difference of opinion, specifically the view of the Hanafi school of thought.

Some international organisations have shifted from moderation and opted for a very extreme view. As a result, the Shari'ah research department of SANHA Pakistan had a meeting in January 2017 in which it was decided that this humble servant would be given the responsibility of writing a detailed researched article on the topic.

Through the grace and mercy of Allah ﷻ, the article has been prepared in light of the Quraan, Sunnah, Comparative Islamic law, standards of Halaal industry and leading experts of both science and the Halaal industry. The book consists of 2

parts with an addendum. The first part discusses intoxicants. The second part contains the Shari'ah rulings regarding alcohol, and the addendum contains a detailed discussion regarding boiled alcoholic beverages, in light of Islamic law and modern science.

**Note:**

The first draft of this book was prepared in Urdu and posted on the SANHA Pakistan website as an article, in November 2017. It was also translated into English due to requests from international organisations and published in book form in November 2017. The book was then revised and, after making some corrections and adding an addendum, it has taken the form of the book you now hold in your hands. Therefore, the view which this humble servant holds regarding the Shari'ah laws pertaining to alcohol and other intoxicants is what is mentioned in this edition of the book.

Syed Arif Ali Shah

### Dedication:

To the internationally acclaimed selfless servant and founder of the South African National Halaal Authority, Graduate of Pakistan's well known religious institute, Jamiah Uloomul-Islamiah 'Allaamah Bannuri Town, Karachi

**Moulana Muhammad Saeed Navlakhi**

**(Damat Barakaatuhum)**

Who nurtured this humble servant and because of whom I was afforded the opportunity to serve in the field of Halaal. May Allah ﷻ grant him success in Dunya and Akhirah and all the good of both worlds – Aameen.

### Commendation:

It is part of our belief that Islam is the final religion of Allah ﷻ until the day of judgement. Therefore, it is the grace and mercy of Allah ﷻ that, as time goes by, He ﷻ selects certain people or groups to explain the Deen and to guide the masses, according to the need of the time and while keeping the spirit of Deen in mind.

Approximately a year and a half ago, I happened to read a section from Hazrat Moulana Yusuf Bannuri's ﷺ book – Basaair Wa 'Ibar – one night in Ramadhaan. In this article, Hazrat ﷺ expressed his wish that there should be a committee of scholars who research new Masaail and guide the Ummah in light of the Shari'ah. Reading this, a strange feeling over took me, and I decided that, Insha'Allah, if Allah ﷻ grants me the Taufiq', I will try my level best to fulfil this wish of my elders. On the 1st of August 2016, I gathered all the Muftis of SANHA Pakistan and expressed this intention to them. Upon their suggestion, a Shari'ah research department was established and, Alhamdulillah, it has been running for the last year and a half. To date, Alhamdulillah, approximately 15 research articles have been prepared which will soon be published in a single book, Insha'Allah.

Through the grace and mercy of Allah ﷻ, SANHA Pakistan is the only Halaal certification body in which 5 Muftis serve, all of whom have experience in the Dars-e-Nizaami, Ifta, the industry, management system, auditing etc. As the head of this committee, it is my duty to monitor foods and beverages and to ensure that articles are written regarding matters which need to be researched so that it could be a means of benefit for the Ummah.



Masha Allah, Mufti Sayyid 'Arif 'Ali Shah Saheb has a keen interest, experience, and vast knowledge of comparative Fiqh. For this reason, the responsibility of researching this topic was placed on his shoulders. It took approximately 6 months to thoroughly research alcohol in light of the Shari'ah and modern science. Alcohol is a very sensitive topic due to which the remaining members of the department offered continuous support and input to avoid as many mistakes as possible.

A month after the article was complete and in the final proof reading stage. We received the news that an international Muslim body had declared that it is permissible to use any kind of alcohol externally. Since this view does not appear in the Halaal standards of any Muslim country and the Ummah at large has not accepted this view in the last 14 years, how can it be considered accurate? Hence, we had to prepare an addendum to our article substantiated by the necessary proofs so that the view of the Ummah can be upheld while at the same time avoiding any form of dispute the matter which had already been decided.

May Allah ﷻ accept this humble effort and make it a means of benefit for the Ummah – Aameen.

Mufti Yusuf 'Abdur-Razzaaq

CEO SNHA Paksitan

## The Shari'ah Laws Regarding Alcohol

### In Light of the Quran, Sunnah, and Islamic Jurisprudence

Alcohol is an intoxicating substance to which a number of Shari'ah laws apply. Hence, before we go into a detailed discussion regarding alcohol, we will mention the necessary Shari'ah discussion regarding intoxicants in general. Therefore, the discussion regarding alcohol will be divided into the following two sections:

#### Section A:

1. The definition of intoxication
2. The definition of intoxicants
3. The Shar'i Rulings regarding intoxicants
4. Different types of intoxicants and the different juristic views regarding the Shari'ah laws which apply to them

#### Section B:

1. The definition and reality of alcohol.
2. The methods of deriving various types of alcohol, from the Shari'ah perspective.
3. the various uses of alcohol from A Shari'ah perspective
4. The Shar'i rulings regarding alcohol and the various juristic opinions regarding it

Finally, we have presented a detailed list of references and quotes from which we derived all the information in this book, for the perusal of the 'Ulama fraternity.

## Section A

### The Definition of Intoxication:

For something to be intoxicating, it means that **someone's** intellect stops functioning properly once it is used, he loses control of his mind and senses and he starts uttering nonsensical and incoherent things without having the slightest knowledge of what he is saying. **(1)**

Let it be clear that, when it comes to deciding whether or not something is intoxicating, the opinion of the average, reasonable and moderate person is taken into consideration. The opinion of an addict, an unstable or unreasonable person will not be taken into consideration. **(2)**

### The Definition of Intoxicants:

Whichever substance leads to the above-mentioned altered state of consciousness will be called an "intoxicant" in the terminology of the Shari'ah. Once it receives this label, the Shari'ah laws (Haraam, Najis (Impure) etc.) will apply.

Obviously, this only refers to such things which are actually intoxicating, and which are directly responsible for causing intoxication. Such things include all liquor, marijuana, opium etc.

It does not refer to a substance which is not in itself intoxicating, and which does not cause intoxication, although it may be used as a raw material in the manufacturing process of an intoxicant. Some examples of this include grapes, dates, various types of grains (hops, barley etc.) as well as certain fruits and flowers.

## The Shar'i Rulings Regarding Intoxicants:

There are a number of different laws in the Shari'ah which apply to intoxicants. The following aspects are of particular importance to the subject matter of our discussion:

### 1 – The fact that it is Haraam:

Basically, according to the Shari'ah, it is Haraam to use any kind of intoxicant. The Jurists of Islam have gone into substantial detail on the matter. **(3)**

### 2 – It is Najis (Impure):

The second ruling of the Shari'ah regarding intoxicants applies to whether it is Najis (Impure) or not. The Jurists have expressed various opinions in this regard. **(4)**

### 3 – Buying and Selling Intoxicants:

The third Shari' ruling regarding intoxicants applies to the permissibility or impermissibility of buying and/ or selling it. Due to the significant divergence of the juristic views as far as the first two issues (as explained above) is concerned, the Jurists also hold many different opinions regarding this third aspect. **(5)**

## The Different Types of Intoxicants

### The Various Juristic Views Regarding the Shari'ah Laws of Intoxicants:

There are many different types of intoxicants which have many different uses as well. However, from a Shari'ah point of view, they are categorized into two types:

1. Solid intoxicants
2. Liquid intoxicants

### The First Type – Solid Intoxicants:

Solid or dry intoxicants refer to such substances which **naturally** lead to intoxication when consumed or used in their dry form and which have to be used in their dry and solid form in order to achieve intoxication. **(6)** Examples of this include cannabis, cocaine, opium, marijuana, morphine, Heroin etc.

### The Shari'ah Laws Regarding Solid/Dry Intoxicants:

**Halaal/Haraam:** To use so little of any solid/dry intoxicant, for a purpose or necessity **permitted by the Shri'ah**, that it does not lead to intoxication is NOT Haraam. However, if one uses such a quantity that causes intoxication, then it will be Haraam due to intoxication. **(7)**

**Tahir (Pure)/Najis (Impure):** The Jurists unanimous that solid/dry intoxicants are NOT physically Najis(Impure(Najis)) in itself. **(8)**

**Buying/Selling:** It is permissible to trade in, or to buy and sell any solid or dry intoxicant for a purpose or necessity permitted by the Shri'ah. It would be unlawful to trade in such products for an unlawful purpose. Therefore, it is permissible to sell opium if it is for the purpose of manufacturing medicine. However, to trade in such raw materials for manufacturing drugs is NOT permissible. **(9)**

### The Second Type – Liquid Intoxicants:

This refers to those liquid substances which **naturally** lead to intoxication when they are used or consumed in their liquid form and which are used for the purpose of intoxication only. Examples of this include all kinds of Alcoholic beverages, liquor, beer, wine etc. **(10)**

## The Shari'ah Laws Regarding Liquid Intoxicants:

The Jurists have two very well-known and accepted views in this regard, which the Muslim Ummah has adopted and adhere to. The first view is that of the majority of the Jurists and the second view is that of the Hanafi school of FIQH.

Bear in mind that there are two more views regarding the TAHARAH (purity) or NAJASAH (impurity (Najaasah)) of liquid intoxicants which the Ummah has not accepted. These will be explained in detail towards the end of this treatise as an academic note.

### The First View –

#### The Opinion of the Majority of the Shari'ah Jurists Regarding the Liquid Intoxicants:

The majority of the Jurists of Islam (i.e. Imam Maalik, Imam Shaafi'i, Imam Ahmad as well as Imam Muhammad of the Hanafi school of Fiqh ﷺ) are all of the view that all forms of liquid intoxicants fit into the category of what the Quran has called "Kham'r" (liquor) and, therefore, the same ruling of "Kham'r" liquor will apply to any and every liquid intoxicant. Thus, they deem:

- All liquid intoxicants are Haraam and any form of its use is therefore impermissible. **(11)**
- All liquid intoxicants are Najis (impure (Najis)) and even if a single drop falls onto one's clothes or into food etc., these will also become Najis (impure). **(12)**
- It completely Haraam to buy or sell or do any kind of transaction that involves any liquid intoxicant. **(13)**

**Note:** Majority of the scholars have given the same above-mentioned verdict regarding alcohol.

## The Second View –

### The Opinion of the Hanafi Jurists Regarding the Liquid Intoxicants:

There are three categories of liquid intoxicants according to the jurisprudence of the Hanafi school of Fiqh, in terms of the Shar'i Rulings which may apply to it. The details have been mentioned below:

#### First Category: "Kham'r" (Wine)

This refers to the alcoholic beverage which Allah ﷻ has mentioned in the verse:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ {المائدة : 90}

*"O, You who believe! Wine, gambling, idols and distribution by arrows are all filthy, satanic practices so avoid them that you may be successful."*

#### The Definition of "Kham'r" (Wine):

According to Hanafi school of jurisprudence, actual "Kham'r" (Wine) refers to raw grape juice which is not boiled and left as it is (**Fermented**) without adding anything to it until it starts bubbling, becomes potent and thick, froths and becomes intoxicating. Apart from raw grape juice, the application of the term "Kham'r" to anything else is only metaphorical due to which some of the laws regarding "Kham'r" will apply to them, while there will be some flexibility in the application of other laws. **(14)**

### Shari'ah Laws Pertaining to Kham'r:

1. "Kham'r" (Wine) is Haraam – it may not be used in any way or form. **(15)**
2. "Kham'r" (Wine) is intrinsically impure (Najis) (Najasul-'ayn) and even a single drop would render clothing or food impure (Najis). **(16)**
3. "Kham'r" (Wine) shall not be traded in, bought, or sold at all – it is Haraam to do so. **(17)**


### The Various Constituents of "Kham'r" (Wine):

Just as the Shari'ah recognises three main properties in any liquid or beverage – in other words: colour, smell and taste – similarly, from a chemical point of view, "Kham'r" (Wine) also has certain properties and constituents. Some of these include water, carbohydrates (sugar), alcohol, some natural minerals, flavour, acids (tartaric acid etc.), aroma, nitrogenous compounds, inorganic substances, other chemical compounds (phenolics) etc. **(18)**

In the Islamic Shari'ah, "Kham'r" (Wine) together with all its constituents and ingredients are all Haraam and Najis (impure). For this reason, it is absolutely Haraam to use any part of it for any purpose whatsoever, whether internally or externally. Trading in it or buying or selling it are also categorically Haraam.

### Examples of the Various Uses of Kham'r,

#### According to The Hanafi School of Thought:

1. The great Hanafi scholar, 'Allaamah 'Alaauddin, Abu Bakr bin Mas'ood bin Ahmad Al-Kaasaani Al-Hanafi  (d. 587



AH) has mentioned that "Kham'r" (Wine) is Haraam no matter how much or how little is used.

أما الخمر فيتعلق بها أحكام؛ (منها) أنه يحرم شرب قليلها وكثيرها إلا عند الضرورة لأنها محرمة العين فيستوي في الحرمة قليلها وكثيرها. (19)

2. With regards to the Shari'ah laws pertaining to Kham'r, 'Allaamah Ibnul Humaam رحمته الله (d. 861 AH) states that liquor (i.e. Kham'r / wine) is intrinsically Haraam and that this Hurmah (prohibition) is not based on or dependent on the fact that it causes intoxication. It is impure(Najis) just as other major Najāsats(impurities) like urine and faeces are impure(Najis). This is due to the fact that its impure (Najis) nature has been established by irrefutable texts (نصوص قطعية). It also does not have any value for a Muslim (i.e. it is not considered a commodity) and it is completely Haraam to derive any kind of benefit from it. Firstly, because it is Haraam (in principle) to derive benefit from something impure (Najis) and, secondly because the Shari'ah has made it compulsory upon Muslims to abstain from it and avoid it. Thus, by deriving benefit from it, one is gaining affinity to it as well as getting involved with it and defiled by it.

والثالث أن عينها حرام غير معلول بالسكر ولا موقوف علي-----والرابع أنها نجسة نجاسة غليظة كالبول لثبوتها بالدلائل القطعية على ما بينا-----والسادس سقوط تقومها في حق المسلم-----والسابع حرمة الانتفاع بها؛ لأن الانتفاع بالنجس حرام، ولأنه واجب الاجتناب وفي الانتفاع به اقتراب.(20)

3. 'Allaamah Muhammad bin Muhammad bin Mahmood Baabarty رحمته الله (d. 786 AH) states that it is not only Haraam for humans to consume Kham'r in food, drink or medicine, it is also Haraam to feed it to animals.

وقوله (والسابع حرمة الانتفاع بها) يريد التداوي بالاحتقان وسقي الدواب والإقطار في الإحليل (21).

4. 'Allaamah Shaami رحمه الله has stated that anything which is cooked in Kham'r, whether it is solid or liquid, will become impure (Najis) and Haraam forever.

حنطة طبخت في خمر لا تطهر أبداً، به يفق. (22)

5. 'Allaamah Shaami رحمه الله also states that if an impure (Najis) substance (like Kham'r) is poured into something else, the entire mixture will become impure (Najis) because the impurity (Najaasah) would have diffused throughout.

والخل النجس إذا صب في خمر فصار خلا يكون نجساً؛ لأن النجس لم يتغير (23)

6. 'Allaamah 'Ayni رحمه الله has mentioned that it is Haraam to use "Kham'r" (Wine) for any purpose whatsoever, including objectives like medical treatment, additives in perfumes, additives in oils and even for abortions.

ش: قال صاحب " العناية ": يريد بجرمة الانتفاع التداوي بالاحتقان، وسقي الدواب، والإقطار في الإحليل. قلت: أخذ هذا من كلام الكاكي. والكاكي من تاج الشريعة. ولكن قوله: حرمة الانتفاع أعم من هذه الثلاثة، والتخصيص بها تحكم، بل لا يجوز استعمالها في دهن أو طيب ونحوهما، ولا يجوز الإسقاط بها، وكذا التداوي بحقيقة وغيرها، ولا يجوز سقيها للدواب..... (ولأنه واجب الاجتناب) ش: أي ولأن الخمر واجب الاجتناب بالنص لكونه حراماً م: (وفي الانتفاع به اقتراب) ش: وهو خلاف النص. (24)

From what 'Allaamah 'Ayni رحمه الله has mentioned above, it is evident that the use of "Kham'r" (Wine) in any industry – foods, beverages, pharmaceuticals, cosmetics, flavourors etc. – is completely Haraam.

7. It is not permissible to give "Kham'r" (Wine) to any other human being, not even to a child, as it is Haraam for everyone.

ويحرم على الرجل أن يسقي الصغير الخمر فإذا سقاه فالإثم عليه دون الصغير لأن خطاب التحريم يتناول له. (25)

8. The taste and smell of wine are also Haraam and impure(Najis), just like any other constituent part thereof. For this reason, it is Haraam to use or consume any products in which wine was used for taste, smell, or any other reason whatsoever. Accordingly, the scholars of Islam have declared wine as impure(Najis) as any other major impurity (Najaasah) and it will not be permissible to perform SALAAH (prayer) if it has soiled one's clothes. The smell (aroma) of wine is also Haraam and is proof of the presence of some parts or of some of the constituents of the wine itself. If an animal has been fed wine, it will be *Makrooh (reprehensible)* to consume its flesh since the wine would have spread throughout its body.

(ومنها) أنها نجسة غليظة حتى لو أصاب ثوبا أكثر من قدر الدرهم يمنع جواز الصلاة لأن الله تبارك وتعالى سماها رجسا في كتابه الكريم بقوله {رجس من عمل الشيطان فاجتنبوه} [المائدة: 90] ولو بل بها الحنطة فغسلت وجففت وطحنت، فإن لم يوجد منها طعم الخمر ورائحتها يحل أكله وإن وجد لا يحل لأن قيام الطعم والرائحة دليل بقاء أجزاء الخمر، وزوالها دليل زوالها ولو سقيت بهيمة منها ثم ذبحت فإن ذبحت ساعة ما سقيت به تحل من غير كراهة لأنها في أمعائها بعد فتطهر بالغسل وإن مضى عليها يوم أو أكثر تحل مع الكراهة لاحتمال أنها تفرقت في العروق والأعصاب. (26)

9. 'Allaamah Zayla'i (d. 743 AH) stated that, even if the wine is boiled until it no longer leads to intoxication, it will still be Haraam.

والتاسع أن الطبخ لا يؤثر فيها لأنه للمنع من ثبوت الحرمة لا لرفعها بعد ثبوتها. (27)

**10.** Even if the alcohol had to evaporate out of the wine, it will still be Haraam. Therefore, the Jurists have written that it is not permissible to eat a bread (or any baking for that matter) if dough has been mixed with wine, despite the fact that we are certain all the alcohol will evaporate when it is fried or baked.

ويكره أكل خبز عجن عجينه بالخمير لقيام أجزاء الخمر فيه. (28)

**11.** 'Allaamah Sarakhsi رحمه الله has stated that any food, gravy or bread which was cooked or prepared with wine will be Haraam. فإن صنع الخمر في مرققة، ثم طبخ لم يحل أكله، ولا يحل هذا الصنع؛ لأن فيه استعمال الخمر كاستعمال الخل، وقد بينا أن هذا منهي عنه، ثم الطبخ في الخمر لا يحلها، ولا يغير الحكم الثابت فيها كما لو طبخها لا في مرققة. (المبسوط للسرخسي (25/24)

**12.** He further states that any dough which has been mixed with wine will be rendered impure (Najis) and Haraam – there is no way of purifying it.

ولو عجن الدقيق بالخمير، ثم خبز كرهت أكله؛ لأن الدقيق تنجس بالخمير، والعجين النجس لا يطهر بالخبز، فلا يحل أكله. (29)

**13.** It is Haraam to feed it to animals too.

ويكره أن يسقى الدواب الخمر؛ لأنه نوع انتفاع بالخمير، واقتراب. (30)

**14.** If even a single drop of wine falls into a container of water, all the contents will become impure (Najis) even if one cannot taste the wine in that water.

لو، وقعت قطرة من خمر في إناء فيه ماء؛ لأن ماء الإناء قد تنجس، فلا يحل شربه، وإن كان لا يوجد فيه طعم الخمر. (31)

**15.** It is not permissible to eat at a table spread where wine (or any other alcoholic beverage) is consumed.

ويكره للرجل أن يأكل على مائدة يشرب عليها الخمر هكذا نقل «عن رسول الله - صلى الله عليه وسلم - أنه نهى أن يأكل المسلم على مائدة يشرب عليها الخمر». (32)

**16.** It is not permissible to use wine in Kohl (eye liner), medicines or any bandage or plaster which will be applied to wounds.

وإذا استعط الرجل بالخمر، أو اكتحل بها، أو اقتطرها في أذنه، أو داوى بها جائفة، أو آمة، فوصل إلى دماغه، فلا حد عليه؛ لأن وجوب الحد يعتمد شرب الخمر، وهو بهذه الأفعال لا يصير شارباً، وليس في طبعه ما يدعوه إلى هذه الأفعال لتقع الحاجة إلى شرع الزاجر عنه. ولو عجن دواء بخمر، ولته، أو جعلها أحد أخلاط الدواء، ثم شربها، والدواء هو الغالب، فلا حد عليه، وإن كانت الخمر هي الغالبة، فإنه يحذر؛ لأن المغلوب يصير مستهلكاً بالغالب إذا كان من خلاف جنسه، والحكم للغالب. (33)

**17.** Whether all the constituents of wine are separated from each other or joined together, every part of it will remain Haraam.

ولو جعل الخمر في مرققة لا تؤكل لتنجسها بها ولا حد ما لم يسكر منه؛ لأنه أصابه الطبخ "ويكره أكل خبز عجن عجينه بالخمر" لقيام أجزاء الخمر فيه. (34)

ويكره أكل خبز عجن عجينه بالخمر لقيام أجزاء الخمر فيه. (35)

**18.** Once wine has been added to the mixture, no amount of washing can purify or clean it.

والخبز الذي عجن بالخمر لا يطهر بالغسل. (36)

**19.** According to the Hanafi School, the primary cause for the impurity (Najaasah) of wine is the presence of alcohol in it.

This is because alcohol will be produced when any drink is fermented. This fermentation is the actual cause or origin of alcohol. If one ponders thoroughly, the majority of the scholars are also of the view that the impurity (Najaasah) of wine is based on the presence of alcohol.

وإنما سمي خمرا لتخميره لا لمخامرته العقل. (37)

## The Shari'ah Ruling Regarding Alcohol Free Wine

### (0% Alcohol Beverages):

From the above-mentioned detailed discussion, it is clear that "Kham'r" (Wine) in its entirety is impure (Najis) and Haraam. Thus, if the alcohol (or any other constituent – such as tartaric acid etc.) is removed, the removed elements as well as the remaining mixture will still be completely impure (Najis) and Haraam. Therefore, any and every wine (or any other alcoholic beverage) which is marketed as "alcohol free" or "0% alcohol" is still completely impure (Najis) and Haraam.

As per Majority Schools of Fiqh (Maliki, Shafie, Hanbali & Imam Muhammad (Hanafi)) it is clear Haraam & Najis, while as per Hanafi school of jurisprudence (in accordance with the view of Imam Abu Hanifah and Imam Abu Yusuf رحمهما الله) it is Haraam as it is used for a purpose prohibited by Shari'ah.

Therefore, According to all the different schools of thought, including the Hanafi school of thought, it is impermissible and Haraam to use or consume any kind of alcohol free wine or beverage. Similarly, all those products which contain impure (Najis) alcohol derived from "Kham'r" (Wine) as a flavourant, aroma or any other purpose and thereafter the alcohol is evaporated (as is clear from the examples of the

bread and gravy) are still completely Haraam, and it not permissible to Halaal certify such a product.

## Second Category –

### Three Other Specific Alcoholic Beverages Derived from Grape or Date:

According to the Hanafi school of jurisprudence, there are three other alcoholic beverages to which the same laws generally apply as are applicable to “Kham’r” (Wine). They are:

#### Tilaa (الطلاء)

Grape juice which is boiled to such an extent that less than two thirds evaporates and, once it cools off, it starts to bubble, froth, becomes strong and thick. In other words when grape juice becomes intoxicating through a fermentation process or any other process and starts to froth. When this happens to grape juice, it is called Tilaa.

Note: Specialist say that when the water within grape juice is boiled until it evaporates or is heated in any other way and a specific amount evaporates, the sugar content in the remaining liquid increases due to which the yeast which converts the sugar to alcohol will not work unless more water is added. Therefore, this liquid will not be intoxicating. Some experts are of the opinion the minimum concentration of sugar that prevents yeast from acting is 14%, others say 27% and others say that it is equivalent to the amount of sugar in honey – 82.1%.

#### Question:

From the above-mentioned views, the first 2 don’t seem to be correct. The reason for this is that, according to the experts,

grape juice contains 14% sugar. Therefore, in Islamic law, if Tilaa or any other Haraam beverage is boiled until two thirds, or slightly less evaporates, it should not be intoxicating because, when approximately two thirds of the water are boiled off, the sugars content would be approximately 42%. Thus, according to the first 2 views, it is impossible for Tilaa to become intoxicating unless more water is added to it.

### Answer:

All three the above views could be correct and do not necessarily conflict with the views of the jurists. From a Shari'ah point of view, the definition, nature, and intoxicating (Haraam) status of boiled beverages are not based on how much of the water within the grape or date juice evaporates, and how much remains. Instead, the Haraam status is based on whether the juice is consumed for the purpose of intoxication, whether boiled or not, and whether the intoxicating effect is created by merely boiling it or only after it is diluted.

This is probably why the jurist discussed the actual purpose of the beverage – i.e. intoxication – the signs, conditions, and nature of the beverage instead of going into the above-mentioned discussion. It would also have been difficult for them to do so because the experts themselves have divergent views.

From the discussion above it is clear that there is no conflict or controversy between the views of modern-day scientists and the jurist of Islamic law with regards to Tilaa or any other boiled beverage. Instead, both camps agree that the end result is an alcoholic beverage which leads to intoxication. Islamic law has mentioned the Shari'ah ruling without going into the intricate technical details – they left that to practical experience and



experts in the field and practical experience. Thus, when a beverage would lead to intoxication, the Shari'ah ruling (Haraam) will apply. And Allah ﷻ knows best.

**Note:**

Something worth noting is why the jurists discussed the issue of two thirds or less of the water evaporating. To my knowledge the reason is that the jurists, while explaining the Haraam beverage made from grape juice, also want to explain the ruling of the Halaal beverage which is made in the process. In other words, they explained the limit of Halaal which is that, when two thirds or more of the liquid evaporates, the sugar level is such that it is impossible for alcohol to be produced.

**Note:**

Kindly refer to a detailed discussion regarding Islamic law and modern science, at the end of the book.

When grape juice is boiled until less than  $\frac{2}{3}$  of it evaporates, following which it becomes strong, potent, and intoxicating due to fermentation or any other process. In other words, boiled grape wine. This is called طَلَاء in Arabic. **(38)**

**Naqee'ut-Tamr (نَقِيعُ التَّمْرِ)**

This refers to raw date wine or raw date juice. In other words, in order for the juice to ferment, the dates are left to soak in water until it becomes thick and starts bubbling. This is called نَقِيعُ التَّمْرِ or سَكْر in Arabic. **(39)**

**Naqee'uz-Zabeeb (نَقِيعُ الزَّبِيبِ):**

This refers to raisin wine. In other words, raisins are soaked in water for so long that it starts to thicken and eventually it

starts to bubble and froth. This is referred to as نَقِيعُ الرَّيِّبِ in Arabic. **(40)**

**Note:** During the production of alcohol, first the carbohydrates (sugar) needs yeast. The yeast converts the sugar into alcohol (ethanol) and carbon dioxide (41). Furthermore, experts explain that grapes and dates possess the strongest potential to undergo alcoholic fermentation and produce an alcoholic beverage.

### The Shari'ah Ruling Regarding these Three Special Alcoholic Beverages:

According to the Hanafi school of jurisprudence, these alcoholic beverages share most of the rulings which apply to grape and date wine (Kham'r). A summary of these rulings is outlined hereunder:

- All three are as Haraam as wine and any form of use is therefore impermissible. **(42)**
- All three are as impure (Najis) as wine and even if a single drop falls onto one's clothes or into food, these will also become impure (Najis). **(43)**
- It is as Haraam to buy or sell or do any kind of transaction that involves any these three beverages, as is the case with wine.

### Third Category –

#### All Other Alcoholic Beverages Besides the Above:

This refers to any and every kind of alcoholic beverages besides the four mentioned above, viz. "Kham'r" (Wine), Tilaa, Naqee'ut-Tamr and Naqee'uz-Zabeeb.

## The Shari'ah Ruling Regarding All Other Alcoholic Beverages:

According to Hanafi school of jurisprudence, apart from the four types of liquor which can be made from grapes and dates (Kham'r, Tilaa, Naqee'ut-Tamr and Naqee'uz-Zabeeb), the Shar'i Rulings with regards to any other liquid intoxicant / alcoholic beverage are as follows:

**Halaal/Haraam:** According to Hanafi school of jurisprudence (in accordance with the view of Imam Abu Hanifah and Imam Abu Yusuf رحمهما الله), All other liquid intoxicants, besides the above-mentioned four types of liquor, may be used for a purpose or necessity **permitted by Shari'ah**, such as the production of medicines etc. as long as such a small amount is used that it does not lead to intoxication. However, if so much of it is used, that it leads to inebriation (drunkenness), it will be Haraam **(44)**.

While in accordance with the view of Imam Muhammad (Hanafi Jurist), all liquid intoxicants fall under the purview of "Kham'r" and are Haraam, regardless to the source, quantity, or intoxication.

**Fatwa:** In this regard (Halaal/Haraam), Fatwa (Ruling) of Hanafi Fiqh is based on Imam Muhammad's opinion, that all liquid intoxicants are Haraam, regardless to the source, quantity, or intoxication. (45)

**Tahir(Pure)/Impure(Najis):** According to Hanafi school of jurisprudence (in accordance with the view of Imam Abu Hanifah and Imam Abu Yusuf رحمهما الله), All other liquid intoxicants, besides the above-mentioned four types of liquor, are not Najis.

While in accordance with the view of Imam Muhammad (Hanafi Jurist), all liquid intoxicants are Najis. **(46)**

**Fatwa:** In this regard (Tahir(Pure)/Impure(Najis), Fatwa (Ruling) of Hanafi Fiqh is based on Imam Abu Hanifah and Imam Abu Yusuf's opinion, that All other liquid intoxicants, besides the above-mentioned four types of liquor, are not Najis.(47).

**Buying/Selling:** Besides the above-mentioned four types, it is permissible to buy, sell or trade in any liquid intoxicant, as long as this is done for a purpose or necessity permitted by Shari'ah. If this is done for an unlawful purpose, it will be impermissible and Haraam (48).

While in accordance with the view of Imam Muhammad (Hanafi Jurist), sell/purchase of all liquid intoxicants are Haraam. (49)

**Fatwa:** In this regard (sell/purchase), Fatwa (Ruling) of Hanafi Fiqh is based on Imam Abu Hanifah and Imam Abu Yusuf's opinion, with above-mentioned conditions. (50)

### The Third View –

#### The View of 'Allaamah Ibn Taymiyyah:

According to 'Allaamah Ibn Taymiyyah, the word "Kham'r" applies to any and every intoxicant known to man, whether it is what the Hanafis have said (i.e. liquor made from raw grape or date juice) or any other intoxicating liquor, or whether it be a dry, solid or liquid intoxicant of any nature. Hence, according to 'Allaamah Ibnu Taymiyyah, dry Marijuana is also considered "Kham'r" and will therefore be as impure (Najis) as wine(51).

Ibnu Taymiyyah has substantiated his view from the following Hadith:

عن ابن عمر، أن رسول الله صلى الله عليه وسلم قال: «كل مسكر خمر، وكل مسكر حرام»

*It has been narrated from Ibnu 'Umar ؓ that Rasoolullah ﷺ said:*

*"Every intoxicant is Kham'r and every intoxicant is Haraam." (52)*

The vast majority of the scholars and Jurists have answered his argument by explaining that the hadith which he has cited as proof doesn't mean what he has understood. Rather, it means that all intoxicants are just as Haraam as Kham'r. In other words, it shared the common ruling of being Haraam. However, it does not share the other rulings of Kham'r which is that of Najaasah (impurity (Najaasah)).

As proof of this response, the majority of the scholars have cited the following hadith:

عن عائشة عن النبي صلى الله عليه وسلم قال: «كل شراب أسكر فهو حرام» (53)

*It has been narrated from 'Aaishah ؓ that Rasoolullaah ﷺ said:*

*"Every intoxicating drink is Haraam."*

From the above-mentioned hadith, it is clear that all other intoxicants besides "Kham'r" per se are Haraam, but NOT impure (Najis).

From a Hanafi point of view, the answer is quite clear because, as far as the Hanafis are concerned, all other liquors besides date and grape wine share a common ruling with Kham'r as far as Hurmah (impermissibility) is concerned, but not Najaasah (impurity (Najaasah)), as has been proven from the above-mentioned hadith – i.e. that these forms of liquid intoxicants are Haraam because they lead to intoxication, not because they are impure(Najis).

## The Fourth View –

### The View of 'Allaamah Dawood Thaahiri رحمہ اللہ and Others:

This view has been attributed to the Imam of Zaahiri Jurisprudence – 'Allaamah Dawood Zaahiri رحمہ اللہ - as well as Imam Rabee'ah رحمہ اللہ. According to them, all forms of intoxicants, including Kham'r, are physically pure (*Tahir*). However, since they lead to intoxication, it is only Haraam to drink or consume them. As proof, they postulate that just as poison or dry intoxicants are pure and it is only Haraam to consume them, the same should apply to liquid intoxicants **(54)**.

However, Imam Nawawi رحمہ اللہ has narrated that there is general consensus (Ijmaa') that Kham'r is impure (Najis). Furthermore, the impurity (Najaasah) of Kham'r has been mentioned in a verse of the Quran in which Allah ﷻ has declared it "رِجْسٌ". In Arabic, this word is used to refer to something impure (Najis) and filthy, the details of which have already been explained.

One may object and say that gambling, idols, and distribution by arrows have been mentioned in the same verse and have also been called "رِجْسٌ", but they are not impure (Najis). How can we apply a different meaning for the same word, to Kham'r?

The answer which has been given by the scholars is that the very same ruling of impurity (Najaasah) applies to all these things. However, due to the consensus of the ummah during the Khayrul-Quroon **(55)**, the above-mentioned three have been excluded from the literal application of the word, while Kham'r still remains as such.

**Note:** Some Scholars and organizations have used the above-mentioned view (the 4<sup>th</sup> view) to prove that alcohol (ethanol) will always be pure, irrespective of what it is derived from and, thus, any kind of Ethyl Alcohol may be utilised for any type of external use.

However, from what we have quoted from Imam Nawawi رحمہ اللہ, this view contradicts what is mentioned in the verse of the Quran as well as the consensus of the Muslim Ummah, thus it is a strongly repudiated and rejected view.

## Section B:

### The Shar'i Rulings Regarding Alcohol

#### In Light of the Quran, Sunnah, and Islamic Jurisprudence

From a chemical point of view, there are many types of alcohol. For example: methanol, ethanol, isopropyl alcohol, butanol, butyl alcohol, pentanol, amyl alcohol, cetyl alcohol, ethylene glycol, propylene glycol, glycerol, erythritol, threitol, xylitol, mannitol, sorbitol, volemitol, allyl alcohol, geraniol, propargyl alcohol, inositol, menthol **(56)**.

All of these types are used for different purposes. One of these types is intoxicating and is referred to as Ethanol or Ethyl Alcohol. In the ensuing discussion, we will be examining Ethyl Alcohol / Ethanol, as well as its applicable Shar'i Rulings, from various angles.

#### Definition of Ethyl Alcohol / Ethanol:

Ethyl Alcohol is an intoxicating chemical compound which is derived from various fruits, vegetables, grains, sugar etc. **(57)**

#### The Various Types & Sources of Ethanol – A Shari'ah Perspective:

There are a vast number of ways to derive ethanol. However, all of these can be divided into 2 categories in terms of the Shari'ah and Juristic Rulings which apply to them:

1. Ethanol derived from natural sources
2. Ethanol derived from artificial sources



## First Category –

### Ethanol Derived from Natural Sources:

Ethanol can be derived from anything that contains carbohydrates, which have the ability to turn into sugar. According to the latest research, the natural sources of Ethanol are generally the following:

- All grains: maize, wheat, barley, rice etc.
- All fruits: grapes, dates, apples, sugarcane etc.
- Vegetables: turnips, carrots, beetroots etc.
- Molasses
- The bark of trees which contain cellulose, which can be converted to sugar. However, the process involved in deriving alcohol from this source is both difficult and expensive.

In Arabic terminology, this category of alcohol is called “الكحول الطبيعية” which translates as “Natural Alcohol” in English.

## Second Category –

### Alcohol Derived from Artificial Sources:

The alcohol which is artificially produced through chemical processes involving petrol and other chemicals is referred to in Arabic as “الكحول المصنوعية” which translates as “Synthetic Alcohol” in English. In this day and age, alcohol is generally produced from these other – in other words, synthetic – sources.

### The Shar'i Rulings Regarding Alcohol:

The various types of alcohol have numerous properties. As far as human consumption is concerned, the rulings of the Shari'ah only apply to 2 of these properties. The first is the fact that alcohol (ethanol) is an intoxicant and the second is that it is harmful and unhealthy. Based on these 2 properties, 2 rulings of the Shari'ah apply to alcohol. Firstly, it will be Haraam and secondly it will be considered impure(Najis) and filthy.

### The Shar'i Rulings Regarding Harmful Alcohol:

#### (Methyl Alcohol / Methanol)

Alcohol which are not intoxicating although they are harmful to the human body for example Methyl Alcohol / Methanol etc. The Shari' rulings regarding are as follows:

**Halaal/Haraam:** Non-intoxicating, harmful and unhealthy alcohol may be used for a permissible purpose or necessity as long as it is used in such small quantities that it is not detrimental to one's health – this will NOT be Haraam. However, using such quantities that are harmful to the body will render its use Haraam due to the impact it has on the health (58).

**Tahir (Pure)/Najis (Impure):** According to all the juristic views, non-intoxicating (other than ethanol), harmful and unhealthy alcohol – whether in large or in small quantities – is neither dirty nor impure(Najis) (59).

**Buying/Selling:** As long as one keeps the Shari'ah laws of trade in mind, it will NOT be Haraam to buy, sell or trade in non-intoxicating, harmful and unhealthy alcohol if this is done for a permissible purpose or necessity. However, if it is sold directly for an unlawful purpose, it will be Haraam and impermissible.

## The Shar'i Rulings Regarding Intoxicating Alcohol:

### (Ethyl Alcohol / Ethanol)

The following Shar'i Rulings apply to all forms of intoxicating alcohol body for example Ethyl Alcohol / Ethanol etc. are as follows:

**Halaal/Haraam:** Basically, it is prohibited, according to the Shari'ah, to use any type of intoxicating alcohol. The Jurists have gone into significant detail in this regard, as will be mentioned in the ensuing pages **(60)**.

**Tahir (Pure)/Impure (Najis):** The second Shari'ah ruling which applies to intoxicating alcohol is that of purity (Taharah) and impurity (Najaasah). The Jurists have mentioned a number of opinions in this regard as well, as will be mentioned in the ensuing pages **(61)**.

**Buying/Selling:** The third Shari'ah ruling which applies to intoxicating alcohol is that of buying and selling it. Since there are some details in terms of the number of views expressed by the Jurists regarding the afore-mentioned 2 rulings, it results in divergent views regarding this third aspect, as well. This will also be explained in the ensuing pages **(62)**.

## The Various Juristic Opinions Regarding Intoxicating Alcohol:

There are two famous views regarding this aspect, which the Jurists have mentioned.

## The First View –

### Based on The Stance of the Majority of the Jurists

#### **Regarding the Shar'i Rulings Applicable to Intoxicating Alcohol:**

The majority of the Jurists (Imam Maalik, Imam Shaafi'i, Imam Ahmad as well as Imam Muhammad of the Hanafi school of thought) hold the view that all liquid intoxicants fall under the purview of "Kham'r". Therefore, according to the majority of the scholars, all the rules pertaining to Kham'r will apply to all liquid intoxicants including Ethyl Alcohol, the details of which have already been discussed.

## The Second View –

### Based on The Stance of the Hanafi Jurists

#### **Regarding the Shar'i Rulings Applicable to Intoxicating Alcohol:**

#### **Two Category of intoxicating Alcohol**

According to Hanafi school of jurisprudence (in accordance with the view of Imam Abu Hanifah and Imam Abu Yusuf), there are two categories of liquid intoxicants to which various Shar'i Rulings apply. Accordingly, intoxicating alcohol will be also of two categories, the details of which are as follows:

#### **The First Category –**

#### **The Shar'i Rulings Applicable to Alcohol Derived from Grapes or Dates:**

The alcohol which is derived from grapes and dates is just like Kham'r in terms of the rules of the Shari'ah. Hence, the

majority of the scholars (including the Hanafi Jurists) agree that all the rulings of the Shari'ah pertaining to Kham'r will apply equally to this type of liquid intoxicant (Ethyl Alcohol derived from grapes and dates). The details according to the Hanafi school of thought have already been mentioned **(63); (64); (65)**.

### The Second Category –

#### The Shar'i Rulings Regarding Alcohol Derived from Sources Other Than Grapes and Dates:

According to Hanafi school of jurisprudence, the alcohol which is derived from any liquid intoxicant besides the four main liquors (Kham'r, Tilaa, Naqee'ut-Tamr and Naqee'uz-Zabeeb) – such as alcohol derived from molasses, wheat, barley etc. – will have the following Shar'i Rulings:

**Halaal/Haraam:** It is NOT Haraam to use the alcohol which is derived from **other than grapes and dates**, as long as it is used for a purpose or necessity **permitted by the Shri'ah** and in such a small quantity that it does not lead to intoxication. However, to use so much of it that it leads to intoxication will be Haraam. **(66)**.


**Pure/Impure(Najis):** Alcohol which is derived from **other than grapes and dates** is NOT impure(Najis) **(67)**.

**Buying/Selling:** It is permissible to buy, sell or trade in the alcohol which is derived from **other than grapes and dates** as long as it is done for a purpose or necessity **permitted by the Shri'ah**. It will be unlawful to sell it for an impermissible purpose.

**Note:** According to experts, the alcohol content (abv) of the various different alcoholic beverages (liquor) also differs from product to product. According to the experts, the average

alcohol content of beer is up to 4.5%, wine is up to 11.6% and Vodka is between 37% and 40%. However, by means of distillation, this amount can be increased to as much as 95% for laboratory and clinical use **(68)**.

### The Preferred View Regarding the Shar'i Rulings Applicable to Intoxicating Alcohol:

As far as we are concerned, in light of the principles of the Shari'ah and the proofs, the preferred view in this matter is that of Imam Abu Hanifah and Abu Yusuf  of the Hanafi school of FIIQH **(69)**.

### According to SANHA Pakistan, The Hanafi View is Preferred:

As far as intoxicants and the alcohol derived from them is concerned, when one looks at the proofs which have been presented from the Quran, Sunnah, and Islamic Jurisprudence, we strongly feel that the Hanafi view is the most preferred view in terms of the strength of the proofs and substantiation which have been presented.

Pakistan's Halaal Standard has been prepared in accordance with this view and it appears to be the most practical and appropriate view in terms of the current Halaal industry.

The reason for this is that the Muslims will have to undergo unbearable difficulty and inconvenience if they had to practice upon the view of the majority of the Jurists or the view of Ibn Taymiyyah. Furthermore, it is against the spirit of the principles of Shari'ah to put the Ummah through unnecessary difficulty with regards to practicing upon the Shari'ah.

## A Summary of Various Halaal Standards Concerning Alcohol:

After an in-depth study and scrutiny of numerous popular international Halaal Standards, a summary of what we found has been presented below:

- The Pakistani Halaal Standard (PS: 3733-2016(R)) is based on the Hanafi **Fiqh** view **point** , in which it has been made clear that alcohol which is derived from grapes or dates is categorically Haraam and impure(Najis). As for the alcohol which is derived from other **than grapes and dates**, it is only Haraam if it leads to intoxication **(70)**.
- In the Halaal Standards for Cosmetics of the UAE, alcohol in general has been declared categorically Haraam **(71)**.
- In the Halaal Standards for Food of the UAE, alcohol in general has also been declared categorically Haraam **(72)**.
- In the Halaal Standards for Food Additives in Malaysia, alcohol in general has been declared categorically Haraam **(73)**.
- Similarly, in the Pharmaceutical Halaal Standards of Malaysia, alcohol in general has been declared Haraam and impure(Najis). Thus, according to this standard, only those pharmaceuticals will be Halaal which contain no intoxicating substances whatsoever **(74)**.
- Furthermore, in the above-mentioned standard, Kham'r has been included in the definition and explanation of impurity (Najaasah) and the word Kham'r encompasses and includes all forms of intoxicants according to the same standard **(75)**.

From the above-mentioned standards, it seems as though all alcohol is impure (Najis) irrespective of which method was used to derive it. Thus, it is impermissible to use it both internally and externally and this is in complete conformance with the actual view of the Shaafi'i school of FIIQH. Furthermore, we also learn from the above two Malaysian Halaal Standards that there is no difference between the alcohol which is used in food products and beverages, and the alcohol used in pharmaceuticals.

However, in the very same Malaysian Halaal Standards, Synthetic Alcohol has been permitted **(76)**! Similarly, in Malaysia's "Halaal Principles and Explanation of Definitions and Terminologies Standard" (MS 2393:2013), there is a detailed discussion regarding alcohol. From this we understand that there is a distinct difference between Natural Alcohol and Synthetic Alcohol and that both do not share the same ruling with regards to impurity (Najaasah) **(77)**. In the standard in question, it has clearly been mentioned that wine is impure(Najis). However, there is no specific reference to alcohol itself.

This discussion leads us to the following question: According to the above-mentioned standards, what is the difference between "Kham'r", "Alcoholic Beverages" and "Synthetic Alcohol"?

The answer is: We understand from the Malaysian Standard (MS 2393: 2013) that whatever alcohol is derived through fermentation has been considered "Kham'r" and regarded as impure(Najis). However, Synthetic Alcohol seems to have been considered separate from wine and impurity (Najaasah). This gives us the impression that it is in accordance with the Hanafi view **(78)**.



Similarly, in clause 5.3 of the Malaysian “Drinking Water Halaal Standard”, it is mentioned that it is necessary for the sources of Halaal chemicals NOT to be impure(Najis) (Najis). Yet, in clauses 5.6 and 5.8, it has been mentioned that it is necessary for the sources of Halaal chemicals NOT to be defiled by anything impure (*MUTANIJJIS*). However, when looking at clause 5.7, it is clearly stated that it is PERMISSIBLE to use alcohol which is derived from liquors other than Kham’r when making Halaal chemicals for drinking water. This is exactly what the Hanafis opine **(79)**.

Again, when scrutinising the Malaysian “Cosmetics Halaal Standard” (MS 2200: Part 1: 2008), only alcohol which has been derived directly from actual Kham’r has been prohibited (which is in harmony with the Hanafi opinion) **(80)**.

The objection here is that the Malaysian Halaal Standard has designated Shaafi’i Jurisprudence as its interpretation of the Shari’ah Law **(81)** whereas, in Shaafi’i jurisprudence, any and every intoxicant has been included in the definition of “Kham’r”, as we have mentioned in detail in the preceding pages. According to this, all forms of alcohol should be impure(Najis), and it should be impermissible to use it externally because it is an impurity (Najaasah). Thus, we ask why the Malaysian Halaal Standard has permitted the external use of alcohol which is derived from sources other than actual Kham’r when it contradicts their stance.

The answer is that, when alcohol from non-intoxicating beverages is used, it is used in such minute quantities and for purposes other than intoxication that the Shari’ah principles of “القليل كالمعدوم” and “عموم البلوى” may have been the deciding factors – Allah ﷻ knows best.

- The Thailand Halaal Standard has declared any substance containing alcohol Haraam. This is due to the fact that the vast majority of Muslims in Thailand follow the Shaafi'i school of thought **(82)**.

### How Much Alcohol is Present When Vinegar is Produced?

When vinegar is made from alcoholic beverages, the bacteria of acetic acid converts the alcohol to acetic acid. After that, a time comes when the bacteria of the acetic acid cannot operate any more. As a result, a small quantity of alcohol remains in the newly made vinegar. Experts explain that anything from 0.5% to 2% and even 5% of the alcohol can remain in vinegar.

According to the FDA Standard, natural vinegar should never have less than 4% acetic acid. Thus, for every 100ml of vinegar, 4 grams of acetic acid should be present **(83)**.

### The Shari'ah Ruling Regarding the Use of Alcohol in Various Industries:

Let it be clear that, with the progress and developments in science and technology, there are innumerable uses for alcohol at present. In the ensuing pages, we have mentioned a few industries by way of example. Other industries should refer to reliable Shari'ah professionals or organisations (Darul-Ifta's) for the ruling regarding the use of alcohol in their particular industry.

### Use of Alcohol in the Food Industry:

- It is NOT permissible to use any amount of Ethyl Alcohol which is derived from grapes or dates in any product in the food industry.
- Ethyl Alcohol which is derived from sources other than dates and grapes can be used in industrial application as long as it does not lead to any intoxication.
- It is NOT permissible to use Ethyl Alcohol derived from sources other than grapes and dates even in industrial application if it leads to intoxication or there is a possibility of it leading to intoxication.

### Use of Alcohol in Food Grade Chemical and Flavour Industry:

- It is NOT permissible to use any food grade chemicals and flavours which contain Ethyl Alcohol that has been derived from grapes or dates.
- The Ethyl Alcohol derived from sources other than grapes and dates, which is used in food grade chemicals and flavours of the food industry, may only be used in quantities that do not lead to intoxication and in which there is no possibility of leading to intoxication.
- It is NOT permissible to use food grade chemicals and flavours containing Ethyl Alcohol from sources other than grapes and dates, that lead to intoxication or in which there is a possibility of intoxication.

### Use of Alcohol in the Beverage / Soft Drink Industry:

- It is not permissible to use ethyl alcohol irrespective of the source of derivation at all in those beverages which

are specifically manufactured for purposes of intoxication.

- It is permissible to use Ethyl Alcohol derived from sources other than grapes and dates in such drinks which are not manufactured for purposes of intoxication, as long as the ethanol quantity used does not lead to intoxication.
- It is not permissible to use Ethyl Alcohol derived from sources other than grapes and dates in beverages product in such quantity that leads to intoxication or in which there is the possibility of intoxication.

### Use of Alcohol in Pharmaceuticals:

- It is Haraam to use Ethyl Alcohol, which is derived from grapes or dates, in pharmaceuticals.  
The Shari'ah conditions and rules regarding "تداوي بالحرام" will apply if this is done.
- It is permissible to use the Ethyl Alcohol derived from sources other than dates and grape in the pharmaceutical industry if there is a need to do so, and only to the extent of fulfilling that need.

### Use of Alcohol in the Cosmetics and Personal Care Products Industry:

- It is NOT permissible to use Ethyl Alcohol, which is derived from grapes and dates, in the cosmetics and personal care products industry.
- It is only permissible to use Ethyl Alcohol derived from sources other than grapes and dates in the cosmetics and personal care products industry if it is for external

use – for example: perfumes, hand sanitisers , body lotions and other personal care products.

- If there is a possibility of becoming intoxicated through the external application of any cosmetic product, it will not be permissible to use even the Ethyl Alcohol derived from sources other than grapes and dates.

### Use of Alcohol in Cleaning Products, Paints, Varnishes, Air Fresheners etc.

- It is NOT permissible to use Ethyl Alcohol derived from grapes or dates in cleaning products, paints, varnishes, air fresheners etc.
- If the Ethyl Alcohol is derived from sources other than grapes or dates, it will be permissible to use such cleaning products, paints, varnishes, air fresheners etc.

And Allah ﷻ Knows Best.

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01, Rabi' al-Awwal 1440 / 10, November 2018

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## Addendum

### A discussion regarding boiled beverages

#### Modern Sciences and Shari'ah (Islamic jurisprudence)

##### Boiled Beverages \_ A Modern Science Perspective:

In order to convert any sweet thing into alcohol, a certain mould – commonly known as yeast – is added to it. Yeast can only act when the sugar content is at a certain level. However, when the sugar levels are any higher than that, the yeast will not be able to do anything. **( 84)**

Everybody knows that, when any sweet liquid is boiled for an extended period of time (whether the sugar content is natural or artificial), the water evaporates from the liquid and the percentage of sugar increases due to which the yeast is unable to convert sugar (carbohydrates) into alcohol. As a result, no fermentation takes place. If there is no fermentation, the liquid will not become intoxicating. The most obvious examples of this are honey and syrup made of sugar.

Accordingly, honey can stand for years on end without going off and without becoming intoxicating, whereas it also contains sugar which is a fundamental element of ethanol fermentation.

Specialists state that honey contains 82.1% sugar of which 60 to 70% is pure sugar, 17% is water and the remainder is sub particles of sugar. **(85)** However, due to the high sugar content yeast is unable to act and therefore it cannot convert the sugar into alcohol. **(86)**

For this reason, yeast cannot be added directly to honey. Instead it first has to be diluted by adding water, after which it is now possible for alcohol fermentation to take place.

### Sugar Concentration That Prevents Yeast Fuction:

This humble servant has contacted many experts within Pakistan regarding the question above. I also contacted the experts at the South African National Halaal Authority (SANHA). I have three different views in this regard, a summary of which is produced below.

#### The first view:

Some experts are of the view that the average yeast would not be able to act in a liquid containing more than 12% sugar. However, some breweries have a special yeast which is able to act in liquids containing up to 14% sugar. According to them no yeast is able to act at a higher sugar concentration than that, nor will fermentation take place, nor will the liquid become intoxicating. **(87)** According to these experts, if the sugar content of grape juice becomes too high after being boiled, one will have to dilute the liquid by adding more water to it so that the sugar concentration can drop to below 14 % in order for ethanol fermentation to occur and in order for the liquid to become intoxicating. If this is not done, and the sugar levels remain above 14%, the yeast will have no effect and fermentation will not take place, due to which the liquid will not become intoxicating.

#### The second view:

According to some experts, ethanol fermentation is possible when the sugar content is as high as 27%. If it is any higher, fermentation cannot take place. **(88)**

### The third view:

Some experts are of the opinion that fermentation can still take place at a higher sugar concentration and that there is still a possibility of the suspension becoming intoxicating. According to them, fermentation is possible, and alcohol can be produced, as long as the sugar level does not exceed that of honey (82.1%). However, due to the high sugar concentration, the yeast will act very slowly. As a result, the alcohol content and the intoxicating effect will be much lower. **(89)**

### The sugar concentration of grape juice and the possibility of alcoholic fermentation:

According to experts, grape juice contains up to 14% sugar. **(90)**

Therefore, in 100 grams of juice, there would be 14 grams of sugar. If this juice is boiled or evaporated in any other way to the extent that two thirds or less evaporates, the sugar content will be almost three times higher – that is, approximately 42%. The question now arises as to whether yeast would work in the juice which now contains 42% sugar after being boiled.

According to the first 2 views, the yeast would not have any effect due to which alcohol and intoxication would not occur. However, according to the last view, there is still a possibility of alcohol and intoxication occurring even though the process is much slower and the concentration of both is much lower.

### Boiled Beverages \_ A Shari'ah Perspective:

**A discussion regarding beverages produced after evaporation, in light of Islamic jurisprudence:**

Let it be clear that, according to the Hanafi school of thought, actual wine is only produced from raw grape (or date)



juice, which is either left standing, or to which something is added causing it to become strong, start bubbling, producing froth and become intoxicating. If the grape juice is boiled, it will no longer be actual wine according to the Hanafi school of thought. Now, it will not be absolutely Haraam. Instead, in order for it to be Haraam it will have to lead to intoxication.

Various things could be cooked to produce various types of beverages, the details of which have been explained in various scientific and juristic books. In the books of Islamic jurisprudence, the beverages produced from grapes, dates, honey, figs etc. have been discussed in great detail. The common factor in all these beverages is that boiled juices all have the same Shari'ah preconditions.


Thus, instead of going into the details of the above-mentioned beverages, we will suffice on what has been mentioned regarding the beverage produced from boiled grapes. In Arabic, as well as juristic terminology, this has been referred to as Tilaa. We will now mention the scientific and juristic overview of Tilaa – boiled grape juice.


### **Tilaa – The alcoholic beverage produced from boiled grape juice:**

When grape juice is boiled or cooked in any way, it is referred to as Tilaa in Arabic. It is obvious that merely boiling grape juice does not make it Haraam, as long as it does not become intoxicating. As a result, the word Tilaa has been used for both Halaal and Haraam beverages in various places in the books of hadith and jurisprudence.

Various names have been used for cooked or boiled grape juice in the books of Islamic jurisprudence. For example:

1. When grape juice is boiled for a short while, it is referred to as **Baaziq**.
2. When it is boiled until half evaporates, it is called **Munassaf**.
3. When it is boiled until a complete two third evaporates, it is called **Muthallath**.
4. If more water is added to it after it has been boiled, it is called **Jumhoori**.

Collectively, all of the above-mentioned variations are referred to as Tilaa. Each one will be dealt with in detail in the ensuing pages. Accordingly, it is even mentioned in Saheeh Bukhari that the Sahaabah  consumed Tilaa and that it is Halaal. (91)

‘Allaamah Shurunbulaali  has mentioned that Tilaa is just a name and that the word refers to many different types of beverages. For example, all kinds of boiled grape juice can be called Tilaa, whether less than two thirds evaporate, or half evaporates or even an entire two thirds evaporates.<sup>92</sup>


### The technical meaning of Tilaa:

There are two technical definitions of Tilaa in Hanafi Jurisprudence.

#### First Definition:

According to the first definition, Tilaa refers to grape juice which is boiled or left in the sun and heated up to such an extent that a total of two thirds evaporates and, once it cools down, it starts to bubble, becomes strong in taste, foam starts to form


on the surface and it becomes intoxicating. This is the definition provided by the authors of Al-Muheet, Tuhfatul-Fuqahaa and Al-Yanaabee'. Although, the senior scholars of the Hanafi school of thought have declared this view redundant. A details overview and commentary of the juristic text will be mentioned shortly.

The author of Jawharah, 'Allaamah Abu Bakr Haddaadi  (d. 800 AH) has mentioned 8 different types of alcoholic beverages:

1. Khamr (made from raw grape juice)
2. Sakar (made from raw date juice)
3. Naqee'uz-Zabeeb (made from raw raisin juice)
4. Nabeezut-tamar (made from dry dates which are soaked in water)
5. Fadheeh (date wine)
6. Baaziq (made from grape juice when less than two thirds of it is boiled off)
7. Tilaa (made from grape juice when two thirds or more of it is boiled off)
8. Jumhoori (when the same amount of water that evaporated from the Tilaa, is added back to the Tilaa and it is boiled a little more after which it is left to become strong and intoxicating)

There are 3 common factors in all of the above:

- a. The taste becomes strong
- b. It starts to bubble
- c. Froth forms on the surface. **(93)**

'Allaamah 'Alauddin Samarqandi  (d. 540 AH) has also mentioned that there are 8 different names from intoxicating beverages:

1. Khamr (wine)

2. Sakar
3. Naqee'uz-Zabeeb
4. Nabeezut-Tamar
5. Fadheeh
6. Baaziq
7. Tilaa (also referred to as Muthallath – a drink from which two thirds has been evaporated or boiled off)
8. Jumhoori. **(94)**

He mentioned that the definition of Baaziq is grape juice which is boiled to such an extent that less than two thirds evaporates, irrespective of whether only a third evaporates, or half or even no significant amount evaporates after it has been boiled for a while and, after cooling off, it becomes intoxicating. **(95)**

**Note:**

From the above-mentioned definition of Baaziq, it is clear that the ruling of Haraam is not based on how much of the grape juice evaporates and how much is left over. Instead, it is based on whether the remaining liquid has the potential of becoming strong and intoxicating. This possibility will only exist when fermentation is possible and fermentation, in turn, is only possible when yeast is able to do its job. Obviously, only the experts will be able to tell at what concentration or at which point the yeast is able to act and at which point alcoholic fermentation is possible.

As they have mentioned, Tilaa refers to the third of the beverage which remains after two thirds have evaporated. This is the very same grape juice which is boiled until two thirds of the water evaporates and the remaining third becomes strong and intoxicating. **(96)**


**Note:**

This definition: when two thirds evaporate and one third remains which then becomes strong and intoxicating, becomes the basis of 3 things.


Jumhoori refers to the very same Tilaa which is diluted with water until it equals the amount that was present before the two thirds evaporated and, thereafter, it is boiled for a short while and left to become strong and intoxicating. (97)

**Note:**

From the definition of Jumhoori, it is clear that water is added in order to dilute the concentrated, thick juice called Tilaa until the water levels are equal to the original amount of water which was present, and due to which the sugar concentration decreases. Thereafter, it is boiled for a short while following which it undergoes alcoholic fermentation and becomes intoxicating.

In my humble opinion, the definition provided by 'Allaamah Samarqandi  is exactly the same as the experts' first view, as mentioned above. This text supports the very same view as held by some of the experts.

**Note:**

From the Shari'ah ruling which 'Allaamah Samarqandi  has mentioned regarding Tilaa, and lightly boiled date and raisin juice, it is clear that – from a Shari'ah point of view – the definition of these beverages and the basis of the ruling that they are Haraam are not because of how much of the grape or date juice evaporates and how much is left over. Instead, it is based on whether the grape or date juice is specifically used for the objective of intoxication which is why it is boiled instead of

being consumed fresh. According to the experts, this is actually done for safety reasons, because raw juice is far more harmful than boiled juice.

From the above-mentioned discussion, it is clear that there is no contradiction between the definitions of Tilaa and other boiled beverages as provided by the Shari'ah, and the views of the experts of modern science. In fact, both camps are in agreement with the outcome – in other words, that boiled beverages refer to those which are intoxicating. Now, Islamic jurisprudence has mentioned the outcome (that two thirds or less, or a complete two thirds are boiled off) and the Shari'ah ruling without discussing the scientific intricacies of the process, such as the minimum sugar concentration at which alcoholic fermentation is possible etc. Instead, it has left this to practical experience and experts in the field. And Allah ﷻ knows best.


### Second Definition:


According to the second definition, Tilaa refers to grape juice which is boiled or left in the sun and heated up to such an extent that slightly less than two thirds of the total liquid evaporates and, once it cools down, it starts to bubble, becomes strong in taste, foam starts to form on the surface and it becomes intoxicating.


'Allaamah Kaasaani رحمه الله has mentioned that Tilaa refers to grape juice which is boiled until slightly less than two thirds evaporates, following which it becomes intoxicating and this falls under Munassaf and Baaziq. The reason for this is that Baaziq refers to grape juice which is boiled very slightly (for a very short time) and Munassaf refers to grape juice which is boiled or left in the sun until half the liquid evaporates and a complete half remains in the container. Others are of the

opinion that Tilaa refers to grape juice which is boiled until a complete two thirds evaporates and then becomes strong and intoxicating. As for Jumhoori, it refers to Muthallath (the one third of concentrated grape juice which remains after evaporation) to which the same amount of water is added as was evaporated and then it is boiled for a short while, following which it is left to become strong and intoxicating. **(98)**

**Note:**

The fact that 'Allaamah Kaasaani  has considered Baaziq and Munassaf as subcategories of Tilaa and further explained that more water is added to Jumhoori in order to complete the process is indicative of the fact that the Haraam ruling of these beverages is not based on the percentage of water which remains after evaporation. Instead, it is based on whether or not the beverage is used specifically for intoxication after it is boiled – whether the intoxicating effect develops in the remaining liquid on its own or whether more water is added in order to facilitate this process.

The author of Al-Hidaayah, 'Allaamah Margheenaani , has defined Tilaa as grape juice which is boiled until less than two thirds of the water evaporates. **(99)**

'Allaamah 'Abdullah Al-Mousili Al-Hanafi  (d. 638 AH) has stated that when less than two thirds of the water evaporate, the remaining liquid is called Tilaa, and when half the water evaporates, the remaining liquid is called Munassaf. Furthermore, it is called Baaziq if it is only boiled for a short while. All these beverages will only be Haraam when they become strong and sharp to the taste, start to bubble, and

froth, and become intoxicating. **(100)** The author of Kanzud-Daqaaiq رحمہ اللہ has mentioned the very same thing. <sup>101</sup>

‘Allaamah Zayla’i رحمہ اللہ (d. 743 AH) has mentioned that the above definition of Tilaa is the correct one – i.e. in which less than two thirds of the water evaporates. This has also been referred to as Baaziq, whether the amount that evaporated is a lot or a little. As long as less than two thirds evaporates, it is considered Tilaa. All of the above will be Haraam if it becomes strong, bubbles, forms froth and becomes intoxicating. **(102)**

As for the third (called Muthallath) which remains after a complete two thirds of the water evaporates, ‘Allaamah Zayla’i رحمہ اللہ states that it is Halaal because it has been proven that the Sahaabah رضی اللہ عنہم consumed it. When Imam Abu Dawood رحمہ اللہ asked Imam Ahmad bin Hanbal رحمہ اللہ regarding Tilaa – after two thirds evaporates and only a third remains – he stated that there is no problem in consuming it. Their student (Imam Abu Dawood رحمہ اللہ) then said that people say it is intoxicating. Imam Ahmad رحمہ اللہ replied that it could not possibly be intoxicating because, if it was, Hazrat ‘Umar bin Khatthaab رضی اللہ عنہ would have never declared it Halaal.

The second reason is that grapes are naturally Halaal and beneficial for the human body when consumed both whole and in liquid form. As long as it is not intoxicating, it will be Halaal to use and consume it. Furthermore, this Halaal drink does not have the same negative effects that wine has – that is, the disobedience of Allah, loss of inhibitions, fighting etc. **(103)**

There is also evidence in Saheeh Bukhari that the Sahaabah رضی اللہ عنہم drank Muthallath and that it is Halaal. **(104)**



Imam Abu Hanifah رحمہ اللہ and Imam Abu Yusuf رحمہ اللہ are of the opinion that the Munassaf of Nabeezut-Tamar and Nagee'uz-Zabeeb are Halaal. However, the Munassaf of grape juice is not Halaal because, according to them, if half the water is evaporated from grape juice, the potential and possibility of it becoming intoxicating will still exist even if nothing is added to it. This is because it could very well start to bubble, froth, and become strong and intoxicating if it is left to stand for a while. **(105)**

**Note:**

In my humble opinion, there is still a possibility of the liquid becoming intoxicating as has been mentioned in the third view of some experts, even though the alcohol content and effect would be very different. If this is not the case, there would be absolutely no possibility of Munassaf (grape juice from which half the water was boiled off or evaporated) becoming intoxicating without adding more water to it due to the high sugar concentration, as proposed by the experts who hold either one of the first two views.

Regarding the ruling of Muthallath (grape juice from which two thirds of the water content has been completely boiled off or evaporated), 'Allaamah Kaasaani رحمہ اللہ states that according to the unanimous view of the scholars it is Halaal to consume it as long as it is sweet and has not yet become intoxicating. He has also mentioned the very same ruling for Jumhoori. **(106)**

It is worth mentioning that all the books of Hanafi jurisprudence mention the very same common factor while discussing Tilaa or any other boiled beverage: boiled grape juice will not be Halaal until two thirds of the water has completely boiled off or evaporated. Although this has been mentioned in

the chapters which discuss Haraam beverages, this humble servant thinks that the jurists wanted to mention the Halaal types of beverages produced from grape juice while discussing those that are Haraam. Thus, they mentioned the limits of Halaal – in other words, that it will only be Halaal once two thirds of the water have evaporated. This is because they have, so to speak, stipulated that sugar level at which the beverage will be sweet and permissible, and definitely not Haraam because it is impossible for alcohol to be produced at such a high sugar level.

If two thirds do not completely evaporate, there is no guarantee that the beverage will be Halaal. The question is: is it Haraam or not, or when will be definitely be Haraam? To answer this, they have not stipulated how much water should evaporate during the boiling or any other process. It may also not even be possible to determine that in any case. This is why the experts have different views. Although, the jurists have stipulated certain conditions and, if any sweet beverage meets these conditions, it will be Haraam. That is, when the taste becomes sharp, it starts to bubble, and froth and it becomes intoxicating.

At this juncture, the jurists have not gone into specific details as to when all these conditions will be met, and at which point alcohol will start to form etc. Instead, they mentioned the outcome thereof, which is that when a boiled beverage becomes intoxicating – whether it is possible for the juice to become like that on its own or only after more water is added – it will be alcoholic and, thus, Haraam. All of this has already been discussed.

Regarding Tilaa, 'Allaamah Zayla'i رحمہ اللہ states that boiled grape juice will only be Halaal once two thirds have completely evaporated or boiled off. **(107)**

'Allaamah 'Ayni رحمہ اللہ has mentioned the very same thing regarding Tilaa in his book, Al-Binaayah. **(108)**

'Allaamah 'Ayni رحمہ اللہ has mentioned narrations which prove that great Sahaabah رضی اللہ عنہم like Hazrat Abu 'Ubaydah رضی اللہ عنہ, Hazrat Mu'aaz bin Jabal رضی اللہ عنہ, Hazrat Abu Talhah رضی اللہ عنہ, Hazrat 'Ali رضی اللہ عنہ, Hazrat Anas bin Maalik رضی اللہ عنہ, Hazrat Khaalid bin Waleed رضی اللہ عنہ etc. would drink Muthallath (a type of Tilaa). After citing these narrations, he mentions that what he has cited proves that it is permissible to drink boiled grape juice, as long as it does not become intoxicating. Finally, he quotes the view of the author of Al-Istibsaar who states that he is not aware of any difference of opinion between the jurists regarding the permissibility of drinking boiled grape juice (when two thirds of it have been evaporated or boiled off). In other words, they all unanimously agree that it is permissible to consume it. **(109)**

The author of Durarul-Hukkaam has narrated from the Muheet of Al-Burhaani that the Tilaa which is Haraam refers to that Tilaa from which two thirds have evaporated or boiled off and which subsequently became intoxicating. He has declared this the correct view. However, in the footnotes of this text, 'Allaamah Shurunbulaali رحمہ اللہ has refuted this view and stated that neither the name of what this ruling refers to is correct, nor is the ruling itself correct.

The ruling is incorrect because other reliable sources of Hanafi jurisprudence – such as Al-Hidaayah, Al-Kaafi, Kanz etc. – have named grape juice Tilaa when less than two thirds

evaporate, not when a complete two thirds evaporates. The name is incorrect because the word Tilaa refers to a number of subcategories of grape juice. Thus, it refers to any kind of boiled grape juice regardless of whether less than a third, half, or even a complete two thirds have been boiled off or evaporated. **(110)**

### **Note:**

From the explanation offered by 'Allaamah Shurunbulaali رحمہ اللہ, it is evident that Tilaa is actually boiled grape juice in general. This includes some forms which are Halaal, as well as some forms which are Haraam. The Halaal forms are those which are not intoxicating and which the Sahaabah رضی اللہ عنہم also consumed, references for which can be found in Bukhari, Abu Dawood, Nasai etc. As for the Haraam forms, this refers to all those types which are intoxicating, and which have been enumerated in the books of Hanafi jurisprudence.

The author of Multaqal-Abhur has also mentioned the very same details regarding Tilaa. He states that it will be Halaal when two thirds have been boiled off or evaporated, even though it becomes strong to the taste. **(111)**

'Allaamah Ibnu Nujaym رحمہ اللہ has also mentioned the very same definition of Tilaa that the majority of the Hanafi jurists have mentioned. However, he also cited the views of the authors of the Muheet of Al-Buhaani and Yanaabee' who both call Muthallath Tilaa. **(112)** 'Allaamah Efendi رحمہ اللہ (d. 1078 AH) has also mentioned the very same details regarding Tilaa. **(113)** Similarly, the author of Lubaab, 'Allaamah 'Abdul-Ghani bin Taalib Al-Maydaani Al-Hanafi رحمہ اللہ has also mentioned the very same details regarding Tilaa. **(114)**


'Allaamah Ibnu 'Aabideen Al-Shaami رحمہ اللہ also mentioned the same details. However, he defended the view of the author of

Muheet, saying that he merely called Muthallath Tilaa because they have a similar name. In any event, according to Al-Shaami رحمته الله, the rulings of Muthallath and Tilaa cannot be the same because it has been established that great and senior Sahaabah رضي الله عنهم used to consume Muthallath. **(115)**

If we had to accept this interpretation of 'Allaamah Shaami رحمته الله, it would mean that, according to the Hanafis, the Haraam Tilaa refers to boiled grape juice from which less than two thirds of the water has evaporated and slightly more than one third remains. That is in accordance with the view of Imam Abu Hanifah رحمته الله and Imam Abu Yusuf رحمته الله. Therefore, if a complete two thirds have evaporated, it would be Halaal Tilaa, which even the Sahaabah رضي الله عنهم would consume.

In his discussion regarding Tilaa, 'Allaamah Shaami رحمته الله defined Tilaa as grape juice which was either boiled or evaporated in the sun until less than two thirds of the water is gone and slightly more than a third remains. The reason he specified that less than two thirds should evaporate, is that all the jurists unanimously agree upon the permissibility of consuming grape juice from which a complete two thirds have evaporated, as long as it still sweet and not intoxicating. According to Imam Abu Hanifah رحمته الله and Imam Abu Yusuf رحمته الله, it will be Halaal as long as it does not become intoxicating, even if it froths and becomes strong to the taste. Imam Muhammad رحمته الله holds a contrary view. According to him, it is Haraam in any form. **(116)**

From all of the above, we come to the conclusion that it is not necessary to specifically boil the grape juice. Instead, the grape juice can be put through any other process which would heat it up and which would cause the water to evaporate.



Regarding the intoxicating nature of Tilaa, 'Allaamah Shaami  states that it refers to that Tilaa which starts to bubble, froth, becomes strong and sharp to the taste. As long as it is sweet, it is Halaal. **(117)**

From the statement above, it is clear that what the Jurists of Islam concluded centuries ago is the very same conclusion drawn by modern-day experts. In other words, as long as the beverage is sweet, it will be Halaal. When the sweetness is replaced by the sharp taste of alcohol and the beverage becomes intoxicating, it will be Haraam. In all probability, modern-day experts explain the same thing when they say that alcoholic fermentation cannot take place as long as the sugar concentration is very high. However, it is possible for alcohol production to occur if this sweet liquid is diluted with water or any other method is employed to achieve this end.

### The difference between the two definitions:

The difference between the two definitions of Tilaa is that, in the first definition, a complete two thirds of the liquid evaporates after the juice is boiled. In the second definition, the scholars state that less than two thirds need to evaporate.

### The preferred definition of Tilaa:

The second definition is what has been narrated from the vast majority of the Hanafi jurists and, according to the senior scholars (Muhaddiqeen), this is the preferred view as can be clearly seen from the texts of 'Allaamah Shaami , 'Allaamah Shurunbulaali  etc.

### Question:

**What is the origin of the name "Tilaa" and what is the reason for the Shari'ah ruling regarding it?**

**Answer:**

When discussing Tilaa, the Hanafi jurists stipulated the condition that slightly less than two thirds of the water must evaporate because of a narration attributed to Hazrat 'Umar bin Khattaab رضي الله عنه. In this narration, it is mentioned that Hazrat 'Umar رضي الله عنه wrote a letter to Hazrat 'Ammar bin Yasir رضي الله عنه stating that a certain drink has been brought to him from Shaam (Pre-Colonial Syria) which has been boiled to such an extent that two thirds have evaporated and only one third remains. Hazrat 'Ammar رضي الله عنه replied that "what remained behind is Halaal, and there is no possibility of it becoming intoxicating or of it starting to smell bad. Therefore, issue a decree that such beverages are permissible and that the people may consume it along with the other beverages they normally consume."

From this narration of Hazrat 'Umar رضي الله عنه, the jurists have concluded that the beverage will be completely Halaal if a total two thirds evaporate and one third remains. However, if less than two thirds evaporate and slightly more than a third remains, it will be Haraam because there will always be the possibility and potential for alcoholic fermentation to occur as long as two thirds have not completely evaporated. **(118)**

This humble servant would like to point out that the jurists have deduced the absolute limit of Halaal from the narration of Hazrat 'Umar رضي الله عنه and based their ruling on the fact that there is a possibility of it becoming intoxicating. However, all the jurists share a common principle which is that the beverage will only be Haraam only if it has the potential or possibility of becoming intoxicating. Thus, if it has become intoxicating it will be Haraam; and if it is not intoxicating, it will not be Haraam. **(119)**

Accordingly, 'Allaamah Kaasaani رحمہ اللہ has mentioned that Nabeezut-Tamar and Naqee'uz-Zabeeb (date and raisin juice which have been boiled for a short while) as well as the Munassaf of both would be Halaal and pure according to Imam Abu Hanifah رحمہ اللہ and Imam Abu Yusuf رحمہ اللہ. However, so much of it should not be consumed that it leads to intoxication. **(120)**

### Conclusion and Summary:

- The word **Tilaa** literally refers to all kinds of boiled grape juice.
- Technically, it refers to a boiled alcoholic beverage derived from grape juice.
- We have mentioned two technical definitions for Tilaa according to Hanafi jurisprudence. According to the first definition, grape juice will be Tilaa once two thirds of the water evaporates completely and, according to the second definition, once slightly less than two thirds evaporate, following which it starts to bubble, froth, becomes strong to the taste and intoxicating. According to the senior scholars of the Hanafi school of thought, the second definition is preferred.
- According to experts, if grape juice or any other sweet liquid is boiled or heated up in any other way until more than a certain amount of the water evaporates, yeast will not be able to act and bring about fermentation in the remaining sweet concentrated liquid due to the high sugar concentration, unless it is diluted with more water. For this reason, it will also not be intoxicating. Some experts are of the view that the lowest sugar concentration at which yeast will be prevented from acting is 14% while others have raised that level to 27%.



Other experts have also gone as high as 82.1%, which is the sugar concentration of honey.

- In light of what the experts have averred, the Shari'ah ruling that Tilaa or any other sweet, boiled beverage is Haraam doesn't seem accurate. However, none of the juristic views contradict the views presented by the experts. This is because both camps come to the same conclusion – a boiled beverage is one which is intoxicating. From a Juristic point of view, the definition, reality, and ruling (Haraam) of boiled beverages are not based on how much of the water in grape or date juice evaporates and how much remains. Instead, the basis of all of this is that the grape or date juice have been boiled specifically for the purpose of intoxication instead of being consumed fresh, irrespective of whether the boiled beverage became intoxicating as is, or after diluting it with more water.
- Islamic jurisprudence has mentioned the Shari'ah ruling without dabbling in the technicalities and intricacies. Rather, it left this to practical experience and the findings of the experts. Therefore, wherever practical experience tells you that the beverage is intoxicating, the Shari'ah ruling (Haraam) will apply.
- The jurists have specified the limit at which boiled juice will certainly be Halaal. That is, when two thirds of the water completely evaporate. In the jargon of the experts, this means when the sugar levels and concentration are so high that it is impossible for alcoholic fermentation to occur and this it is impossible for the drink to become intoxicating.

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#### [مطلب في تعريف السكران وحكمه]

(قوله أو سكران) السكر: سرور يزيل العقل فلا يعرف به السماء من الأرض. وقال: بل يغلب على العقل فيهذي في كلامه، ورجحوا قولهما في الطهارة والأيمان والحدود. وفي شرح بكر: السكر الذي تصح به التصرفات أن يصير بحال يستحسن ما يستقبحه الناس وبالعكس. لكنه يعرف الرجل من المرأة قال في البحر: والمعتمد في المذهب الأول نهر. قلت: لكن صرح المحقق ابن الهمام في التحرير أن تعريف السكر بما مر عن الإمام إنما هو السكر الموجب للحد، لأنه لو ميز بين الأرض والسماء كان في سكره نقصان وهو شبهة العدم فيندري به الحد وأما تعريفه عنده في غير وجوب الحد من الأحكام فالمعتبر فيه عنده اختلاط الكلام والهديان كقولهما. ونقل شارحه ابن أمير حاج عنه أن المراد أن يكون غالب كلامه هديانا، فلو نصفه مستقيما فليس بسكر فيكون حكمه حكم الصحة في إقراره بالحدود وغير ذلك لأن السكران في العرف من اختلط جده بهزله فلا يستقر على شيء، ومال أكثر المشايخ إلى قولهما، وهو قول الأئمة الثلاثة واختاروه للفتوى لأنه المتعارف، وتأيد بقول علي - رضي الله عنه - إذا سكر هذى رواه مالك والشافعي، ولضعف وجه قوله ثم بين وجه الضعف فراجع.

### الدر المختار وحاشية ابن عابدين (رد المختار) (41 /4)

(والسكران من لا يفرق بين الرجل والمرأة و (السماء والأرض. وقالوا: من يختلط كلامه) غالبا، فلو نصفه مستقيما فليس بسكران بحر (ويختار للفتوى) لضعف دليل الإمام فتح.

[رد مختار] (قوله والسكران إلخ) بيان لحقيقة السكر الذي هو شرط لوجوب الحد في شرب ما سوى الخمر من الأشربة، ولما كان السكر متفاوتا اشترط الإمام أقصاه درءا للحد، وذلك بأن لا يميز بين شيء وشيء؛ لأن ما دون ذلك لا يعرى عن شبهة الصحو، نعم وافقهما الإمام في حق حرمة القدر المسكر من الأشربة المباحة فاعتبر فيها اختلاط الكلام، وهذا معنى قوله في الهداية: والمعتبر في القدر المسكر في حق الحرمة ما قاله إجماعا أخذوا بالاحتياط اهـ

### الموسوعة الفقهية الكويتية (23 /5)

ذهب المالكية والشافعية والحنابلة وصاحباً أبي حنيفة وغيرهم إلى أن السكران هو الذي يكون غالب كلامه الهذيان، واختلاط الكلام، لأن هذا هو السكران في عرف الناس وعاداتهم، فإن السكران في متعارف الناس اسم لمن هذى الموسوعة الفقهية الكويتية (24/5)

وذهب أبو حنيفة إلى أن السكر الذي يتعلق به وجوب الحد هو الذي يزيل العقل بحيث لا يفهم السكران شيئاً، ولا يعقل منطقاً، ولا يفرق بين الرجل والمرأة، والأرض والسماء، لأن الحدود يؤخذ في أسبابها بأقصاها، درءاً للحد، لقوله عليه الصلاة والسلام: {ادرءوا الحدود عن المسلمين ما استطعتم} (2) وقول الصاحبين أبي يوسف ومحمد مال إليه أكثر المشايخ من الحنفية، وهو المختار للفتوى عندهم. قال في الدر: يختار للفتوى لضعف دليل الإمام.

## 2 الدر المختار وحاشية ابن عابدين (رد المحتار) (458/6)

بقي هنا شيء لم أر من نبه عليه عندنا، وهو أنه إذا اعتاد أكل شيء من الجامدات التي لا يحرم قليلها ويسكر كثيرها حتى صار يأكل منها القدر المسكر ولا يسكره سواء أسكره في ابتداء الأمر أو لا، فهل يحرم عليه استعماله نظراً إلى أنه يسكر غيره أو إلى أنه قد أسكره قبل اعتياده أم لا يحرم نظراً إلى أنه طاهر مباح، والعلة في تحريمه الإسكار ولم يوجد بعد الاعتقاد وإن كان فعله الذي أسكره قبله حراماً، كمن اعتاد أكل شيء مسموم حتى صار يأكل ما هو قاتل عادة ولا يضره كما بلغنا عن بعضهم فليتأمل، نعم صرح الشافعية بأن العبرة لما يغيب العقل بالنظر لغالب الناس بلا عادة

3 { يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ } [المائدة: 90]

## صحيح البخاري (30/8)

عن سعيد بن أبي بردة، عن أبيه، عن جده، قال: لما بعثه رسول الله صلى الله عليه وسلم ومعاذ بن جبل، قال لهما: «يسرا ولا تعسرا، وبشرا ولا تنفرا، وتطاوعا» قال أبو موسى: يا رسول الله، إنا بأرض يصنع فيها شراب من العسل، يقال له البتع، وشراب من الشعير، يقال له المزرة؟ فقال رسول الله صلى الله عليه وسلم: «كل مسكر حرام»

## صحيح مسلم (1587/3)

- عن ابن عمر، أن رسول الله صلى الله عليه وسلم قال: «كل مسكر خمر، وكل مسكر حرام»  
سنن ابن ماجه (2/ 1124)
- عن عبد الله بن عمر، قال: قال رسول الله صلى الله عليه وسلم: «كل مسكر، حرام، وما أسكر  
كثيره، فقليله حرام» [حكم الألباني] صحيح  
سنن الترمذي ت شاكر (4/ 293)
- عن عائشة قالت: قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام، ما أسكر الفرق منه  
فملاء الكف منه حرام» [حكم الألباني] : صحيح
- 4 { يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ  
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ } [المائدة: 90]
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- أسنى المطالب في شرح روض الطالب (1/ 9): لأنها رجس بنص القرآن، والرجس النجس
- 5 صحيح البخاري (3/ 82)
- عن عائشة رضي الله عنها: لما نزلت آيات سورة البقرة عن آخرها، خرج النبي صلى الله عليه  
وسلم، فقال: «حرمت التجارة في الخمر»
- صحيح البخاري (5/ 150)
- عن جابر بن عبد الله رضي الله عنهما، أنه سمع رسول الله صلى الله عليه وسلم يقول عام الفتح:  
وهو بمكة «إن الله ورسوله حرم بيع الخمر»
- صحيح مسلم (3/ 1207)

عن جابر بن عبد الله، أنه سمع رسول الله صلى الله عليه وسلم يقول عام الفتح وهو بمكة: «إن الله ورسوله حرم بيع الخمر، والميتة، والخنزير، والأصنام»، فقيل: يا رسول الله، أرايت شحوم الميتة، فإنه يطلى بها السفن، ويدهن بها الجلود، ويستصبح بها الناس، فقال: «لا، هو حرام»، ثم قال رسول الله صلى الله عليه وسلم عند ذلك: «قاتل الله اليهود، إن الله عز وجل لما حرم عليهم شحومها أجهلوه، ثم باعوه فأكلوا ثمنه»

صحيح مسلم (3/1206): «إن الذي حرم شربها حرم بيعها»

#### 6 نهاية المحتاج إلى شرح المنهاج (1/235)

ولا يرد على ما تقدم الخمرة المنعقدة فإنها جامدة وهي نجسة والحشيشة المذابة فإنها طاهرة، لأن الخمرة المنعقدة مائعة في الأصل بخلاف الحشيشة المذابة.

مغني المحتاج إلى معرفة معاني ألفاظ المنهاج (1/225)

والتقييد بالمائع من زيادته ذكر بغير تمييز، وخرج به البنج ونحوه من الحشيش المسكر فإنه ليس بنجس، وإن كان حراماً: قاله في الدقائق، فإن قيل: كان ينبغي للمصنف أن يقيدها بالأصالة لئلا يرد عليه الخمر إذا جمدت والحشيشة إذا أذيبت. أجيب بأن الخمر مائعة في الأصل، وقد حكم بنجاستها وهي مائعة ولم يحدث ما يطهرها بخلاف الحشيش المذاب. فائدة: قال بعض المتعنتين: إن الكشك نجس؛ لأنه يتخمر كالبوطة، ثم قال: وهل يكون جفافه كالتخلل في الخمر فيطهر أو يكون كالخمر المعقودة فلا يطهر؟ قال شيخي: لا اعتبار بقول هذا القائل فإنه لو فرض أنه صار مسكراً لكان طاهراً؛ لأنه ليس بمائع اهـ.

ويؤخذ منه أن البوطة طاهرة وهو كذلك. فإن قيل: كان ينبغي للمصنف أن يقول مسكر الجنس لئلا ترد عليه القطرة من الخمر مثلاً. أجيب بأنه سيذكر في باب الأشرية أن ما أسكره كثيره حرم قليله وحد شاربه، فعلم من ذلك نجاسة القليل كالكثير للتسوية بينهما فيما ذكر.

المنهاج القويم شرح المقدمة الحضرمية (ص: 52): كل مسكر مائع أصالة

(مغني المحتاج شرح منهاج الطالبين 1\187 ط دار الفكر

#### 7 الدر المختار وحاشية ابن عابدين (رد المختار) (4/42)

أقول: المراد بما أسكره كثيره إلخ من الأشرية، وبه عبر بعضهم وإلا لزم تحريم القليل من كل جامد إذا كان كثيره مسكراً كالزعفران والعنبر، ولم أر من قال بحرمتها، حتى إن الشافعية القائلين بلزوم

الحد بالقليل مما أسكر كثيره خصوصه بالمانع، وأيضا لو كان قليل البنج أو الزعفران حراما عند محمد لزم كونه نجسا؛ لأنه قال ما أسكر كثيره فإن قليله حرام نجس، ولم يقل أحد بنجاسة البنج ونحوه. وفي كافي الحاكم من الأشربة: ألا ترى أن البنج لا بأس بتداويه، وإذا أراد أن يذهب عقله لا ينبغي أن يفعل ذلك. اهـ.

وبه علم أن المراد الأشربة المائعة، وأن البنج ونحوه من الجامدات إنما يحرم إذا أراد به السكر وهو الكثير منه، دون القليل المراد به التداوي ونحوه كالطبيب بالعنبر وجوزة الطيب، ونظير ذلك ما كان سميا قتالا كالممودة وهي السقمونيا ونحوها من الأدوية السمية فإن استعمال القليل منها جائز، بخلاف القدر المضر فإنه يحرم، فافهم واغتنم هذا التحرير

الدر المختار وحاشية ابن عابدين (رد المختار) (458/6)

والحاصل أن استعمال الكثير المسكر منه حرام مطلقا كما يدل عليه كلام الغاية. وأما القليل، فإن كان للهو حرام، وإن سكر منه يقع طلاقه لأن مبدأ استعماله كان محظورا، وإن كان للتداوي وحصل منه إسكار فلا، فاغتنم هذا التحرير المفرد.

8 الدر المختار وحاشية ابن عابدين (رد المختار) (457/6)

فهذا صريح فيما قلناه مؤيد لما سبق بحثناه من تخصيص ما مر من أن ما أسكر كثيره حرم قليله بالمانعات، وهكذا يقول في غيره من الأشياء الجامدة المضررة في العقل أو غيره، يحرم تناول القدر المضر منها دون القليل النافع، لأن حرمتها ليست لعينها بل لضررها.

التنبيه على مبادئ التوجيه - قسم العبادات (1/228)

فأما الجامدات فجميعها طاهر إلا الخمر وما في معناه عند مالك رحمه الله، والشافعي كل مسكر.

الشرح الكبير للشيخ الدردير وحاشية الدسوقي (4/352)

{باب ذكر فيه حد الشارب} {قوله بشرب المسلم إلخ} لفظ شرب يفيد أن الحد مختص بالمانعات أما اليابسات التي تؤثر في العقل فليس فيها إلا الأدب كما أنها لا يحرم منها إلا القدر الذي يؤثر في العقل لا ما قل كما أنها طاهرة قليلها وكثيرها بخلاف الخمر في جميع ذلك اهـ

تحفة المحتاج في شرح المنهاج وحواشي الشرواني والعبادي (1/287)

فالجماد كله طاهر إلا ما نص الشارع على نجاسته وهو ما ذكره المصنف بقوله كل مسكر مائع

معني احتاج إلى معرفة معاني ألفاظ المنهاج (1/225)

والتقييد بالمائع من زيادته ذكر بغير تمييز، وخرج به البنج ونحوه من الحشيش المسكر فإنه ليس بنجس، وإن كان حراماً: قاله في الدقائق، فإن قيل: كان ينبغي للمصنف أن يقيدها بالأصالة لئلا يرد عليه الخمر إذا جمدت والحشيشة إذا أذيت.

أجيب بأن الخمر مائعة في الأصل، وقد حكم بنجاستها وهي مائعة ولم يحدث ما يطهرها بخلاف الحشيش المذاب.

مغني المحتاج إلى معرفة معاني ألفاظ المنهاج (1/ 226)

ثم اعلم أن الأعيان جماد وحيوان، فالجماد كله طاهر؛ لأنه خلق لمنافع العباد، ولو من بعض الوجوه. قال تعالى: {هو الذي خلق لكم ما في الأرض جميعاً} [البقرة: 29] وإنما يحصل الانتفاع أو يكمل بالطهارة إلا ما نص الشارع على نجاسته: وهو ما ذكره المصنف فيما مر بقوله: كل مسكر مائع.

نهاية المحتاج إلى شرح المنهاج (1/ 234)

والأفيون فإنه وإن أسكر طاهر كما صرح به في الدقائق، وما وقع في بعض شروح الحاوي من نجاسة الحشيشة غلط، وقد صرح في المجموع بأن البنج والحشيش طاهران مسكران، ولا يرد على ما تقدم الخمرة المنعقدة فإنما جامدة وهي نجسة والحشيشة المذابة فإنما طاهرة، لأن الخمرة المنعقدة مائعة في الأصل بخلاف الحشيشة المذابة.

وقد سئل الوالد - رحمه الله تعالى - عن الكشك هل هو نجس لأنه يتخمر كالبوطة، وهل يكون جفافه كالتخلل في الخمر فيطهر أو يكون كالخمر المنعقدة فلا يطهر؟ فأجاب بأنه لا اعتبار بقول هذا القائل، فإنه لو فرض كونه مسكراً لكان طاهراً لأنه ليس بمائع انتهى.

أي حال إسكاره لو كان ويؤخذ منه أن البوطة نجسة وهو كذلك، إذ لو نظر إلى جمودها قبل إسكارها لورد على ذلك الزبيب والتمر ونحوهما من الجامدات، وهذا ظاهر جلي.

الموسوعة الفقهية الكويتية (11/ 35)

طهارة المخدرات ونجاستها:

المخدرات الجامدة كلها عند جمهور الفقهاء طاهرة غير نجسة وإن حرم تعاطيها، ولا تصير نجسة بمجرد إذابتها في الماء ولو قصد شربها؛ لأن الحكم الفقهي أن نجاسة المسكرات مخصوصة بالمائعات منها، وهي الخمر التي سميت رجساً في القرآن الكريم، وما يلحق بها من سائر المسكرات المائعة. بل قد حكى ابن دقيق العيد الإجماع على طهارة المخدرات.

على أن بعض الحنابلة رجح الحكم بنجاسة هذه المخدرات الجامدة.

(1) ابن عابدين 1 / 295 و 5 / 323، والدسوقي 4 / 352، ومغني المحتاج 1 / 77 و 4 / 187، والقلوبي 1 / 69 و 4 / 203، وفتاوى ابن حجر 4 / 223 - 234، ومطالب أولي النهى 6 / 217، والسياسة الشرعية لابن تيمية ص 108

9 بدائع الصنائع في ترتيب الشرائع (7/ 168)

هذا بيع الحشيش بالحنطة وأنه جائز.

البحر الرائق شرح كثر الدقائق ومنحة الخالق وتكملة الطوري (5/ 277)

(قوله لا يكون متقوما كالخمر) قال الرملي ربما يفيد عدم جواز بيع الحشيشة؛ لأنها، وإن كانت مالا لكن لا يباح في الشرع الانتفاع بها وبه أفق مولانا صاحب البحر اهـ.

غزي وأقول: لا نسلم عدم جواز الانتفاع بها لغير الأكل لكونها طاهرة بخلاف الخمر لكونها نجسة فتأمل اهـ.

الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 454)

(وصح بيع غير الخمر) مما مر، ومفاده صحة بيع الحشيشة والأفيون.

قلت: وقد سئل ابن نجيم عن بيع الحشيشة هل يجوز؟ فكتب لا يجوز، فيحمل على أن مراده بعدم الجواز عدم الحل. قال المصنف (وتضمن) هذه الأشربة (بالقيمة لا بالمثل) لمنعنا عن تملك عينه وإن جاز فعله، بخلاف الصليب حيث تضمن قيمته صليبا لأنه مال متقوم في حقه وقد أمرنا بتركهم وما يدينون زيلعي. (وحرّمها محمد) أي الأشربة المتخذة من العسل والتين ونحوهما قاله المصنف (مطلقا) قليلها وكثيرها

[رد المختار]

(قوله وصح بيع غير الخمر) أي عنده خلافا لهما في البيع والضمان، لكن الفتوى على قوله في البيع، وعلى قولهما في الضمان إن قصد المتلف الحسبة وذلك يعرف بالقرائن، وإلا فعلى قوله كما في التنازعانية وغيرها.

ثم إن البيع وإن صح لكنه يكره كما في الغاية وكان ينبغي للمصنف ذكر ذلك قبيل الأشربة المباحة، فيقول بعد قوله ولا يكفر مستحلها: وصح بيعها إلخ كما فعله في الهداية وغيرها، لأن الخلاف فيها لا في المباحة أيضا إلا عند محمد فيما يظهر مما يأتي من قوله بحرمة كل الأشربة ونجاستها



الموسوعة الفقهية الكويتية (11/ 36)

بيع المخدرات وضمان إتلافها:

لما كانت المخدرات طاهرة - كما سبق تفصيل ذلك - وأنها قد تنفع في التداوي بما جاز بيعها للتداوي عند جمهور الفقهاء، وضمن متلفها، واستثنى بعض الفقهاء الحشيشة، فقالوا بجرمة بيعها كابن نجيم الحنفي، وذلك لقيام المعصية بذاتها، وذكر ابن الشحنة أنه يعاقب بائعها، وصحح ابن تيمية نجاستها وأنها كالخمر، وبيع الخمر لا يصح فكذا الحشيشة عند الحنابلة، وذهب بعض المالكية إلى ما ذهب إليه ابن تيمية.

أما إذا كان بيعها لا لغرض شرعي كالتداوي، فقد ذهب المالكية والشافعية إلى تحريم بيع المخدرات لمن يعلم أو يظن تناوله لها على الوجه الحرام، ولا يضمن متلفها، خلافاً للشيخ أبي حامد أي الإسفراييني ويفهم من كلام ابن عابدين في حاشيته أن البيع مكروه ويضمن متلفها.

ابن عابدين 5 / 292، ومواهب الجليل 1 / 90، والمغني 4 / 192 مطابع سجل العرب، والإقناع 3 / 154 وما بعدها طبع الرياض، والفتاوى الكبرى الفقهية 4 / 234

10 ديكهنة حاشية نمبر 06

11 أحكام القرآن للجصاص ط العلمية (1/ 396)

واحتج من زعم أن سائر الأشربة التي يسكر كثيرها حرم بما روي عن ابن عمر عن النبي صلى الله عليه وسلم أنه قال: "كل مسكر حرم" وبما روي عن الشعبي عن النعمان بن بشير عن النبي صلى الله عليه وسلم أنه قال: "الخمر من خمسة أشياء: التمر، والعنب، والحنطة، والشعير، والعسل"، وروي عن عمر من قوله نحوه. وبما روي عن عمر: "الخمر ما خامر العقل"، وبما روي عن طائوس عن ابن عباس عن النبي صلى الله عليه وسلم أنه قال: "كل مخمر حرم وكل مسكر حرام"، وبما روي عن أنس قال: كنت ساقى القوم حيث حرمت الخمر في منزل أبي طلحة وما كان حمرنا يومئذ إلا الفضيخ، فحين سمعوا تحريم الخمر أهرأقوا الأواني وكسروها. وقالوا: فقد سمى النبي صلى الله عليه وسلم هذه الأشربة حمرًا، وكذلك عمر وأنس، وعقلت الأنصار من تحريم الخمر تحريم الفضيخ وهو نقيع البسرة ولذلك أراقوها وكسروا الأواني، ولا تخلو هذه التسمية من أن تكون واقعة على هذه الأشربة من جهة اللغة أو الشرع، وأيهما كان فحجته ثابتة، والتسمية صحيحة، فثبت بذلك أن ما أسكر من الأشربة كثيره فهو حرم وهو محرم بتحريم الله إياها من طريق اللفظ.

الكافي في فقه أهل المدينة (1/ 442)

الخمر شراب العنب المسكر وكل شراب أسكر كثيره أو قليله فهو خمر وكثيره وقليله حرام من جميع الأشربة وهو قول جماعة من أهل الحجاز والشام وما خالف هذا القول باطل بالسنة الثابتة عن النبي صلى الله عليه وسلم لقوله وقد سئل عن البتع وهو شراب العسل فقال: "كل شراب أسكر فهو حرام" وقال صلى الله عليه وسلم: "كل مسكر خمر وكل خمر حرام" وقال عليه السلام: "ما أسكر كثيره فقليله حرام" وقال: "ما أسكر منه الفرق فملاء الكف منه حرام".

الفواكه الدواني على رسالة ابن أبي زيد القيرواني (2/ 287)

وحرم الله سبحانه شرب الخمر قليلها وكثيرها وشراب العرب يومئذ فضيخ التمر وبين الرسول - عليه السلام - أن كل ما أسكر كثيره من الأشربة فقليله حرام وكل ما خامر العقل فأسكره من كل شراب فهو خمر وقال الرسول - عليه الصلاة والسلام - إن الذي حرم شربها حرم بيعها ونهى عن الخليطين من الأشربة

المهذب في فقه الإمام الشافعي للشيرازي (3/ 370): اسم الخمر يقع على كل مسكر

العدة شرح العمدة (ص: 601)

(ومن شرب مسكرا قل أو كثر مختارا عالما أن كثيره يسكر جلد الحد أربعين جلدة).

في هذه المسألة فصول:

الأول: أن كل مسكر حرام وهو خمر حكمه حكم عصير العنب في تحريمه ووجوب الحد على شارب، روي ذلك عن جماعة من الصحابة، لما روى ابن عمر قال: قال رسول الله - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «كل مسكر خمر، وكل خمر حرام»، وعن جابر قال: قال رسول الله - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «ما أسكر كثيره فقليله حرام» رواهما أبو داود والأثرم وغيرهما، وقال عمر: نزل تحريم الخمر وهي من العنب والتمر والعسل والحنطة والشعير، والخمر ما خامر العقل، ولأنه مسكر فأشبهه عصير العنب، وقال الإمام أحمد: ليس في الرخصة في المسكر حديث صحيح، قال ابن المنذر: جاء أهل الكوفة بأحاديث معلولة، وأما حديث ابن عباس: «حرمت الخمر لعينها، والمسكر من كل شراب» فهو عمدتهم، وهو موقوف عليه، مع أنه يحتمل أنه أراد المسكر من كل شراب، فإنه يروي هو وغيره عن النبي - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أنه قال: «كل مسكر حرام».

الشرح الكبير على متن المقنع (10/ 327)

(مسألة) (كل شراب أسكر كثيره فقليله حرام من أي شيء كان ويسمى خمرًا حكمه حكم عصير العنب في تحريمه ووجوب الحد على شارب) روى تحريم ذلك عن عمر وعلي وابن مسعود وابن عمر وأبي هريرة وسعد بن أبي وقاص وأبي

ابن كعب وأنس وعائشة رضي الله عنهم، وبه قال عطاء وطاوس ومجاهد والقاسم وقتادة وعمر بن عبد العزيز ومالك والشافعي وأبو ثور وأبو عبيد واسحاق،

شرح الزركشي على مختصر الخرقي (6/ 384)

وقوله: مسكرا قل أو كثر، يخرج به غير المسكر، وهو واضح، ويعم كل مسكر وإن قل ولم يسكر به. وهذا مذهبننا لما تقدم من حديث عائشة - رضي الله عنها - : «كل شراب أسكر فهو حرام» وحديث ابن عمر - رضي الله عنهما - : «كل مسكر حمر، وكل مسكر حرام» ، وحديث ابن عباس: «كل مخمر حمر، وكل مسكر حرام» وإذا كان كل مسكر حمرًا فقد دخل في آية التحريم، مع أن الرسول - صلى الله عليه وسلم - نص على تحريمه.

الشرح الممتع على زاد المستقنع (1/ 428): الخمر: اسم لكل مسكر.

الإرشاد إلى سبيل الرشاد (ص: 392): فالخمر حرام، قليلها وكثيرها، وكل ما خامر العقل فأسكره من كل شراب، فهو حمر.

الموسوعة الفقهية الكويتية (5/ 12)

اختلف الفقهاء في تعريف الخمر بناء على اختلافهم في حقيقتها في اللغة وإطلاق الشرع. فذهب أهل المدينة، وسائر الحجازيين، وأهل الحديث كلهم، والحنابلة، وبعض الشافعية إلى أن الخمر تطلق على ما يسكر قليله أو كثيره، سواء اتخذ من العنب أو التمر أو الحنطة أو الشعير أو غيرها. واستدلوا بقول النبي صلى الله عليه وسلم: كل مسكر حمر، وكل حمر حرام.

الموسوعة الفقهية الكويتية (5/ 19)

مذهب جمهور العلماء تحريم كل شراب مسكر قليله وكثيره، وعلى هذا فإن الأشربة المتخذة من الحبوب والعسل واللبن والتين ونحوها يحرم شرب قليلها إذا أسكر كثيرها، وبهذا قال محمد بن الحسن من الحنفية وهو المقتى به عندهم

12 الكافي في فقه الإمام أحمد (1/ 158)

والخمر نجس؛ لقول الله تعالى: ﴿إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجَسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ﴾ [المائدة: 90] ولأنه يحرم تناوله من غير ضرر، فكان نجسا كالدم، والنبذ مثله؛ لأن النبي - صلى الله عليه وسلم - قال: «كل مسكر حمر، وكل حمر حرام» رواه مسلم،  
المغني لابن قدامة (9/ 171)

فصل: والخمر نجسة. في قول عامة أهل العلم؛ لأن الله تعالى حرمها لعينها، فكانت نجسة، كالتحريم. وكل مسكر فهو حرام، نجس؛ لما ذكرنا.  
نهاية المحتاج إلى شرح المنهاج (1/ 234)

فقال: (هي كل مسكر مائع حمر كان وهو المشتد من عصير العنب ولو محترمة ومثلثة وباطن حبات عنقود أو غيره مما من شأنه الإسكار وإن كان قليلا، أما الخمر بسائر أنواعها فتغليظا وزجرا عنها كالكلب ولأنها رجس بنص القرآن، والرجس النجس، وألحق بذلك غيرها من سائر المسكرات قياسا عليها بوجود الإسكار المسبب عنه ذلك في كل منهما).

13 الموسوعة الفقهية الكويتية (11/ 36): ذهب المالكية والشافعية إلى تحريم بيع المخدرات لمن يعلم أو يظن تناوله لها على الوجه المحرم

القوانين الفقهية (ص: 117): لا يحل لمسلم بيع الخمر إلى مسلم ولا كافر  
المجموع شرح المذهب (9/ 225)

قال المصنف رحمه الله\* (الاعيان ضربان نجس وطاهر فأما النجس فعلى ضربين في نفسه ونجس بملاقة النجاسة فأما النجس في نفسه فلا يجوز بيعه وذلك مثل الكلب والتحريم والخمر والسرجين وما أشبه ذلك من النجاسات والاصل فيه ما روى جابر رضي الله عنه أن رسول الله صلى الله عليه وسلم قال (إن الله تعالى حرم بيع الخمر والميتة والتحريم والاصنام)

تحفة المحتاج في شرح المنهاج وحواشي الشرواني والعبادي (4/ 235)

(والخمر) يعني المسكر وسائر نجس العين ونحوه كمشتبهين لم تظهر طهارة أحدهما بنحو اجتihad لصحة النهي عن ثمن الكلب، وأن الله حرم بيع الخمر والميتة والتحريم والأصنام،  
حاشيتا قليوبي وعميرة (2/ 197)

(وللمبيع شروط) خمسة أحدها (طهارة عينه فلا يصح بيع الكلب والخمر) وغيرهما من نجس العين لأنه - صلى الله عليه وسلم - «نهى عن ثمن الكلب»، وقال: «إن الله حرم بيع الخمر والميتة والتحزير» رواهما الشيخان، والمعنى في المذكورات نجاسة عينها فأحق بها باقي نجس العين.

العدة شرح العمدة (ص: 240)

مسألة 5: (ولا يجوز بيع ما نفعه محرم كالخمر والميتة) لقوله - صلى الله عليه وسلم -: «إن الله إذا حرم شيئاً حرم ثمنه» [رواه أبو داود] ، وفي حديث جابر: سمعت رسول الله - صلى الله عليه وسلم - يقول: «إن الله حرم بيع الخمر والميتة والتحزير والأصنام» متفق عليه.

14 الدر المختار وحاشية ابن عابدين (رد المختار) (448/6)

الخمر وهي النية) بكسر النون فتشديد الباء (من ماء العنب إذا غلى واشتد وقذف) أي رمى (بالزبد) أي الرغوة ولم يشترط قذفه وبه قالت الثلاثة وبه أخذ أبو حفص الكبير، وهو الأظهر كما في الشرنبلالية عن المواهب ويأتي ما يفيدده وقد تطلق الخمر على غير ما ذكر مجازاً.

هو النية من ماء العنب إذا غلا واشتد وقذف بالزبد من دون أن يطبخ. (الجوهرة النيرة)

15 رد المختار (448/6)

ثم شرع في أحكامها العشرة فقال (وحرم قليلها وكثيرها) بالإجماع (لعينها) أي لذاتها وفي قوله تعالى: - {إنما الخمر والميسر} [المائدة: 90] - الآية عشر دلائل على حرمتها مبسطة في الجتبى وغيره

16 رد اختار (449/6): (وهي نجاسة نجاسة مغلظة كالبول

17 رد اختار (449/6)

(وحرم الانتفاع بها) ولو لسقي دواب أو لطين أو نظر للتلهي، أو دواء أو دهن أو طعام أو غير ذلك إلا لتخليل أو خوف عطش بقدر الضرورة فلو زاد فسكر حد مجتبى، (ولا يجوز بيعها) لحديث مسلم «إن الذي حرم شرها حرم بيعها»

<sup>18</sup> <http://www.wineskills.co.uk/winemaking/winemaking-knowledge-base/chemical-composition>  
[https://en.wikipedia.org/wiki/Wine\\_chemistry](https://en.wikipedia.org/wiki/Wine_chemistry),  
<https://www.ncbi.nlm.nih.gov/pubmed/24915400>,

[http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S0101-20612014000100020](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0101-20612014000100020),

<http://winemakersacademy.com/anatomy-grape/>,

<http://www.wineland.co.za/chemical-and-sensory-properties-of-grape-and-wine-phenolics-part-i/>,

- 19 بدائع الصنائع في ترتيب الشرائع (5/ 112)
- 20 (فتح القدير للكمال ابن الهمام (10/ 94)
- 21 (العناية شرح الهداية (10/ 96) : البناية شرح الهداية (12/ 356)
- 22 الدر المختار شرح تنوير الأبصار وجامع البحار (ص: 48) :
- 23 رد المختار (1/ 315)
- 24 البناية شرح الهداية (12/ 356)
- 25 بدائع الصنائع في ترتيب الشرائع (5/ 113)
- 26 بدائع الصنائع في ترتيب الشرائع (5/ 113)
- 27 تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (6/ 45)
- 28 فتح القدير للكمال ابن الهمام (10/ 108)
- 29 (المبسوط للسرخسي (24/ 25)
- 30 المبسوط للسرخسي (24/ 25)
- 31 المبسوط للسرخسي (24/ 28)
- 32 المبسوط للسرخسي (24/ 34)
- 33 المبسوط للسرخسي (24/ 35)
- 34 الهداية في شرح بداية المبتدي (4/ 399)
- 35 العناية شرح الهداية (10/ 108)
- 36 تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (1/ 76)
- 37 فتح القدير للكمال ابن الهمام (10/ 92)

## 38 رد المختار (6/451)

(و) الثاني (الطلاء) بالكسر (وهو العصير يطبخ حتى يذهب أقل من ثلثيه) ويصير مسكرا و صوب المصنف أن هذا يسمى الباذق، وأما الطلاء فما ذكره بقوله (وقيل ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه) وصار مسكرا (وهو الصواب) كما جرى عليه صاحب الخيط وغيره، يعني في التسمية لا في الحكم، لأن حل هذا المثلث المسمى بالطلاء على ما في الخيط ثابت لشرب كبار الصحابة - رضي الله عنهم - كما في الشرنبلالية. قال: وسمي بالطلاء لقول عمر - رضي الله عنه -: ما أشبه هذا الطلاء البعير وهو القطران الذي يطلى به البعير الجربان

تحفة الفقهاء (3/326)

الطلاء فهو اسم للمثلث وهو المطبوخ من ماء العنب بعدما ذهب ثلثاه وبقي الثلث وصار مسكرا  
39 رد المختار (6/451): (و) الثالث (السكر) بفتحين (وهو النبيء من ماء الرطب) إذا اشتد وقذف بالزبد

40 رد المختار (6/452): (و) الرابع (نقيع الزبيب، وهو النبيء من ماء الزبيب) بشرط أن يقذف بالزبد بعد الغليان

<sup>41</sup> <https://www.britannica.com/science/ethyl-alcohol>

Ethyl alcohol

CHEMICAL COMPOUND

WRITTEN BY:

The Editors of Encyclopedia Britannica

Ethyl alcohol, also called ethanol, grain alcohol, or alcohol, a member of a class of organic compounds that are given the general name alcohols; its molecular formula is C<sub>2</sub>H<sub>5</sub>OH. Ethyl alcohol is an important industrial chemical; it is used as a solvent, in the synthesis of other organic chemicals, and as an additive to automotive gasoline (forming a mixture known as a gasohol). Ethyl alcohol is also the intoxicating ingredient of many alcoholic beverages such as beer, wine, and distilled spirits.

There are two main processes for the manufacture of ethyl alcohol: the fermentation of carbohydrates (the method used for alcoholic beverages) and the hydration of ethylene. Fermentation involves the transformation of carbohydrates to ethyl alcohol by growing yeast cells. The chief raw materials fermented for the production of industrial alcohol are sugar crops such as beets and sugarcane and grain crops such as corn (maize). Hydration of ethylene is achieved by passing a mixture of ethylene and a large excess of steam at high temperature and pressure over an acidic catalyst.

Ethyl alcohol produced either by fermentation or by synthesis is obtained as a dilute aqueous solution and must be concentrated by fractional distillation. Direct distillation can yield at best the constant-boiling-point mixture containing 95.6 percent by weight of ethyl alcohol. Dehydration of the constant-boiling-point mixture yields anhydrous, or absolute, alcohol. Ethyl alcohol intended for industrial use is usually denatured (rendered unfit to drink), typically with methanol, benzene, or kerosene.

Pure ethyl alcohol is a colourless, flammable liquid (boiling point 78.5 °C [173.3 °F]) with an agreeable ethereal odor and a burning taste. Ethyl alcohol is toxic, affecting the central nervous system. Moderate amounts relax the muscles and produce an apparent stimulating effect by depressing the inhibitory activities of the brain, but larger amounts impair coordination and judgment, finally producing coma and death. It is an addictive drug for some persons, leading to the disease alcoholism.

Ethyl alcohol is converted in the body first to acetaldehyde and then to carbon dioxide and water, at the rate of about half a fluid ounce, or 15 ml, per hour; this quantity corresponds to a dietary intake of about 100 calories.

رد المختار (6/ 452)



(والكل) أي الثلاثة المذكورة (حرام إذا غلى واشتد) وإلا اتفاقاً، وإن قذف حرم اتفاقاً، وظاهر كلامه فبقية المتون أنه اختار هاهنا قولهما قاله البرجندي، نعم قال القهستاني: وترك القيد هنا لأنه اعتمد على السابق اهـ فتنبه؛

#### 43 رد اختار (452/6)

ولم يبين حكم نجاسة السكر والنقيع؛ ومفاد كلامه أنها خفيفة وهو مختار السرخسي، واختار في الهداية أنها غليظة (وحرمتها دون حرمة الخمر فلا يكفر مستحلها) لأن حرمتها بالاجتهاد.

رد اختار (451/6): (ونجاسته) أي الطلاء على التفسير الأول..... (كالخمر) به يفتى

#### رد اختار (452/6)

(قوله ومفاد كلامه) حيث صرح بأن نجاسة الباذق كالخمر وسكت عن هذين، ويعد أن يقال تركه هنا اعتماداً على ما مر فتأمل (قوله واختار في الهداية أنها غليظة) فيه نظر. ونص ما في الهداية: ونجاستها خفيفة في رواية وغليظة في أخرى اهـ. وعبارته في الدر المنتقى أحسن مما هنا، حيث قال: ومختار السرخسي الخفة في الأخيرين وإن قال في الهداية بالغلظة في رواية اهـ وعبارته في باب الأنجاس هكذا. وفي باقي الأشربة روايات التغليظ والتخفيف والطهارة، رجح في البحر الأول، وفي النهر الأوسط اهـ

#### 44 رد اختار (452/6)

(والحلال منها) أربعة أنواع: الأول (نبذ التمر والزبيب إن طبخ أدنى طبخة) يحل شربه

الدر المختار وحاشية ابن عابدين (رد اختار) (453/6)

(وإن اشتد) وهذا (إذا شرب) منه (بلا هو وطرب) فلو شرب للهو فقليله وكثيره حرام (وما لم يسكر) فلو شرب ما يغلب على ظنه أنه مسكر فيحرم، لأن السكر حرام في كل شراب.

(و) الثاني (الخليطان) من الزبيب والتمر إذا طبخ أدنى طبخة، وإن اشتد يحل بلا هو.

(و) الثالث (نبذ العسل والتين والبر والشعير والذرة) يحل سواء (طبخ أو لا) بلا هو وطرب.

(و) الرابع (المثلث) العنبي وإن اشتد، وهو ما طبخ من ماء العنب حتى يذهب ثلثاه ويبقى ثلثه إذا قصد به استمرار الطعام والتداوي والتقوي على طاعة الله تعالى، ولو للهو لا يحل إجماعاً حقائق.

تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (44/6): بخلاف غيره من الأشربة، فإن حرمتها

متوقعة على السكر

Furthermore (according to this view point), if it is possible to remove the intoxicating effect from any of these beverages, there should be some leeway to use even a substantial amount as long as it is used for a purpose or necessity permitted by Shari'ah.

45 رد اختار (6/ 454): (وحرّمها محمد) أي الأشرية المتخذة من العسل والتبن ونحوهما قاله المصنف (مطلقاً) قليلها وكثيرها (وبه يفتى) .

46 رد اختار (6/ 455)

وقال محمد ما أسكر كثيره فقليله حرام، وهو نجس أيضاً..... وهذه الأشرية عند محمد وموافقيه كخمر بلا تفاوت في الأحكام، وبهذا يفتى في زماننا اهـ فخص الخلاف بالأشرية، وظاهر قوله بلا تفاوت أن نجاستها غليظة فتنبه..... والحاصل أنه لا يلزم من حرمة الكثير المسكر حرمة قليله ولا نجاسته مطلقاً إلا في المائعات لمعنى خاص بها.

47 البناية شرح الهداية (12/ 382)

(ولأن المفسد هو القدح المسكر، وهو حرام عندنا) ش: أي المفسد للعقل هو القدح، وهو حرام عندنا فيما سوى الأشرية الحرمه لا ما قبله.

البناية (12/ 369): وقال في " الجامع الصغير " : وما سوى ذلك من الأشرية، فلا بأس به.

48 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 454)

(قوله وصح بيع غير الخمر) أي عنده خلافاً لهما في البيع والضمان، لكن الفتوى على قوله في البيع، وعلى قولهما في الضمان إن قصد المتلف الحسبة وذلك يعرف بالقرائن، وإلا فعلى قوله كما في التنازعانية وغيرها.

ثم إن البيع وإن صح لكنه يكره كما في الغاية وكان ينبغي للمصنف ذكر ذلك قبيل الأشرية المباحة، فيقول بعد قوله ولا يكفر مستحلها: وصح بيعها إلخ كما فعله في الهداية وغيرها، لأن الخلاف فيها لا في المباحة أيضاً إلا عند محمد فيما يظهر مما يأتي من قوله بحرمه كل الأشرية ونجاستها تأمل. (قوله مما مر) أي من الأشرية السبعة (قوله ومفادة إلخ) أي مفاد التقييد بغير الخمر، ولا شك في ذلك لأنهما دون الخمر وليس فوق الأشرية الحرمه، فصحة بيعها يفيد صحة بيعهما فافهم (قوله عدم الحل) أي لقيام المعصية بعينها. وذكر ابن الشحنة أنه يؤدب بائعها وسيأتي.

الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 455)

بخلاف المانعة فإنه يحذر، ويدل عليه أيضا قوله في غرر الأفكار: وهذه الأثرية عند محمد وموافقيه كخمر بلا تفاوت في الأحكام، وهذا يفتى في زماننا اهـ

49 الدر المختار وحاشية ابن عابدين (رد المختار) (6/455)

وقال محمد ما أسكر كثيره فقليله حرام، وهو نجس أيضا..... وهذه الأثرية عند محمد وموافقيه كخمر بلا تفاوت في الأحكام.

50 الدر المختار وحاشية ابن عابدين (6/454) (قوله وصح بيع غير الخمر) أي عنده خلافا لهما في البيع والضمان، لكن الفتوى على قوله في البيع.

51 مجموع فتاوى شيخ الإسلام ابن تيمية : 198/34

52 صحيح مسلم (3/1587)

53 صحيح البخاري (1/58)

54 المجموع شرح المذهب (2/563)

\* [الشرح] الخمر نجسة عندنا وعند مالك وأبي حنيفة وأحمد وسائر العلماء إلا ما حكاه القاضي أبو الطيب وغيره عن ربيعة شيخ مالك وداود أنهما قالوا هي طاهرة وإن كانت محرمة كالسم الذي هو نبات وكالحشيش المسكر

55 المجموع شرح المذهب (2/563)

نقل الشيخ أبو حامد الإجماع على نجاستها واحتج أصحابنا بالآية الكريمة قالوا ولا يضر قرن الميسر والأنصاب والأزلام بما مع أن هذه الأشياء طاهرة لأن هذه الثلاثة خرجت بالإجماع فبقيت الخمر على مقتضى الكلام ولا يظهر من الآية دلالة طاهرة لأن الرجس عند أهل اللغة القدر ولا يلزم من ذلك النجاسة وكذا الأمر بالاجتناب لا يلزم منه النجاسة

<sup>56</sup><https://en.wikipedia.org/wiki/Alcohol>,  
<https://byjus.com/chemistry/types-of-alcohols/>,  
<https://www.chemguide.co.uk/organicprops/alcohols/background.html>,  
<http://healthyliving.azcentral.com/types-of-alcohol-in-chemistry-12368600.html>,  
<http://study.com/academy/lesson/alcohol-in-chemistry-types-uses-formula.html>,

<https://www.livestrong.com/article/136820-types-uses-alcohol/>.

57 Alcohol occurs naturally when fruits, vegetables, and grains exposed to bacteria in the air undergo the process of fermentation. People can create and speed up the conditions for fermentation to produce ethyl alcohol, also called ethanol. Pure ethanol is not drinkable but is an ingredient of alcoholic beverages, such as beer, wine, and liquors. The concentration of ethanol in beer is approximately 4 to 5 percent; in wine it is 11 to 12 percent; and in most liquors, it is 40 to 50 percent. Also, alcoholic beverages are often diluted by water before they are consumed.

<http://www.encyclopedia.com/education/applied-and-social-sciences-magazines/alcohol-chemistry>

#### Alcohol •CHEMICAL COMPOUND

WRITTEN BY: [Leroy G. Wade](#)

Alcohol, any of a class of organic compounds characterized by one or more hydroxyl (–OH) groups attached to a carbon atom of an alkyl group (hydrocarbon chain). Alcohols may be considered as organic derivatives of water (H<sub>2</sub>O) in which one of the hydrogen atoms has been replaced by an alkyl group, typically represented by R in organic structures. For example, in ethanol (or ethyl alcohol) the alkyl group is the ethyl group, –CH<sub>2</sub>CH<sub>3</sub>.

<https://www.britannica.com/science/alcohol>

58 {وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِّنَ الْمُحْسِنِينَ} [الأعراف: 56]

تفسير الرازي = مفاتيح الغيب أو التفسير الكبير (14/ 283) : هذه الآية تدل على أن الأصل في المضار الحرمة والمنع على الإطلاق.

المستدرك على الصحيحين للحاكم (2/ 66)

عن أبي سعيد الخدري رضي الله عنه، أن رسول الله صلى الله عليه وسلم قال: «لا ضرر ولا ضرار، من ضار ضاره الله، ومن شاق شاق الله عليه» هذا حديث صحيح الإسناد على شرط مسلم ولم يخرجاه " [التعليق - من تلخيص الذهبي] على شرط مسلم  
مشيخة قاضي المارستان (3/ 1397)

عن أبي بكر الصديق رضي الله عنه قال قال رسول الله صلى الله عليه وسلم: " لا يدخل الجنة سيء ملكته وملعون من ضر مسلماً أو غره ".

تفسير الرازي = مفاتيح الغيب أو التفسير الكبير (20/ 228) «ملعون من ضر مسلماً»  
تفسير النيسابوري = غرائب القرآن و رغائب الفرقان (4/ 274) قوله صلى الله عليه وسلم:  
«ملعون من ضر مسلماً»

العقود الدرية في تنقيح الفتاوى الحامدية (2/ 332)

والحق في إفتاء التحليل، والتحریم في هذا الزمان التمسك بالأصلين اللذين ذكرهما البيضاوي في الأصول، ووصفهما بأتهما نافعان في الشرع

الأول أن الأصل في المنافع الإباحة، والمأخذ الشرعي آيات ثلاث الأولى قوله تعالى {خلق لكم ما في الأرض جميعاً} [البقرة: 29] ، واللام للنفع فتدل على أن الانتفاع بالمنتفع به مأذون شرعاً وهو المطلوب، الثانية قوله تعالى {قل من حرم زينة الله التي أخرج لعباده} [الأعراف: 32] ، والزينة تدل على الانتفاع الثالثة قوله تعالى {أحل لكم الطيبات} [المائدة: 4] ، والمراد بالطيبات المستطابات طبعاً وذلك يقتضي حل المنافع بأسرها، والثاني أن الأصل في المضار التحريم، والمنع لقوله - عليه الصلاة والسلام - «لا ضرر ولا ضرار في الإسلام» وأيضاً ضبط أهل الفقه حرمة تناول إما بالإسكار كالبنج وإما بالإضرار بالبدن كالتراب، والترياق أو بالاستقذار كالمخاط، والبزاق وهذا كله فيما كان طاهراً

فتح القدير للكمال ابن الهمام (3/ 390)

ولذا ملك التطيب ولم يملك أكل السم وإدخال المؤذي على البدن.

59 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 455)

والحاصل أنه لا يلزم من حرمة الكثير المسكر حرمة قليله ولا نجاسته مطلقا إلا في المائعات لمعنى خاص بها. أما الجامدات فلا يحرم منها الكثير المسكر، ولا يلزم من حرمة نجاسته كالسهم القاتل فإنه حرام مع أنه طاهر،

60 { يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ } [المائدة: 90]

صحيح البخاري (30 / 8)

عن سعيد بن أبي بردة، عن أبيه، عن جده، قال: لما بعثه رسول الله صلى الله عليه وسلم ومعاذ بن جبل، قال لهما: «يسرا ولا تعسرا، وبشرا ولا تنفرا، وتطاوعا» قال أبو موسى: يا رسول الله، إنا بأرض يصنع فيها شراب من العسل، يقال له البتع، وشراب من الشعير، يقال له المزرة؟ فقال رسول الله صلى الله عليه وسلم: «كل مسكر حرام»

صحيح مسلم (1587 / 3)

عن ابن عمر، أن رسول الله صلى الله عليه وسلم قال: «كل مسكر خمر، وكل مسكر حرام»

سنن ابن ماجه (1124 / 2)

عن عبد الله بن عمر، قال: قال رسول الله صلى الله عليه وسلم: «كل مسكر، حرام، وما أسكر كثيره، فقليله حرام»

[حكم الألباني] صحيح

سنن الترمذي ت شاكر (293 / 4)

عن عائشة قالت: قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام، ما أسكر الفرق منه فملاء الكف منه حرام»

[حكم الألباني]: صحيح

61 { يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ } [المائدة: 90]

تفسير القرطبي (54 / 12): الرجس النجس

البحر المحيط في التفسير (360 / 4): الجمهور على أنها نجسة العين لتسميتها رجسا، والرجس

النجس المستفذر.

فتح القدير للشوكاني (2/ 196): والضمير في فإنه راجع إلى اللحم أو إلى الخنزير. والرجس: النجس

أحكام القرآن للجصاص ط العلمية (2/ 583): يراد بالرجس النجس  
أسنى المطالب في شرح روض الطالب (1/ 9): لأنها رجس بنص القرآن، والرجس النجس  
62 صحيح البخاري (3/ 82)

عن عائشة رضي الله عنها: لما نزلت آيات سورة البقرة عن آخرها، خرج النبي صلى الله عليه وسلم، فقال: «حرمت التجارة في الخمر»

صحيح البخاري (5/ 150)  
عن جابر بن عبد الله رضي الله عنهما، أنه سمع رسول الله صلى الله عليه وسلم يقول عام الفتح: وهو بمكة: «إن الله ورسوله حرم بيع الخمر»  
صحيح مسلم (3/ 1207)

عن جابر بن عبد الله، أنه سمع رسول الله صلى الله عليه وسلم يقول عام الفتح وهو بمكة: «إن الله ورسوله حرم بيع الخمر، والميتة، والخنزير، والأصنام»، فقليل: يا رسول الله، أرأيت شحوم الميتة، فإنه يطلى بها السفن، ويدهن بها الجلود، ويستصبح بها الناس، فقال: «لا، هو حرام»، ثم قال رسول الله صلى الله عليه وسلم عند ذلك: «قاتل الله اليهود، إن الله عز وجل لما حرم عليهم شحومها أجهلوه، ثم باعوه فأكلوا ثمنه»

صحيح مسلم (3/ 1206)  
«إن الذي حرم شربها حرم بيعها»

63 رد المختار (6/ 448): ثم شرع في أحكامها العشرة فقال (وحرم قليلها وكثيرها) بالإجماع (لعينها) أي لذاتها وفي قوله تعالى: - {إنما الخمر والميسر} [المائدة: 90] - الآية عشر دلائل على حرمتها مبسوطة في المجتبى وغيره

64 رد المختار (6/ 449): (وهي نجسة نجاسة مغلظة كالبول  
65 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 449)

(وحرم الانتفاع بها) ولو لسقي دواب أو لطين أو نظر للتلهي، أو دواء أو دهن أو طعام أو غير ذلك إلا لتخليل أو لخوف عطش بقدر الضرورة فلو زاد فسكر حد مجتبى

(ولا يجوز بيعها) لحديث مسلم «إن الذي حرم شربها حرم بيعها»

66 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 452-453)

67 البناية شرح الهداية (12/ 382)، البناية شرح الهداية (12/ 369)

<sup>68</sup> <https://www.livescience.com/32735-how-much-alcohol-is-in-my-drink.html>

A glass of wine might seem more civilized than a no-name can of beer, but when it comes to acting uncivilized from boozing too much, wine will likely get you there quicker. In terms of alcohol content, the rule of thumb is that 12 ounces of beer is about equivalent to 5 ounces of wine and 1.5 ounces of liquor (the amount in a shot glass).

The standard measurement of the alcohol content of drinks is alcohol by volume (ABV), which is given as the volume of ethanol as a percent of the total volume of the drink. On average, the ABV for beer is 4.5 percent; for wine, 11.6 percent ; and for liquor, 37 percent, according to William Kerr, senior scientist at the Alcohol Research Group of the Public Health Institute. The range in alcohol levels is the result of how each beverage is made. All alcoholic drinks rely on fermentation, a process in which yeast convert sugars into alcohol. Compared with beer, wine involves a longer fermentation process meaning it takes more time for the yeast to gobble up sugar in grapes and spit out alcohol. The alcohol content is limited by the yeast, which, during the fermentation of beer typically becomes inactive when alcohol levels climb above 10 percent. (For beer, yeast typically break down sugars found in starches, such as cereal grains.)

Liquor, formally known as spirits , requires an extra process to achieve its souped-up alcohol content. Following fermentation, a process called distillation separates the water from the alcohol, resulting in higher alcohol



concentrations of at least 20 percent. (Typical vodka contains about 40 percent ABV.)

There are some so-called beer labels that claim much higher alcohol content than the average 4 percent to 6 percent. One example is Samuel Adams Utopias, which sells for about \$100 for a 24-ounce bottle and boasts an ABV as high as 27 percent. So, what's the catch?

Several beer companies have started experimenting with ways to push the alcohol limit in their beer. For example, Scottish brewers Martin Dickie and James Watt created their limited-edition bottles of Tactical Nuclear Penguin with 32 percent ABV by freezing a 10-percent-ABV beer. They then plucked out the ice (which contained only non-alcohol ingredients), leaving behind a higher concentration of alcohol.

As technology allows brewers to blur the lines between beer, wine and spirits, wise consumers might want to keep an eye on the labels which indicate the ABV of all libations.

[https://en.wikipedia.org/wiki/Alcohol\\_by\\_volume](https://en.wikipedia.org/wiki/Alcohol_by_volume)

Details about typical amounts of alcohol contained in various beverages can be found in the articles about them.

<https://www.fda.gov/iceci/compliancemanuals/compliancepolicyguidancemanual/ucm074430.htm>

[CPG Sec. 510.400 Dealcoholized Wine and Malt Beverages - Labeling](#)

#### **BACKGROUND:**

Wine is defined in the Federal Alcohol Administration Act (FAA Act) as, among other things, containing not less than 7 and not more than 24 percent alcohol by volume [27 U.S.C. 211(a)(6)]. Bureau of Alcohol, Tobacco and Firearms (BATF) labeling regulations apply only to wines containing alcohol within the specified range. Dealcoholized wines are prepared by removing

alcohol from a wine. Because dealcoholized wine products contain less than 7 percent alcohol by volume, they are not covered by the FAA Act and are subject to the labeling provisions of the Federal Food, Drug, and Cosmetic Act.

The term "malt beverage" is defined in the FAA Act as a beverage made by alcoholic fermentation of specific materials [27 U.S.C. 211(a)(7)]. Malt beverages are not characterized by specific alcohol content. All malt beverages meeting the definition of the FAA Act are within the purview of the BATF statute, regardless of alcohol content. Regulations pertaining to the labeling of malt beverages are found in Title 27 of the Code of Federal Regulations, Part 7.

**POLICY:**

The term "dealcoholized" or "alcohol-removed" should appear in the statement of identity, immediately preceding either the term "wine" or the standard of identity [27 CFR 4.21] designation of the type of wine from which it was derived, such as "burgundy." The qualifying words "dealcoholized" or "alcohol-removed" should appear in letters equal in size to "wine" or to the standardized name on the principal display panel of the label. Where a specific designation is used, such as "dealcoholized claret" or "alcohol-removed burgundy," the product must be true to source type as defined by BATF regulations. To ensure that consumers are not misled as to the alcohol content of the product, the statement of identity should be followed by the declaration, "contains less than 0.5 percent alcohol by volume." FDA considers use of the terms "dealcoholized" and "alcohol-removed" in the statement of identity of a reduced alcohol wine product to be misleading if the alcohol content exceeds 0.5 percent by volume.

We do not object to the presence of the additional label claim "non-alcoholic" on labels of dealcoholized wines. However, the term "non-alcoholic" should not be used in lieu of the term "dealcoholized" or "alcohol-removed" as the sole qualifier in the statement of identity of the wine product.

FDA does not consider the terms "non-alcoholic" and "alcohol-free" to be synonymous. The term "alcohol-free" may be used only when the product contains no detectable alcohol.

Beverages such as soft drinks, fruit juices, and certain other flavored beverages which are traditionally perceived by consumers to be "non-alcoholic" could contain traces of alcohol (less than 0.5 percent alcohol by volume) derived from the use of flavoring extracts or from natural fermentation. FDA also considers beverages containing such trace amounts of alcohol to be "non-alcoholic." We, therefore, have no basis for objecting to claims of "non-alcoholic" on labels of dealcoholized wines, even though they are derived from alcoholic beverages. FDA policy and BATF regulations on the labeling of malt beverages (27 CFR 7.26) are consistent on the use of the terms "non-alcoholic" and "alcohol-free."

The labeling of malt beverages that are prepared in accordance with the provisions of 27 CFR Part 7 (including dealcoholized malt beverages) is solely under the jurisdiction of BATF. Inquiries concerning the labeling of malt beverages should be referred to BATF's Product Compliance Branch. If it is unclear whether a product meets the FAA Act definition of malt beverage, contact BATF for guidance. If BATF concludes that a product is not within their jurisdiction, FDA will exercise authority over the label of the beverage. If there are questions concerning the statement of identity of a non-BATF regulated product, contact CFSAN/Office of \*Compliance\*/Division of Enforcement (HFS-605) for coordination and guidance.

\*Material between asterisks is new or revised.\*

Issued: 10/01/80, Revised: 9/11/89, 3/95, 5/05, Updated: 11/29/05

## 69 الدر المختار وحاشية ابن عابدين (رد المختار) (455 /6)

والحاصل أنه لا يلزم من حرمة الكثير المسكر حرمة قليله ولا نجاسته مطلقا إلا في المائعات لمعنى خاص بها. أما الجامدات فلا يحرم منها الكثير المسكر، ولا يلزم من حرمة نجاسته كالسهم القاتل فإنه حرام مع أنه طاهر.

تكملة فتح الملهم: 608/03

”أما غير الأشرية الأربعة، فليست نجسة عند الإمام أبي حنيفة رحمه الله تعالى.

وبهذا يتبين حكم الكحول المسكرة (ALCOHOLS)) التي عمت بها البلوى اليوم، فإنها تستعمل في كثير من الأدوية والعطور والمركبات الأخرى، فإنها إن اتخذت من العنب أو التمر فلا سبيل إلى حلتها أو طهارتها، وإن اتخذت من غيرهما فالأمر فيها سهل على مذهب أبي حنيفة رحمه الله تعالى ولا يحرم استعمالها للتداوى أو لأغراض مباحة أخرى مالم تبلغ حد الإسكار؛ لأنها إنما تستعمل مركبة مع المواد الأخرى، ولا يحكم بنجاستها أخذا بقول أبي حنيفة رحمه الله تعالى.

وإن معظم الكحول التي تستعمل اليوم في الأدوية والعطور وغيرها لاتتخذ من العنب أو التمر، إنما تتخذ من الحبوب أو القشور أو البترول وغيره كما ذكرنا في باب بيع الخمر من كتاب البيوع، وحينئذ هناك فسحة في الأخذ بقول أبي حنيفة عند عموم البلوى. والله سبحانه أعلم“

<sup>70</sup> PS:3733-2016(R)

### 4.1.5 Beverages

- a) All kinds of water and non-alcoholic beverages are Halaal except those that are poisonous, intoxicating or hazardous to health
- b) All non-alcoholic beverages with no intoxicating properties, whether synthetic or derived from natural sources, are Halaal.
- c) All intoxicating beverages derived from any source are Haraam.
- d) Alcohol derived from grapes/dates is Najis and Haraam.

<sup>71</sup> هيئة الإمارات للمواصفات والمقاييس دولة الإمارات العربية المتحدة

Emirates Authority for Standards & Metrology (ESMA )

UNITED ARAB EMIRATES

UAE.S 2055 - 4:2014qaz

منتجات الحلال: الجزء الرابع: متطلبات مستحضرات التجميل والعناية الشخصية الحلال

Halal Products- Part 4: Requirements for Cosmetics and Personal care

الملحق (1) - تصنيف غير الحلال

المشروبات	المشروبات المسكرة أو المخدرة أو المفترية أو السامة أو الضارة بالصحة.
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<sup>72</sup> دولة الإمارات العربية المتحدة هيئة الإمارات للمواصفات والمقاييس

Emirates Authority for Standards & Metrology (ESMA(

UNITED ARAB EMIRATES

UAE.S 2055 -1:2015

المنتجات الحلال - الجزء الأول: الإشتراطات العامة لتغذية الحلال

Halal products - Part one: General Requirements for Halal Food

Annex 1 – Classification of Non-Halal

Beverages:	Intoxicating beverages or those containing alcohols, narcotic, calming, toxicant or harmful substances.
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<sup>73</sup> HANDBOOK OF HALAL FOOD ADDITIVES

Department of Islamic Development Malaysia (JAKIM) :Page: 43

Sweetener Any substances that, when added to food, is capable of imparting a sweet taste to the food and which is nor a saccharide, polyhydric alcohol or honey.

<sup>74</sup> MALAYSIAN STANDARD MS 2424: 2012

### 3.2 halal pharmaceuticals

Products that contain ingredients permitted under the Shariah law and fulfill the following conditions:

- a) do not contain any parts or products of animals that are non-halal by Shariah law or any parts or products of animals which are not slaughtered according to Shariah law;
- b) do not contain najis according to Shariah law;
- c) safe for human use non-poisonous, non-intoxicating or non-hazardous to health according to prescribed dosage;

<sup>75</sup> 3.5 najis

#### 3.5.1 Najis according to Shariah law are:

- a) dogs, pigs, their descendants and derivatives;
- b) halal pharmaceuticals that are contaminated with items that are non-halal;
- c) halal pharmaceuticals that come into direct contact with items that are non-halal;
- d) any liquid and objects discharged from the orifices of human beings or animals;

#### NOTES:

1. The examples are urine, blood, vomit, pus, placenta, excrement and sperm and ova of pigs and dogs except sperm and ova of other animals.
  2. Milk, sperm and ova of human and animals, except dog and pig, are not najis.
- e) Maitah or carrion or halal animals that are not slaughtered according to Shariah law; and
  - f) Kham'r and food or drink which contain or mixed with Kham'r.

(Kham'r) Such as alcoholic beverages and intoxicant.

<sup>76</sup> 4.15.1 Synthesized materials

The sources and processing of synthesized materials shall comply with halal requirements. The usage of synthetic alcohol is permissible.

<sup>77</sup> MALAYSIAN STANDARD MS 2393: 2013

2.3 alcohol

Any organic compounds having hydroxyl functional groups (-OH) divided into two categories namely alcohol (liquid intoxicant) and alcohol (industrial).

2.3.1 alcohol (liquid intoxicant)

Ethanol (liquor or wine) from the result of fermentation of fruits such as grapes, dates, and grains such as rice, wheat, barley and maize (wine fermentation).

2.3.2 alcohol (industrial)

Alcohol produced by chemical synthesis of ethylene.

2.35 najs

2.35.1 Something that is impure(Najis) according to shariah law. Divided into three types:

- a) mughallazah (severe najs): dog and pig, including any liquid or object coming out of the cavity of dogs and pigs; their descendants and derivatives thereof. Body parts, clothing and equipment contaminated by this najs should be ritually cleansed (See terms 2.40.1);
- b) mukhaffafah (light najs) is the urine of a boy with the age of two years Hijri and below; and do not take any other food except mother's milk. The cleansing of the najs is by sprinkling of water on the najs; and

c) mutawassitah (medium najis) is all waste that is not included in the category of light najis or severe najis, such as vomit, pus, blood, wine, and carrion. The cleansing of the najis with mutlaq water until no more odour, colour and taste.

<sup>78</sup> MALAYSIAN STANDARD MS 2393: 2013

### 2.3 alcohol

Any organic compounds having hydroxyl functional groups (-OH) divided into two categories namely alcohol (liquid intoxicant) and alcohol (industrial).

#### 2.3.1 alcohol (liquid intoxicant)

Ethanol (liquor or wine) from the result of fermentation of fruits such as grapes, dates, and grains such as rice, wheat, barley and maize (wine fermentation).

#### 2.3.2 alcohol (industrial)

Alcohol produced by chemical synthesis of ethylene.

<sup>79</sup> MALAYSIAN STANDARD MS 2015-2594

Halal chemicals for use in potable water treatment - General guidelines

### 5 Sources of halal chemicals

5.3 Sources derived from eggs that are from the animals which are not najis, are halal.

5.6 All sources from the soil and water and their byproducts (including minerals) are halal for use except those that are hazardous and/or mixed with materials that are decreed as najis.

5.7 Materials for production of halal chemicals that contain alcohol excluding alcoholic drinks (Kham'r), are permissible.



5.8 Materials for halal chemicals produced synthetically are halal except those that are harmful for consumption and/or mixed with materials that are decreed as najis.

<sup>80</sup> MALAYSIAN STANDARD MS 2200: PART 1:2008

ISLAMIC CONSUMER GOODS - PART 1: COSMETIC AND PERSONAL CARE  
GENERAL GUIDELINES

#### 4.1.4 Alcohol

Materials for cosmetic and personal care that contain alcohol excluding alcoholic drinks (Kham'r), are permissible.

81 MALAYSIAN STANDARD MS 2200: PART 1:2008

3.2.2 Shariah law defined by Malaysia law means the laws of Islam in the Mazhab of Shafie or the laws of Islam in any of the other Mazhabs of Maliki, Hambali and Hanafi which are approved by the Yang di-Pertuan Agong to be in force in the Federal Territory or the Ruler of any State to be in force in the state or fatwa approved by the Islamic Authority.

82 HALAL STANDARD THS 1435-1-2557

#### 4.6.1, b.

Mediun Najis include any things that exclude from light or heavy Najis like blood, pus, lymph, feces, urine, carrion without slaughter (except fish and grasshopper), not carrion of heavy Najis and all milk of wild animals, all alcoholic substances.

83

<https://www.fda.gov/iceci/compliancemanuals/compliancepolicyguidancemanual/ucm074471.htm>

CPG Sec. 525.825 Vinegar, Definitions - Adulteration with Vinegar Eels

#### I. DEFINITIONS

##### BACKGROUND:

No standards of identity for vinegar have been established under the Federal Food, Drug, and Cosmetic Act. Historically, definitions have been developed

for different types or combinations of types of vinegars. These remain current Agency policy for labeling purposes.

One of the landmark court decisions under the Food and Drugs Act of 1906 was that the Supreme Court in the case of *U.S. v. 95 Barrels, More or Less, Alleged Apple Cider Vinegar*, (265 U.S. 438, 1924), in which the Supreme Court held that vinegar made from dried apples was not the same as that which would have been produced from the apples without dehydration, and that the name "Apple Cider Vinegar" did not represent the article to be what it really was.

**POLICY:**

FDA considers the following to be satisfactory guidelines for the labeling of vinegars:

Natural vinegars as they come from the generators normally contain in excess of 4 grams of acetic acid per 100 ml. When vinegar is diluted with water, the label must bear a statement such as "diluted with water to \_\_\_\_\_ percent acid strength", with the blank filled with the actual percent of acetic acid - in no case should it be less than 4 percent. Each of the varieties of vinegar listed below should contain 4 grams of acetic acid per 100 ml. (20°C).

**VINEGARS:**

**VINEGAR, CIDER VINEGAR, APPLE VINEGAR.** The product made by the alcoholic and subsequent acetous fermentations of the juice of apples.

**WINE VINEGAR, GRAPE VINEGAR.** The product made by the alcoholic and subsequent acetous fermentations of the juice of grapes.

**MALT VINEGAR.** The product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt.

**SUGAR VINEGAR.** The product made by the alcoholic and subsequent acetous fermentations of sugar sirup, molasses, or refiner's sirup.

**GLUCOSE VINEGAR.** The product made by the alcoholic and subsequent acetous fermentations of a solution of glucose. It is dextrorotatory.

**SPIRIT VINEGAR, DISTILLED VINEGAR, GRAIN VINEGAR.** The product made by the acetous fermentation of dilute distilled alcohol.

**VINEGAR, MADE FROM A MIXTURE OF SPIRIT VINEGAR AND CIDER VINEGAR.** The product should be labeled as a blend of the products with the product names in order of predominance. This labeling is applicable to a similar product made by acetous fermentation of a mixture of alcohol and cider stock.

**VINEGAR MADE FROM DRIED APPLES, APPLE CORES OR APPLE PEELS.** Vinegar made from dried apples, apple cores or apple peels should be labeled as "vinegar made from \_\_\_\_\_," where the blank is filled in with the name of the apple product(s) used as the source of fermented material.

## II. ADULTERATION WITH VINEGAR EELS

### BACKGROUND:

Because some information which indicates that vinegar eels aid in vinegar production, we do not believe the finding of vinegar eels in a firm's bulk storage tanks or generators should be considered as an objectionable condition unless the firm's filtration system is not functioning or unless the eels are present in the finished product.

### POLICY:

The finding of vinegar eels in finished product would be considered objectionable and would render the finished product adulterated within the meaning of 402(a)(3).

### REGULATORY ACTION GUIDANCE:

The following represents criteria for direct reference seizure to the \*Division of Compliance Management and Operations (HFC-210),\* and for direct citation by District Offices:

Actionable if finished vinegar in consumer-sized bottles contains any vinegar eels.

**SPECIMEN CHARGE:**

Article adulterated (when introduced into and while in interstate commerce) (while held for sale after introduction into interstate commerce), within the meaning of 21 U.S.C. 342(a)(3), in that it consists in part of a filthy substance by reason of the presence therein of vinegar eels.

NOTE: Only use direct reference citation authority when prosecution is anticipated and evidence to support a prosecution is included with the adulteration charge. Evidence necessary to support a prosecution is specified in existing regulatory procedures issuances.

\*Material between asterisks is new or revised.\*

Issued: 4/25/77

Reissued: 10/1/80

Revised: 11/1/81, 4/1/83, 3/95

<http://www.winespectator.com/drvinny/show/id/52680>

Is there any alcohol in white wine vinegar?

—Shafiq A., London, U.K.

Dear Shafiq,

Maybe. Making white wine vinegar—as with any vinegar—starts with an alcohol source. The ethanol is then converted to acetic acid with the help of an acetobacter.

It will depend on the alcohol of the base you started with, as well as how the process goes to determine if there is any remaining trace alcohol, but if you've truly ended up with vinegar, it's not considered an alcoholic product. But small amounts might linger, as with most types of conversions.

I've read varying accounts of how much trace alcohol might remain—anywhere from 0.5 to 2 percent or so, but commercial vinegar isn't required to list this percentage. If you're avoiding alcohol for health or religious reasons, you can substitute vinegar with another acid like lemon juice. I've read that boiling vinegar for a very long time can eliminate any trace alcohol—but that sounds like a very stinky proposition, and one that would result in a more concentrated vinegar, since the water would evaporate faster than the acetic acid.

—Dr. Vinny

<sup>84</sup> <http://www.saps.org.uk/saps-associates/browse-q-and-a/169-q-a-a-how-does-sugar-affect-yeast-growth>

#### **How Does Sugar Affect Yeast Growth?**

**So, the more sugar there is, the more active the yeast will be and the faster its growth (up to a certain point - even yeast cannot grow in very strong sugar - such as honey).**

<sup>85</sup> <http://www.natureplica.com/tag/fda-standards-for-honey/>

#### **Natural chemical composition of honey**

(See: FDA Standards for honey. Exhibit B)

Honey is a sweet viscous fluid derived from the nectar of flowers and produced in the honey sac of bees. Honey is an invert sugar, composed mainly of simple sugars (called monosaccharides, such as fructose and glucose) and water. Fructose and glucose comprise approximately 70% of the content of honey while water comprises about 17%. The remaining components of honey are maltose, sucrose (commonly called “table sugar”), and other complex carbohydrates. Also, honey contains essential vitamins (e. g.,

vitamin B6, thiamin, niacin, riboflavin, and pantothenic acid), minerals (e.g., calcium, copper, iron, zinc, and magnesium), several different amino acids, and several antioxidant compounds (e.g., vitamin C and chrysin). Honey is classified by its individual characteristics (e.g., floral source, color, season, physical state, and means of preparation). There are over 300 unique varieties of honey that are produced in the United States. Honey differs in flavor and color depending upon the floral source from which the nectar is extracted by the honey bee.

Biological activity of honey is characterized by diastase number. Diastase is a group of enzymes added by bees during honey production for the breakdown of starch into maltose. (see: [Measurement of Honey Quality](#)). Read more about diastase [here](#).

Constituent Content	Limits
Moisture (water)	Not more than 20% (< 20%)
Sum of Fructose and Glucose	Not less than 60 g/100 g (> 60%)
Sucrose	Not more than 5g/100 g (< 5%)
Water insoluble solids	Not more than 0.1 g/100 g (< 0.1%)
Free acidity	Not more than 50 milliequivalents per 1000g; i.e., not more than $(\text{MW} \times 50)/1000$
Diastase activity	Not less than 8 Schade units (see )
Hydroxymethylfurfural (HMF)	Not more than 40 mg/Kg Not more than 80 mg/Kg for the honey from tropical ambient temperatures
Electrical conductivity	Not more than 0.8 mS/cm <sup>-1</sup>

Please note that many national beekeeping organizations (e. g., Germany, Belgium, Austria, Italy, Switzerland) have moisture (water) maximum content required not to exceed 18 – 18.5%.

According to the Codex Alimentarius standards reviewed and accepted by the US FDA "honey sold as such shall not have added to it any food ingredient, including food additives, nor shall any other additions be made other than honey. The honey shall not have begun to ferment or effervesce. No pollen or constituent particular to honey may be removed except where there is unavoidable in the removal of foreign inorganic or organic matter."

<sup>86</sup> <https://www.buzzaboutbees.net/honey-vs-sugar.html>

*Honey vs sugar: tables comparing carbohydrate*

Honey: Carbohydrate (Per 100g)		
		%DV
<b>Total Carbohydrate</b>	<b>82.mg</b>	<b>27%</b>
Dietary Fibre	0.2g	1%
Starch	Nil	
Sugars	82.1g	
Sucrose	890mg	
Glucose	85744mg	
Fructose	4093mg	
Maltose	1440mg	

Galactose	3100mg
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87 The viewpoint of Pakistan Famous food scientist Muhtaram Dr Javed Aziz Awan PhD, discussed a lot via email , verbal and tele conversation.

88 Email: from Asad Aziz Khan Food Scientist from University of Karachi.

"The maximum ethanol production was recorded to be 12.2% (v/v) at 40 Brix° (i.e. 27% sugar) with 0.2 vvm air-flow rate" reference article attached.

It means 27% sugar concentration will give the maximum percentage of alcohol and above 27% it is not feasible for commercial purpose b/c of high residual sugar levels rather than confusing with fermentation stoppage.

89 The viewpoint of food scientist Muhtaram Dr Abid Hasnain Shb, PhD, ex-chairman Food Science Department University of Karachi Discussed via telephone.

<http://www.yobrew.co.uk/fermentation.php> **Alcoholic fermentation by yeast cells**

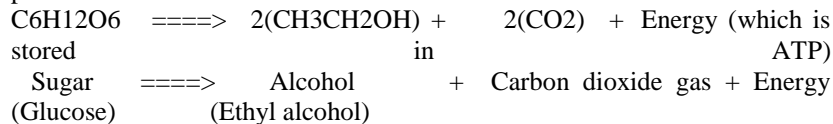
[\[Lactic acid fermentation by lactic bacteria\]](#)

In brewing, alcoholic fermentation is the conversion of sugar into carbon dioxide gas (CO<sub>2</sub>) and ethyl alcohol. This process is carried out by yeast cells using a range of enzymes. This is in fact a complex series of conversions that brings about the conversion of sugar to CO<sub>2</sub> and alcohol. Yeast is a member of the fungi family which I like to think of as plants but strictly they are neither plant nor animal. To be specific yeast is a eukaryotic micro-organism. Not all yeasts are suitable for brewing. In brewing we use the sugar fungi form of yeast. These yeast cells gain energy from the conversion of the sugar into carbon dioxide and alcohol. The carbon dioxide by-product bubbles through the liquid and dissipates into the air. In confined spaces the carbon dioxide dissolve in the liquid making it fizzy. The pressure build up caused by CO<sub>2</sub> production in a confined space can be immense. Certainly enough to cause the explosion of a sealed glass bottle. Alcohol is the other by-product of fermentation. Alcohol remains in the liquid which is great for making an alcoholic beverage but not for the yeast cells, as the yeast dies when the alcohol exceeds its tolerance level.

[Overall chemistry of fermentation](#)



The overall process of fermentation is to convert glucose sugar (C<sub>6</sub>H<sub>12</sub>O<sub>6</sub>) to alcohol (CH<sub>3</sub>CH<sub>2</sub>OH) and carbon dioxide gas (CO<sub>2</sub>). The reactions within the yeast cell which make this happen are very complex but the overall process is as follows:



From the above it seems nice an simple chemistry one mole of glucose is converted into two moles of ethanol and two moles of carbon dioxide but in reality, it is far from this clear. There are many by products. In addition to CO<sub>2</sub> and alcohol, the sugar is incorporated into other by products such as yeast biomass, acids (pyruvic, acetaldehyde, ketoglutaric, lactic), glycerol. Hence if you read many home brewing books there is a table estimating the conversion of sugar into alcohol. These tables tend to be derived from measurements rather than a set formula. The efficiency of the yeast and fermentation conditions alters the proportions of various by-products meaning a simple single formula is not available. Wine makers will see different efficiencies to beer makers. Fermentation conditions such as temperature vary the production of by products. This knowledge is used by wine makers to get fuller bodied wines by brewing in conditions that causes fermentation to produce more of the by-product glycerol.

Fermentation by-product Glycerol gives wine its body. From time to time you read in the press a very shocking tale of people adding anti-freeze to wine but this statement on its own does not tell you the full extent of the danger. Bear in mind Glycerol can be used as an anti-freeze and is a natural by product of fermentation but not all anti-freeze use glycerol, most use very toxic alternatives. So, the statement "Anti-freeze added to wine" does not tell you if highly toxic chemicals were added or just Glycerol to supplementing the natural Glycerol content. In fact, Glycerol is used in health foods and is essential in fine wines. Wine produced in conditions where there was low production of the glycerol by-product can tempt the producer to add something to boost the wine's body. Adding food grade Glycerol to boost a wine's body is not ideal but no need for panic as glycerol is natural and is often used in food products. Adding toxic anti-freeze to boost a wine's body can and does kill people.

Note: The sugars used can be a range of fermentable sugars. These sugars are converted by enzymes to glucose which is then converted to alcohol and CO<sub>2</sub>. Some sugars are not able to be fermented and will remain in the liquid. Fermentation and yeast in brewing

Brewer's yeast tolerate up to about 5% alcohol. Beyond this alcohol level the yeast cannot continue fermentation. Wine yeast on the other hand tolerates up to about 12% alcohol. The level of alcohol tolerance by yeast varies from 5% to about 21% depending on yeast strain and environmental conditions.

The fermentation process has limits such as temperature. Greater than 27C kills the yeast less and than 15C results in yeast activity which is too slow. Not all sugars are fermentable. Non fermentable sugars in solution will remain after fermentation and will result in a sweeter end product. Malt has non fermentable sugars which can be used to balance the bitterness of the hops. The amount of sugar in the solution can be too much and this can prevent fermentation. Some wine recipes suggest adding the sugar in parts throughout fermentation rather than all at the beginning. This is especially true if the brew is aimed at producing a high level of alcohol. Some yeast strains have evolved to handle higher sugar levels. Yeast such as Tokay and Sauterne handle high levels of sugar. The normal, home brewing, fermentation is in two parts.

#### Part 1

Aerobic (Oxygen is present)

This is the initial rapid process where the yeast is doubling its colony size every four hours.

(Usually 24-48 hours)

#### Part 2

Anaerobic. (No oxygen present)

Slower activity and the yeast focuses on converting sugar to alcohol rather than increasing the number of yeast cells. (This process can take from days to weeks depending on the yeast and the recipe)

Why does yeast stop working at certain levels of alcohol?

The ability of yeast cells to convert sugar into Carbon dioxide and Alcohol is down to enzymes. Several enzymes are involved each does its step in the process. The final step is Zymase reduction which takes the end product of the other enzymes (acetaldehyde/glycerol), and turns this into good old ethyl alcohol. Sadly high concentrations alcohol actually destroys enzymes and kills the yeast cell. Different strains of yeast can tolerate different concentrations of alcohol. Brewer's yeast cannot withstand much beyond 5 or 6% Alcohol by volume. Wine yeast is more tolerant at a range of 10-15% Specially cultured strains of yeast with the correct environment can withstand alcohol levels up to 21% alcohol.

<http://www.saps.org.uk/saps-associates/browse-q-and-a/169-q-a-a-how-does-sugar-affect-yeast-growth>

How Does Sugar Affect Yeast Growth?

Yeast is a fungus and needs a supply of energy for its living and growth. Sugar supplies this energy (your body also gets much of its energy from sugar and other carbohydrates).

Yeast can use oxygen to release the energy from sugar (like you can) in the process called "respiration". So, the more sugar there is, the more active the yeast will be and the faster its growth (up to a certain point - even yeast cannot grow in very strong sugar - such as honey).

However, if oxygen is short (like in the middle of a ball of dough), then yeast can still release energy from sugar, but in these conditions, its byproducts are alcohol and carbon dioxide. It is this carbon dioxide gas which makes the bubbles in dough (and therefore in bread), causing the dough to rise.

Alcohol is a poison (for yeast as well as for people) and so the yeast is not able to grow when the alcohol content gets too high. This is why wine is never more than about 12% alcohol.

WHY does an excess of sugar inhibit the yeast?

My guess would be that the osmotic concentration of the sugar gets so great that the yeast is unable to get enough water for growth.

As fresh yeast is more than 90% water, the single substance most needed for growth is water. As osmotic concentration increases, the water potential of the sugar solution gets more and more negative until it reaches a point where is lower than the water potential of the yeast cell contents and water tends to move OUT of the cell rather than IN. I do not know whether yeast cells are able to take up water actively, by expenditure of metabolic energy to pump the water against the water potential gradient.

I imagine that up to a certain concentration, the limiting factor is the amount of sugar available for respiration and synthesis of cell materials with the yeast able to take in more water than needed for growth. As the concentration of the sugar increases, although respiration and synthesis can take place faster, the uptake of water gets slower and slower until we reach a point where the rate of uptake of water becomes the limiting factor.

Which sugar is best for yeast growth?

"I tested four sugars (fructose, glucose, sucrose, and lactose). I concluded that sucrose made the yeast cells have the most foam. My question is why? I am especially curious about why glucose didn't make the yeast have the most foaming."

I wonder what concentration of sugar you used in each case? Was each sugar solution made up to the concentration e.g. the same molarity?

Basically, each sugar needs to be converted to glucose to enable it to feed into respiration and it is this process which produces the gas which causes the foaming.

Yeast is able to synthesize a range of enzymes to do this:-

Sucrose is a disaccharide:  $\text{GLUCOSE-FRUCTOSE} = \text{SUCROSE}$

Sucrase will split sucrose.

Isomerase will convert Fructose to Glucose.

Thus, 0.1M sucrose will yield 0.2M glucose (when ALL is converted to glucose).

Lactose is a disaccharide:  $\text{GLUCOSE-GALACTOSE} = \text{LACTOSE}$

Lactase will split lactose and Transacetylase will convert Galactose to Glucose.

However, I believe yeast does not have the gene for lactase and this is why the lactose sugar remains intact in 'Milk stout'.

So, I predict that lactose was bottom of your list, with the least foaming.

If a sugar is too concentrated, it will slow down the reaction (this is why honey does not normally ferment), so, you should be careful to only use dilute solutions in your experiment.

So, I suspect sucrose came out best in your test because it yielded twice as much glucose as the "same concentration" of glucose.

John Hewitson and Charles Hill

<sup>90</sup> <https://ndb.nal.usda.gov/ndb/foods/show>



United States Department of Agriculture

Agricultural Research Service

National Nutrient Database for Standard Reference Release 28

Nutrient	Unit				
		1	1	1	
		Value per 100 g	cup 253 g	fl oz 31.6 g	
		1	1	1	

Proximates					
Water	g	84.51	213.81	26.71	
Energy	kcal	60	152	19	
Protein	g	0.37	0.94	0.12	
Total lipid (fat)	g	0.13	0.33	0.04	
Carbohydrate , by difference	g	14.77	37.37	4.67	
Fiber, total dietary	g	0.2	0.5	0.1	
Sugars, total	g	14.20	35.93	4.49	
Minerals					

Calcium, Ca	mg	11	28	3	
Iron, Fe	mg	0.25	0.63	0.08	
Magnesium, Mg	mg	10	25	3	
Phosphorus, P	mg	14	35	4	
Potassium, K	mg	104	263	33	
Sodium, Na	mg	5	13	2	
Zinc, Zn	mg	0.07	0.18	0.02	
Vitamins					
Vitamin C, total ascorbic acid	mg	0.1	0.3	0.0	
Thiamin	mg	0.017	0.043	0.005	
Riboflavin	mg	0.015	0.038	0.005	
Niacin	mg	0.133	0.336	0.042	
Vitamin B-6	mg	0.032	0.081	0.010	
Folate, DFE	µg	0	0	0	
Vitamin B-12	µg	0.00	0.00	0.00	
Vitamin A, RAE	µg	0	0	0	
Vitamin A, IU	IU	8	20	3	
Vitamin E (alpha-tocopherol)	mg	0.00	0.00	0.00	
Vitamin D (D2 + D3)	µg	0.0	0.0	0.0	
Vitamin D	IU	0	0	0	

Vitamin K (phylloquinone)	µg	0.4	1.0	0.1	
Lipids					
Fatty acids, total saturated	g	0.025	0.063	0.008	
Fatty acids, total monounsaturated	g	0.003	0.008	0.001	
Fatty acids, total polyunsaturated	g	0.022	0.056	0.007	
Fatty acids, total trans	g	0.000	0.000	0.000	
Cholesterol	mg	0	0	0	
Other					
Caffeine	mg	0	0		

[https://en.wikipedia.org/wiki/Grape\\_juice](https://en.wikipedia.org/wiki/Grape_juice)

#### Nutrition Facts

#### Grape juice

Amount Per 100 grams,

Total Carbohydrate 15 g 5%

Dietary fiber 0.2 g 0%

Sugar 14 g

#### 91 صحيح البخاري (7/ 107)

ورأى عمر، وأبو عبيدة، ومعاذ، «شرب الطلاء على الثلث» وشرب البراء، وأبو جحيفة، على النصف وقال ابن عباس: «اشرب العصير ما دام طريا».

#### 92 درر الحكام شرح غرر الأحكام (87 /)

[حاشية الشرنبلالي] الطلاء يطلق بالاشتراك على أشياء كثيرة منها العصير الذي ذهب أقل من ثلثيه والذي ذهب نصفه والذي ذهب ثلثاه والذي ذهب ثلثه ويسمى بالطلاء كل ما طبخ من عصير العنب مطلقاً.

### 93 الجوهرية النيرة على مختصر القدوري (2/ 174)

وأما العصير إذا طبخ حتى ذهب أقل من ثلثيه فهو المطبوخ أدنى طبخ وذلك حرام إذا غلى واشتد وقذف بالزبد على الاختلاف ويسمى الباذق، والمنصف وهو ما ذهب نصفه بالطبخ وهو حرام عندنا أيضاً إذا غلى واشتد، وأما نقيع التمر وهو يسمى السكر وهو النيء من ماء الرطب فهو حرام أيضاً إذا غلى واشتد وأما نقيع الزبيب فهو النيء من ماء الزبيب فهو حرام إذا غلى واشتد قال في التنايع: الأشربة ثمانية الخمر، والسكر ونقيع الزبيب ونبذ التمر، والفضيخ، والباذق، والطلاء، والجمهوري،

فالخمر: هو النيء من عصير العنب إذا غلى واشتد على الاختلاف، والسكر: وهو النيء من ماء الرطب إذا غلى من غير طبخ واشتد وقذف بالزبد، ونقيع الزبيب وهو النيء من مائه وهو حرام إذا غلى واشتد على الخلاف، ونبذ التمر إذا غلى واشتد، والفضيخ: وهو البسر يدق ويكسر وينقع في الماء ويترك حتى يغلي ويشد ويقذف بالزبد، والباذق وهو العصير إذ طبخ حتى يذهب أقل من ثلثيه وهو حرام إذا غلى واشتد وقذف بالزبد، والطلاء ما طبخ من عصير العنب أو شمس حتى ذهب ثلثاه، والجمهوري: هو الطلاء المذكور ولكن صب فيه من الماء مقدار ما ذهب منه بالطبخ ثم طبخ بعد ذلك أدنى طبخ وصار مسكراً وحكمه حكم الباذق، ثم الخمر حرام قليلها وكثيرها ومن شرب منها قليلاً وجب عليه الحد ولا يجوز التداوي بها ويكفر مستحلها ومن شرب منها مقدار ما يصل إلى الجوف وجب عليه الحد.

94 تحفة الفقهاء (3/ 325): أما الأسماء فثمانية الخمر والسكر ونقيع الزبيب ونبذ التمر والفضيخ والباذق والطلاء ويسمى المثلث والجمهوري ويسمى أبو يوسف

### 95 تحفة الفقهاء (3/ 326)

وأما الباذق فهو اسم لما طبخ أدنى من ماء العنب حتى ذهب أقل من الثلثين سواء كان أقل من الثلث أو النصف أو طبخ أدنى طبخه بعدما صار مسكراً وسكن عن الغليان.

96 تحفة الفقهاء (3/ 326): وأما الطلاء فهو اسم للمثلث وهو المطبوخ من ماء العنب

بعدما ذهب ثلثاه وبقي الثلث وصار مسكراً

97 تحفة الفقهاء (3/ 326): وأما الجمهوري فهو الطلاء الذي يلقي فيه الماء حتى يرق ويعود إلى المقدار الذي كان في الأصل ثم طبخ أدنى طبخه وصار مسكرا.

98 بدائع الصنائع في ترتيب الشرائع (5/ 112)

(وأما) الطلاء فهو اسم للمطبوخ من ماء العنب إذا ذهب أقل من الثلثين وصار مسكرا ويدخل تحت الباذق والمنصف لأن الباذق هو المطبوخ أدنى طبخة من ماء العنب والمنصف هو المطبوخ من ماء العنب إذا ذهب نصفه وبقي النصف، وقيل الطلاء هو المثلث وهو المطبوخ من ماء العنب حتى ذهب ثلثاه وبقي معتقا وصار مسكرا. (وأما) الجمهوري فهو المثلث يصب الماء بعد ما ذهب ثلثاه بالطبخ قدر الذاهب وهو الثلثان ثم يطبخ أدنى طبخة ويصير مسكرا

99 الهداية في شرح بداية المبتدي (4/ 393): والعصير إذا طبخ حتى يذهب أقل من ثلثيه" وهو الطلاء المذكور في الجامع الصغير

100 الاختيار لتعليل المختار (4/ 99)

الثاني العصير إذا طبخ فذهب أقل من ثلثه وهو الطلاء، وإن ذهب نصفه فالمنصف..... وإن طبخ أدنى طبخة فالباذق والكل حرام إذا غلا واشتد وقذف بالزبد على الاختلاف.

101 كثر الدقائق (ص: 619): والطلاء، وهو العصير إن طبخ حتى ذهب أقل من ثلثيه..... والكل حرام إذا غلى واشتد.

102 تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (6/ 45)

(والطلاء، وهو العصير إن طبخ حتى ذهب أقل من ثلثيه) ..... وقال في الخيط: الطلاء اسم للمثلث، وهو ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه وصار مسكرا، وهو الصواب..... ويسمى الباذق أيضا سواء كان الذاهب قليلا أو كثيرا بعد أن لم يكن الذاهب ثلثيه والمنصف منه، وهو ما ذهب نصفه وبقي النصف وكل ذلك حرام عندنا إذا غلا واشتد وقذف بالزبد.

103 تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (6/ 46)

وأما الرابع، وهو المثلث، وهو ما طبخ من ماء العنب حتى يذهب ثلثاه ويبقى الثلث فلما روي عن أبي موسى أنه كان يشرب من الطلاء ما ذهب ثلثاه وبقي الثلث رواه النسائي..... وقال أبو داود سألت أحمد عن شرب الطلاء إذا ذهب ثلثاه وبقي ثلثه فقال لا بأس به قلت إنهم يقولون إنه يسكر فقال لا يسكر لو كان يسكر لما أحله عمر؛ ولأنه لا يحصل به الفساد من الصد وإلقاء



العداوة بالشرب القليل منه بخلاف الخمر، فإنها حرمت لعينها فلا يشترط فيها السكر؛ ولأن قليلها يدعو إلى كثيرها على ما بينا ولا كذلك المثلث؛ لأنه لغظه لا يدعو إلى الكثير، وهو في نفسه غذاء فيبقى على أصل الإباحة، وهذا كله قول أبي حنيفة وأبي يوسف رحمهما الله.

#### 104 صحيح البخاري (107/7)

ورأى عمر، وأبو عبيدة، ومعاذ، «شرب الطلاء على الثلث» وشرب البراء، وأبو جحيفة، على النصف وقال ابن عباس: «اشرب العصير ما دام طوريا».

#### 105 بدائع الصنائع في ترتيب الشرائع (116/5)

فأبو حنيفة وأبو يوسف رحمهما الله يحتاجان إلى الفرق بين المطبوخ أدنى طبخة والمنصف من عصير العنب، (وجه) الفرق لهما أن طبخ العصير على هذا الحد وهو أن يذهب أقل من ثلثيه لا أثر له في العصير؛ لأن بعد الطبخ بقيت فيه قوة الإسكار بنفسه.

ألا ترى أنه لو ترك يغلي ويشتد من غير أن يخلط بغيره كما كان قبل الطبخ لم يعمل فيه هذا النوع من الطبخ فيبقى على حاله بخلاف نبيذ التمر ونقيع الزبيب؛ لأنه ليس فيه قوة الإسكار بنفسه، ألا ترى أنه لو ترك على حاله ولا يخلط به الماء لم يحتتم الغليان أصلا، كعصير العنب إذا طبخ حتى ذهب ثلثاه وبقي ثلثه والماء يغلي، ويسكر إذا خلط فيه الماء وإذا لم يكن مسكرا بنفسه بل بغيره جاز أن يتغير حاله بالطبخ بخلاف العصير على ما ذكرنا.

#### 106 بدائع الصنائع في ترتيب الشرائع (116/5)

(وأما) المثلث فنقول: لا خلاف في أنه ما دام حلوا لا يسكر يحل شربه..... (وأما) الجمهوري فحكمه حكم المثلث؛ لأنه مثلث يرق بصب الماء عليه ثم يطبخ أدنى طبخة لئلا يفسد.

#### 107 تبين الحقائق (46/6): حكم العصير لا يحل حتى يذهب ثلثاه.

تبين الحقائق شرح كثر الدقائق وحاشية الشلبي (47/6): لا يحل ما لا يذهب ثلثاه بالطبخ..... عصير العنب لا بد أن يذهب ثلثاه ..... [حاشية الشلبي]..... قال في الشامل، فأما العنب إذا طبخ ففي أصح الروايات لا يحل؛ لأنه عصير لم يذهب ثلثاه.

#### 108 البناية شرح الهداية (343/12)

#### 109 البناية شرح الهداية (385/12):

عن قتادة، عن أنس: "أن أبا عبيدة، ومعاذ بن جبل، وأبا طلحة، كانوا يشربون من الطلاء ماء ذهب ثلثاه، وبقي ثلثه".

..... عن أبي عبد الرحمن، قال: كان علي - رضي الله عنه - يرزقنا الطلاء، فقلنا له: ما هيئته؟ قال: أسود، ويأخذه أحدنا بأصبعه ..... عن أنس بن سيرين، قال: كان أنس بن مالك عقيم البطن فأمرني أن أطبخ له طلاء حتى ذهب ثلثاه وبقي ثلثه، فكان يشرب منه الشربة على أثر الطعام. .... عن شريح عن خالد بن الوليد - رضي الله عنه - : كان يشرب الطلاء بالشام، فهذا كله يقتضي جواز شرب المطبوخ، وقد قال صاحب "الاستذكار": لا أعلم خلافا بين الفقهاء في جواز شرب العصير إذا طبخ فذهب ثلثاه وبقي ثلثه.

#### 110 درر الحكام شرح غرر الأحكام (/ 87)

وبين الثاني بقوله (كذا الطلاء وهو ماء عنب طبخ فذهب أقل من ثلثيه) كذا في الهداية والكافي وقال في المحيط الطلاء اسم للمثلث وهو ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه وصار مسكرا قال الزيلعي وهو الصواب لما روي أن كبار الصحابة - رضي الله تعالى عنهم - كانوا يشربون من الطلاء وهو ما ذهب ثلثاه وبقي ثلثه.....

[حاشية الشرنبلالي] (قوله: وفي المحيط الطلاء اسم للمثلث وهو ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه وصار مسكرا قال الزيلعي وهو الصواب) لا وجه لتصويبه لا حكما ولا تسمية أما حكما فلأن المحكوم بحرمة في الهداية والكافي والكثر هو العصير الذي ذهب أقل من ثلثيه وهو غير ما في المحيط فإنه الذي ذهب ثلثاه ولا خلاف في الطرفين وأما تسمية فلأن الطلاء يطلق بالاشتراك على أشياء كثيرة منها العصير الذي ذهب أقل من ثلثيه والذي ذهب نصفه والذي ذهب ثلثاه والذي ذهب ثلثه ويسمى بالطلاء كل ما طبخ من عصير العنب مطلقا فلا اعتراض على الكثر ولا على الهداية والكافي لا حكما ولا تسمية

#### 111 ملتقى الأبحر (ص: 246)

والطلاء وهو ما طبخ منه فذهب أقل من ثلثيه، فإن ذهب نصفه سمي منصفاً وإن طبخ بأدنى طبخة سمي باذقا، إذا غلا واشتد

..... يحل نبيذ التمر والزبيب إذا طبخ أدنى طبخة وإن اشتد ما لم يسكر..... وكذا المثلث وهو عصير العنب إذا طبخ حتى ذهب ثلثاه، وإن اشتد.

## 112 البحر الرائق شرح كثر الدقائق ومنحة الخالق وتكملة الطوري (8/ 247)

(والطلاء وهو العصير إن طبخ حتى ذهب أقل من ثلثيه) وهذا النوع الثاني قال في المحيط: الطلاء اسم للمثلث وهو ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه وصار مسكرا وهو الصواب ..... وفي الينابيع الطلاء ما يطبخ من عصير العنب في نار أو شمس حتى ذهب ثلثاه وبقي ثلثه .

## 113 مجمع الأنهر في شرح ملتقى الأبحر (2/ 569)

## 114 الباب في شرح الكتاب (3/ 213)

(و) الثاني (العصير) المذكور (إذا طبخ حتى ذهب أقل من ثلثيه) ويسمى الباذق والطلاء أيضاً، وقيل: الطلاء ما ذهب ثلثاه وبقي ثلثه كما في المحيط، وقيل: إذا ذهب ثلثه فهو الطلاء وإن ذهب نصفه فهو النصف، وإن طبخ أدنى طبخ فالباذق، والكل حرام إذا غلى واشتد وقذف بالزبد على الاختلاف كما في الاختيار.

## 115 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 451)

(و) الثاني (الطلاء) بالكسر (وهو العصير يطبخ حتى يذهب أقل من ثلثيه) ويصير مسكرا وصوب المصنف أن هذا يسمى الباذق، وأما الطلاء فما ذكره بقوله (وقيل ما طبخ من ماء العنب حتى ذهب ثلثاه وبقي ثلثه) وصار مسكرا (وهو الصواب) كما جرى عليه صاحب المحيط وغيره، يعني في التسمية لا في الحكم، لأن حل هذا المثلث المسمى بالطلاء على ما في المحيط ثابت لشرب كبار الصحابة - رضي الله عنهم - كما في الشرنبلالية. قال: وسمي بالطلاء لقول عمر - رضي الله عنه - ما أشبه هذا الطلاء البعير وهو القطران الذي يطلى به البعير الجربان (ونجاسته) أي الطلاء على التفسير الأول كذا قاله المصنف (كالخمر) به يفتي

## 116 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 451)

(قوله يطبخ) أي بالنار أو الشمس قهستاني (قوله أقل من ثلثيه) قيد به لأنه إذا ذهب ثلثاه فما دام حلوا يحل شربه عند الكل، وإذا غلى واشتد يحل شربه عندهما ما لم يسكر خلافاً لحمد اهـ شرح مسكين وسيأتي

## 117 الدر المختار وحاشية ابن عابدين (رد المختار) (6/ 451)

(قوله ويصير مسكرا) بأن غلى واشتد وقذف بالزبد فإنه يحرم قليله وكثيره أما ما دام حلوا فيحل شربه أتقاني، وهذا القيد ذكره هنا غير ضروري لأنه سيأتي في كلام المصنف في قوله: والكل حرام إذا غلى واشتد.

#### 118 بدائع الصنائع في ترتيب الشرائع (5/ 115)

(وأما) حكم المطبوخ منها أما عصير العنب إذا طبخ أدنى طبخة وهو الباذق أو ذهب نصفه وبقي النصف وهو المنصف فيحرم شرب قليله وكثيره عند عامة العلماء - رضي الله عنهم - وروى بشر عن أبي يوسف رحمهما الله الأول: أنه مباح وهو قول حماد بن أبي سليمان ويصح قول العامة لأنه إذا ذهب أقل من الثلثين بالطبخ فالحرام فيه بان، وهو ما زاد على الثلث والدليل على أن الزائد على الثلث حرام ما روي عن سيدنا عمر - رضي الله عنه - أنه كتب إلى عمار بن ياسر - رضي الله عنه - إني أتيت بشراب من الشام طبخ حتى ذهب ثلثاه وبقي ثلثه يبقى حلاله ويذهب حرامه وريح جنونه فمر من قبلك فليتوسعوا من أشربتهم نص على أن الزائد على الثلث حرام وأشار إلى أنه ما لم يذهب ثلثاه فالقوة المسكرة فيه قائمة، وكان ذلك بمحض من الصحابة الكرام - رضي الله عنهم -، ولم ينقل عنهم خلافه فكان إجماعا منهم.

#### 119 بدائع الصنائع في ترتيب الشرائع (5/ 116)

وإلى هذا أشار سيدنا عمر - رضي الله عنه - فيما روينا عنه من قوله يذهب حرامه وريح جنونه، يعني إذا كان يغلي بنفسه من غير صب الماء عليه فقد بقي سلطانه وإذا صار بحيث لا يغلي بنفسه بأن طبخ حتى ذهب ثلثاه فقد ذهب سلطانه، والله سبحانه وتعالى أعلم.

#### 120 بدائع الصنائع في ترتيب الشرائع (5/ 116)

(وأما) المطبوخ من نبيذ التمر ونقيع الزبيب أدنى طبخة، والمنصف منهما فيحل شربه ولا يحرم إلا السكر منه وهو طاهر يجوز بيعه ويضمن متلفه، وهذا قول أبي حنيفة وأبي يوسف - رضي الله عنهما -، وعن محمد - رحمه الله - روايتان: في رواية لا يحل شربه لكن لا يجب الحد إلا بالسكر، وفي رواية قال لا أحرمه ولكن لا أشرب منه، والحجج تذكر في المثلث.

# HALĀL

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*in The Light of The Sharī'ah*

PS 4992 Pakistan  
ESMA/UE S 2055-2  
JAKIM Accreditation Malaysia  
OIC/SMIC 2

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*National Standardization Committee for Halal. (NSC Halal)*

*Pakistan Halal Standardization Technical Committees:*

*Pakistan Standard Quality and Control Authority (PSQCA)*

*Federal Ministry of Science and Technology Govt. of Pakistan*

**PUBLISHER:**

***SANHA Halal Associates Pakistan (Pvt). Ltd.***

موضوع سے متعلق  
جامعہ دارالعلوم کراچی، جامعہ بنوری آباد، کراچی کے فتویٰ  
ادومہ و بحال اسٹندرز کے حوالہ جات کے ساتھ

تقریراتی و اضافہ شدہ دوسرا ایڈیشن

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PAKISTAN

PUBLISHER:

**SANHA Halal Associates Pakistan (Pvt). Ltd.**



نشریات و اشاعتیں  
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ماکولاتِ مشروبات، ادویات اور کاسمٹکس متعلق

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(Edibles, Beverages, Pharmaceuticals & Cosmetics)

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نشریاتی ادارہ شہداء و شہداء

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