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## The Possible Role of Non-Muslims in Matters of Halaal and Haraam

The Pakistan National Accreditation Council (**PNAC**) hosted a training workshop in Islamabad regarding the “Pakistan Standard for Conformity Assessment - Requirements for Bodies Providing Halaal Certification” (PS4992: 2016) for Halaal Certification Bodies from the 7<sup>th</sup> to the 9<sup>th</sup> of September 2016. During the training, the following was discussed under section 6.1.1 of the standards:

**“The Halaal CB (Certification Body) shall be owned, managed and operated by Muslims.”**

While teaching this section, **PNAC**, posed the following question to the Muftis present at the training:

*If the PNAC had to accredit any particular CB in a country where the Muslim CB had been forced to assign a role to a non-Muslim in matters pertaining to Halaal Management and Administration, what are the Shari’ah rules and regulations in light of which the PNAC may possibly be allowed to grant the CB in question some leeway?*

SANHA Pakistan promised to present Shari’ah research regarding this matter as soon as possible. The treatise before you contain the collective research of the Muftis of the Shar’i Research Department of SANHA Pakistan.

**By:**

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## The Possible Role of Non-Muslims in Matters of Halaal and Haraam

**Question: To what extent will it be permissible, from a Shari'ah perspective, to assign a role or position of authority to a non-Muslim in matters pertaining to Halaal and Haraam?**

Before we can answer this question, it is imperative to understand three fundamental points:

### 1. The Shari'ah status of Halaal and Haraam:

From a Shar'i perspective, the pure or impure status (in other words, whether or not its external use is permissible) and the Halaal or Haraam status (in other words, whether or not it may be orally ingested) of any given item falls exclusively under the category of *Huqooqullaah* (Rights of Allah  $\delta$ ). This part of the Shari'ah is referred to as *Deeniyaat* or *Diyaanaat*. All the scholars and jurists of Islam unanimously agree that matters related to Halaal and Haraam fall within the ambit of *Deeniyaat* and *Diyaanaat* and, therefore, ONLY Muslims are entitled and eligible to deal with and oversee it.

### 2. A summary of the necessity and importance of Halaal Certification and other related activities in light of the Shari'ah:

Let it be clear that the concept of Halaal and Haraam is based on the Quran and the Sunnah. In other words, it is a command of Allah  $\delta$  and His Messenger and it is directed at the Muslims. As such, it is the primary responsibility of each and every Muslim to live his or her life in accordance with this command. In this day

and age, due to globalisation and the extraordinary rate at which the food industry has developed, Muslims have felt the need for Shari'ah compliant Halaal certification as well as the establishment of a robust and organised system that fulfils the religious needs of the Muslim consumers as far as Halaal and Haraam is concerned.

**This “Halaal System” is based on the following fundamental departments:**

1. Executive department (Management and ownership)
2. Decision-making department: Whether or not to issue a halaal certificate
3. Impartiality Committee
4. Shar'i Research and Authentication department
5. Customer Care department
6. Technical and Scientific Research department
7. Auditing and Inspection department
8. Finance department
9. Administration department

### **3. The Shar'i status of the various Halaal certification activities:**

From a Shari'ah perspective, the various activities related to Halaal certification that will be undertaken by the above mentioned departments are linked to the following aspects of Shari'ah:

1. *Khabar*: Verbal/written statement (divided into 8 sub-categories)
2. *Shahadat*: Testimony (divided into 2 sub-categories)
3. *Qazaa*: Shari'ah Rulings (divided into 2 sub-categories)
4. *Wilayat*: Authority (divided into 4 sub-categories)
5. *Mu'aamalaat*: Business dealings

## The Answer:

By allowing a non-Muslim to play any role in Halaal certification (be it in an individual capacity or at an organisational level) a non-Muslim is, by implication, given a role in this very important command of Islam which relates to ***Khabar, Shahaadat, Qazaa, Wilaayat*** and ***Mu'aamalaat***. The first four of these five aspects of Shari'ah are linked purely to *Deeniyaat*, and the entire Muslim Ummah is unanimous that a non-Muslim is not eligible or qualified to offer any input on either an individual or organisational level in this regard.

Furthermore, no non-Muslim is allowed to hold any leadership or autonomous position in any of the above mentioned departments of the Halaal System. However, in order to facilitate the needs and necessities of the masses, the Shari'ah has granted both permission and eligibility to the statements and actions of non-Muslims in the fifth aspect – ***Mu'aamalaat***.

## Those activities related to Halaal certification in which non-Muslims may participate:

Within the Halaal Certification System, there is scope to give a leadership or autonomous position to a non-Muslim, if one is forced to do so, in the provision of the following services:

### 1. Technical and Scientific Research Department:

#### 1.1) Food Scientist / Food Technologist

There is no harm if the responsibility of the food scientist or food technologist is to study the food product or the ingredients thereof. The Shari'ah has granted permission for non-Muslim individuals or organisations to determine the scientific method needed to produce a certain ingredient or to research and gather information regarding the

various processes involved there-in. The condition, however, is that the individual or organisation should have expertise in the field and that there is no fear of false information or dishonesty in their research and report. The reason for this is that this particular activity or service falls in the category of **Mu'aamalaat** and the Verbal/written statement of a reliable non-Muslim professional is considered valid and acceptable in **Mu'aamalaat**.

However, let it be clear that a Non-Muslim technical expert cannot decide whether or not any given ingredient or product is Halaal or Haraam based on his research.

## 1.2) Laboratory Testing

There are various types of laboratory tests:

1.2.1 Preparation of a scientific report upon the completion of a laboratory test.

1.2.2 Confirming whether or not the ingredient in question is Halaal or Haraam, together with preparing a scientific report upon the completion of a laboratory test.

Hence, under extreme circumstances, a non-Muslim individual or organisation may assist in rendering ONLY the first type of service (as mentioned in 1.2.1) on condition that the individual or organisation are experts in the field and that there is no fear of dishonesty or false information in their statements, research or report. Nevertheless, at no point in time will they be entitled to decide on the Halaal or Haraam status of any ingredient for the Muslims.

## 2. Auditing and Inspection department

### 2.1) Food Safety Services

The general understanding of “Food Safety” is determining whether or not any given product or ingredient is safe for human consumption. However, within the Halaal System, the physical safety and health of the human body are not sufficient. On the contrary, the Halaal System ensures the spiritual safety of the human body together with its physical safety.

Hence, under extreme circumstances, a non-Muslim individual or organisation may assist in providing this service on condition that the individual or organisation are experts in the field and that there is no fear of dishonesty or false information in their statements, research or report. Nevertheless, at no point in time will they be entitled to decide on the Halaal or Haraam status of any ingredient for the Muslims.

### 2.2) Quality Control

According to the Shari’ah, quality control is also related to *Mu’aamalaat* and, as such, the Verbal/written statement of a reliable non-Muslim professional will be valid and acceptable in this regard. Hence, as far as quality control is concerned, under extreme circumstances, a non-Muslim individual or organisation may assist in providing this service on condition that the individual or organisation are experts in the field and that there is no fear of dishonesty or false information in their statements, research or report. Nevertheless, at no point in time will they be entitled to decide on the Halaal or Haraam status of any ingredient for the Muslims.

### 2.3) Technical Audit and Inspection

A technical audit (such as a food safety inspection, a quality control inspection, preparation of a report etc.) also fall within the ambit of *Mu’aamalaat* according to the Shari’ah and the Verbal/written statement

of a reliable non-Muslim professional is considered valid and acceptable in matters pertaining to **Mu'aamalaat**. Hence, when it comes to food safety audits etc., under extreme circumstances, a non-Muslim individual or organisation may assist in providing these services on condition that the individual or organisation are experts in the field and that there is no fear of dishonesty or false information in their statements, research or report. Nevertheless, at no point in time will they be entitled to decide on the Halaal or Haraam for the Muslims.

### 3. Administration Department

Apart from authority with regards to policies and decision-making within the structure of the Halaal System, all other minor facets of management fall under the category of **Mu'aamalaat**. Accordingly, the Verbal/written statement of a reliable non-Muslim professional is valid and acceptable in these matters. Hence, the driver, secretary, watchman, treasurer, security guard, cleaners etc. are all allowed to be non-Muslims and may render these types of administrative services.

## Those activities related to Halaal certification in which non-Muslims cannot participate:

The Shari'ah does not allow a non-Muslim to render any of the following services within the structure of the Halaal Certification System:

1. Executive department (management and ownership)
2. Decision-making department: Whether or not to issue a Halaal certificate
3. Impartiality Committee
4. Shari'ah Research and Authentication department
5. Customer Care department
6. Head of Technical and Scientific Research department
7. Head of Auditing and Inspection department

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## Important Note:

Let it be clear that after extensive studies, research, discussions and deliberation, our Shari'ah research team has come to the conclusion that a non-Muslim individual or organisation may ONLY assist in the services allotted to them in the above mentioned discussion and this may only occur under extreme conditions, dire necessity and in the absence of a qualified Muslim individual.

The need for Halaal certification only arose when the non-Muslims brought about a revolution in the food industry that was completely unrestricted in terms of purity or impurity, and Halaal or Haraam standards. As a result of this, the Muslim consumers had become extremely vulnerable and had lost their confidence in the markets. The Halaal Certification System was developed in an attempt to restore the confidence of the Muslim consumers and to enable them to benefit from both globalisation and the fast-evolving field of food science and technology within the boundaries of Islamic rules and regulations.

Hence, the reason why this entire system was created in the first place (that is, the role of non-Muslims in the food industry) is the very same thing that now poses the greatest threat to the credibility of the system itself.

**Fatawa's supporting the above mentioned principles, as laid down by the Halaal Certification System, have been issued by the well reputed Darul-Iftaas of Pakistan.**

Furthermore, for a detailed discussion on all the Shari'ah and logical proofs on the topic, Mufti 'Aarif 'Ali Shaah's book,<sup>1</sup> "Halaal certification in the light of Shari'ah," may be studied. The book contains a detailed discussion in light of the proofs mentioned in approximately 400 or more books.

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<sup>1</sup> حلال سرٹیفکیشن شریعت کی روشنی میں

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**The great Mufasser (مفسر) Allama Abn-ul-Arbi says:**

Allah shall never give the disbelievers (Non-Muslims) a way against the believers (Muslims) in Sharia arguments. If someone does it, it will be considered **apposite to Sharia**. (Ahkamul Quran: V2:P397)

**Research and presentation by:  
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**Signed by:**

21-10-2016

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