



REFORM THROUGH TRADITION: AN ANALYSIS OF YŪSUF AL-QARAḌĀWĪ'S APPROACH TO ḤALĀL AND ḤARĀM

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ABSTRACT

The concept of permissibility (*ḥalāl*) and impermissibility (*ḥarām*) claims a central place in the Islamic ethos. Muslims are always conscious about the permissibility of whatever they commit or omit in their daily lives, be it in public or private spheres. The level of this consciousness is even higher when it comes to the matter of food. The bewildering range of edible materials and seemingly countless recipes in today's food market present a formidable challenge for Muslim jurists (*fuqahā*) in dealing with the issue of permissibility. Among, Yūsuf al-QaraḌāwī is one of the contemporary scholars who have addressed this issue in the context of today's challenges. This paper discusses al-QaraḌāwī's reformative approach to *ḥalāl* and *ḥarām* with especial reference to the matters related to food. The paper analyses how al-QaraḌāwī interprets the relevant Qur'anic verses and the Prophetic traditions (*ahādīth*) and attempts to unearth the underlying juristic principles that he relies on for his particular opinions. Also, the paper compares his interpretive strategies with those of the classical jurists. Theoretically, the paper revisits al-QaraḌāwī's approach and frames it with reference to Fazlur Rahman's classification of different reform strategies in Islam. In this light, the article concludes that al-QaraḌāwī's approach seems to be what Fazlur Rahman calls 'reform through tradition.

Keywords: Ḥalāl; Ḥarām; Food; Islamic Jurisprudence; Reform; Tradition; Yūsuf al-QaraḌāwī; Fazal Al-Rahman.



Introduction:

The issue of *ḥalal* and *ḥarām* has a special and central place among the Islamic ethos. Whether one talks about the private life of a Muslim or his commercial transactions or mundane matters of daily life such as food, drinking, and other eatables, the question of its permissibility arises at each step. Hence, there is a need to figure out the *ḥalal* or *ḥarām* status of the matter in question. Especially in the context of rapidly changing circumstances in the modern world, now and then, new issues surface that the Muslim jurists need to appropriate in the light of Islamic teachings. This research article focuses on Yūsuf al-Qaraḍāwī's approach to *ḥalal* and *ḥarām* in general and the issue of food in particular. Initially, his brief biography is discussed along with a discussion on his authority, and then his approach to *ḥalal* and *ḥarām* is highlighted. Then, the research analyses his interpretations of the *Qur'ānic* verses and *Aḥādīth* of the Holy Prophet Muhammad (peace be upon him) and the juristic principles that he uses to form his standpoints on specific issues. Finally, the article relates to al-Qaraḍāwī's reformative strategies utilizing the framework of Fazlur Rahman's classification of reform in Islam.

Yūsuf al-Qaraḍāwī and His Eminence:

Yūsuf al-Qaraḍāwī (born on 1926) is a prominent modern Egyptian scholar in intellectual circles and a popular figure for lay Muslims, especially those living as minorities worldwide. His involvement and affiliation with the European Council for Fatawa and Research (ECFR)¹ and the International Union of Muslim Scholars (IUMS) roused his authority internationally.² With a high intellectual profile, it is difficult to call him alim, traditionalist, fundamentalist, or reformer categorically.³ However, nothing can contradict the fact that he is a reputed Sunni scholar who enjoys a considerable religious authority. His significant contribution is regarding his role in bringing to fore the idea of *fiqh al-aqallīyyāt*.⁴ He coined this notion in the 1990s to solve the problems and challenges faced by Muslim minorities living in different parts of the world. Out of these earlier attempts, the major was the authorship of *Al-Ḥalal wa al-Ḥarām fī al-Islam*. This article focuses on the scrutiny of this book in terms of *ḥalal* food.

¹<http://www.e-cfr.org/> (Accessed 02 Feb, 2017).

²<http://iumsonline.org/ar/> (Accessed 02 Feb, 2017).

³ Said Fares Hassan, *Fiqh Al-Aqallīyyāt: History, Development, and Progress* (New York: Palgrave Macmillan, 2013), 62-65.

⁴ For his biography and complete list of his *Fatawas* and publications, see: <http://www.qaradawi.net/new/Home/page>

Before discussing his approach towards *ḥalāl* and *ḥarām*, it would help to understand his definition of *fiqh* and how he perceives this notion. According to al-Qaraḍāwī, *fiqh* is a science that provides correct solutions to Muslims in their lives. Security and firmness of faith are more important to him than limiting the legal rulings. For him, the protection and firmness in faith are more important than restricting the legal rulings. The internal aspects of religion and heart purification are a primary concern and are more important in one's life than the outward application of Shariah laws.¹

Having this understanding of *fiqh*, he calls upon the need and development of *Fiqh al al-aqqallīyāt*. According to al-Qaraḍāwī, due to the lack of knowledge of Muslim's situation in non-Muslim lands, the fatwas given by the Muslim scholars residing in the Muslim majority countries do not consider the circumstances of Muslim minorities.² For him, *fiqh* must be based not only on the classical texts and the legal maxims but also on the experiences and realities of the Muslim minorities.³

Al-Qaraḍāwī believes that the solutions are to be sought out from the *fiqh* manuals if any problems occur. If the solution is available, then the *jurist* will execute selective *ijtihād*. Thus, jurists can propose suitable solutions keeping in view the exceptional circumstances no matter if the answer is not an agreed-upon opinion; instead is of a contested nature. If the resolution of the problem emerging out of a contemporary situation does not exist, then creative *ijtihād* will be conducted taking into account the jurisprudential principles and maxims.⁴ Yet *ijtihād* is not a change or innovation of religion for al-Qaraḍāwī, but rather an obligation to comply with the faith and the present reality.⁵ He is famous because of his balanced and moderate opinions on many religious issues. He frequently comes up with a solution that is easy to be followed by Muslims.

Al-Qaraḍāwī's contribution to the Debate on Ḥalāl ad Ḥarām:

After briefly exploring the ideas of al-Qaraḍāwī, let's examine his one of the famous books written about the lawful and unlawful in Islam, named *Al-Ḥalāl wa al-Ḥarām fī al-Islām*. The concept of *ḥalāl* and *ḥarām* claims a central place in Islamic ethos. Food is an essential requirement for the survival of life. Furthermore, it

¹ Yūsuf al-Qaraḍāwī, *Fī Fiqh al-Aqqallīyāt al-Muslimah* (Cairo: Dar Al-Shuruq, 2001), 33.

² *Ibid.*, 29.

³ *Ibid.*, 35, 36.

⁴ *Ibid.*, 40, 41.

⁵ *Ibid.*, 41. For a detailed analysis and review of Yūsuf al-Qaraḍāwī's work and activities, see: Bettina Graf and Jakob Skovgaard-Petersen, eds., *Global Mufti: The Phenomenon of Yūsuf al-Qaraḍāwī* (New York: Columbia University Press, 2009).

helps in strengthening the physical and mental health of human beings. Considering these facts, Islam has prohibited particular food items and drinks due to their filthy nature, for instance, wine, pork, and flesh of dead animals. The objectives of Shariah include the protection and preservation of health.¹ For the safeguard of human beings, Shariah has given specific rulings and injunctions as a preventive medicine such as prayer, fasting, cleanliness rituals, and guidance in food and drink.²

Considering the ignorance of Muslim minorities regarding the minor and significant details of *ḥalal* and *ḥarām*, al-Qaraḍāwī tried to give comprehensive yet compact injunctions which can help these Muslims in their daily life.³ It is perhaps his first contribution to the Muslims who are living under non-Muslim rule. *Al-Ḥalāl wa al-Ḥarām fī al-Islām* is considered to be an authority and has several editions and translations, which resulted in a wide readership in the Muslim world. This book is published 30 times after its first publication back in the 1960s.⁴ Here is an overview of this book and a particular focus on the section related to food. This famous work attempts to define *ḥalal* and *ḥarām* in an academic and scholarly manner, which is understandable for a common man. This book offers a detailed modern guide to familiar and routine matters of Muslim life. This book provides compatible solutions for Muslims who are facing serious questions about *ḥalal* and *ḥarām*.

The problem and questions addressed in this book covered many areas, including rituals, business affairs, marriage and divorce, food and drink, clothing, relationships with individuals and groups. Al-Qaraḍāwī has discussed modern-day dilemmas and made his conclusions about *ḥalal* and *ḥarām*, which were derived from the primary sources and traditions.

The book consists of four main chapters out, each of which addresses a separate and independent subject related to the issue of *ḥalal* and *ḥarām*. Each chapter is further sub-divided into different parts for the sake of clarity and cohesion. Chapter one deals with the Islamic principles about *ḥalal* and *ḥarām*. Chapter two

¹ Al- Ghazālī, *Shifā' al-Ghalīl fī Bayān al-Shubh wa al-Mukhīl wa Masālik al-Ta'ālī* (Baghdad: Dār al-Kutub al-‘Ilmīyyah, 1971), 186–87.

² D. Nurdeng, "Lawful and Unlawful Foods in Islamic Law Focus on Islamic Medical and Ethical Aspects," *International Food Research Journal* 16(2009): 470.

³ Hassan, *Fiqh al-Aqalliyāt: History, Development, and Progress*, 58.

⁴ Yūsuf Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 22 ed. (Cairo: Maktabah Wahbah, 1997). Also see: *The Lawful and the Prohibited in Islam*, trans. K. Al-Hilbawi, M. Siddiqi & S. Shukri, 2nd ed., (Cairo: Al-Falah Foundation, 2001).

deals explicitly with the food and drinking items, which are either declared *ḥarām* or *ḥalal*. These two chapters are the main subject of this research article.

Before any formal discussion and narration, Yūsuf al-Qaradawī defines what he considers to be *ḥalal*, *ḥarām*, and *mukrūh*. Even though the Quran has categorized only two broader terms of *ḥalal* and *ḥarām* but the classical jurists have devised more detailed categories of *wājib* (obligatory), *mukrūh* (disliked), *mandūb* (preferred), and *mubāḥ* (allowed).¹ *Mashbūh* and *zabiḥa/dhabiḥa* (ritually slaughtered) terms are also often used in the contemporary discussions on *ḥalal* food.² However, al-Qaradawī is only using three terms mentioned above, *ḥalal*, *ḥarām*, and *mukrūh*. It would be interesting to note that even the definition of *ḥalal* is not an agreed-upon statement in the contemporary era.³ Chapter one of the book is titled "The Islamic Principles About *Ḥalal* and *Ḥarām*." It discusses the major eleven maxims/principles⁴ which al-Qaradawī believes to be central in deciding the permissibility of an issue beforehand. However, this chapter is not focused exclusively on food. Instead, it lays down a general understanding of Islamic principles regarding *ḥalal* and *ḥarām*. The author discusses the following general principles in detail in this chapter:

1. "The basic *Asl* refers to the permissibility of things."⁵
2. "To make lawful and to prohibit is the right of Allah alone."⁶
3. "Prohibiting the *ḥalal* and permitting the *ḥarām* is similar to committing *shirk*."⁷
4. "The prohibition of things is due to their impurity and harmfulness."⁸
5. "What is *ḥalal* is sufficient, while what is *ḥarām* is superfluous."⁹
6. "Whatever is conducive to the *ḥarām* is itself *ḥarām*."¹⁰

¹ Ahmad Hassan, "The Sources of Islamic Law," *Islamic Studies* 7, no. 2 (1968): 165.

² Mian N. Raiz and Muhammad M. Chaudry, *Halal Food Production* (New York: CRC Press, 2004), 7.

³ Elijah L. Milne, "Protecting Islam's Garden from the Wilderness: Halal Fraud Statutes and the First Amendment," *Journal of Food Law and Policy* 2, no. 6 (2006): 62.

⁴ Muhammad Hashim Kamali, *Shar'iah Law: An Introduction* (Oxford: One World Publications, 2008), 142.

⁵ Al-Qaradawī, *Al-Halal wa-al-Haram fil Islam*, 20.

⁶ *Ibid.*, 23.

⁷ *Ibid.*, 26.

⁸ *Ibid.*, 28.

⁹ *Ibid.*, 30.

¹⁰ *Ibid.*, 31.

7. "Falsely representing the *ḥarām* as *ḥalal* is prohibited."¹
8. "Good intentions do not make *ḥarām* acceptable."²
9. "Doubtful things are to be avoided."³
10. "The *ḥarām* is prohibited to everyone alike."⁴
11. Necessity dictates exceptions.⁵

Separately, the author discusses these maxims/principles with references to the Quranic verses and the prophetic traditions for authority and explanation.

The second chapter, however, specifically deals with the *ḥalal* and *ḥarām* food and other related principles thereof. The chapter initially discusses the Quranic Verses regarding the prohibition of food. After discussing their interpretation and the prohibition's wisdom, the author highlights some exceptional cases and situations which render something between *ḥarām* and *ḥalal*. The chapter also discusses the issues related to the Islamic manner of slaughtering, hunting, drugs, and intoxicants.

Al-Qaraḍāwī has discussed, step by step, the verses related to food and begins the discussion by narrating the following *Āyah*: "O mankind! Eat of what is permissible and good on earth, and do not follow the footsteps of Satan; truly he is an open adversary to you."⁶ He explains that Allah asks humankind to eat what is *ḥalal* and do not refrain from eating it as this will amount to follow the footstep of Satan.

Al-Qaraḍāwī then discusses another verse which states that nothing is *ḥarām* except the mentioned food.

*"Say: I do not find in what is revealed to me nothing prohibited to an eater in his food unless it be (the flesh of) that which is dead, or flowing blood, or the flesh of swine, for that is indeed foul, or the abomination which has been dedicated to anyone other than Allah. But if one is compelled by necessity, neither craving (it) nor transgressing, then, indeed, thy Lord is forgiving, merciful."*⁷

The following verse further explains the prohibited category, which al-Qaraḍāwī alludes to;

¹ Al-Qaraḍāwī, *Al-Halal wa-al-Haram fil Islam*, 32.

² *Ibid.*, 33.

³ *Ibid.*, 34.

⁴ *Ibid.*, 35.

⁵ *Ibid.*, 37.

⁶ *Al-Baqrah*: 168.

⁷ *Al-An'ām*: 14.

”حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلِيَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْفُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ
وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا“¹

“Forbidden to you are the flesh of dead animals and blood and the flesh of swine, and that which has been dedicated to any other than Allah, and that which has been killed by strangling or by beating or by falling or by being gored, and that which has been (partly) eaten by a wild beast except that which you make lawful by slaughtering (before its death), and that which has been sacrificed to idols.”

Al-Qaraḍāwī’s approach towards *halal* and *haram* is straightforward. While relying on the verses mentioned above, Al-Qaraḍāwī figures out four significant categories of prohibited food and then reclassifies them into ten categories. The principle four types of forbidden food are:

1. The flesh of dead animals.²
Following six sub-categories are added under this head by relying on the verses of *al-Ma’idah*:³
 - a. The strangled.
 - b. The beaten.
 - c. The fallen.
 - d. The gored.
 - e. The one which is consumed by a wild animal.
 - f. The last type of the forbidden animal food includes that animal sacrificed in the name of idols.⁴
2. Flowing or liquid blood.⁵
3. Pork/ flesh of swine.⁶
4. Animals that are slaughtered with the ritual invocation of a name other than the name of Allah.⁷

While interpreting these verses, he refers to only those opinions and *aḥādīth*, which are perhaps the most lenient ones, without discussing alternative viewpoints. He often comes with a view that is not agreed upon by the classical jurists. This selection of opinions and traditions is from various juristic schools without following the jurisprudence principles of any particular *fiqhī* school. Such a

¹ Al-Ma’idah: 3-4.

² Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 43.

³ Al-Ma’idah: 3 - 4.

⁴ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 43-45.

⁵ *Ibid.*, 44.

⁶ *Ibid.*, 45.

⁷ *Ibid.*

strategy of pick and choose might seem handy, but it can lead to interpretive anomalies.

He is clearly of the idea that only an explicit text of the Quran renders an edible *ḥarām*. After explaining and elaborating on these categories of *ḥarām* food, he seems to be quite reluctant to accept anything as *ḥarām*. He takes the status of being *mukrūh* (detestable) for an edible a few times while relying on a tradition.¹ He mainly depends on the maxim/principle 'The *al-aṣl* (default natures of things) is that everything is allowed unless explicitly made impermissible.' He explains this principle in chapter one of his book.²

Al-Qaraḍāwī chooses the most lenient traditions while discussing various issues. These issues include the use of various parts of animals such as skin, bones, and hair, medical necessity, Islamic manner of slaughtering, animals slaughtered by *Ahl al-Kitāb*, animals killed by electric shock and other ways, hunting, intoxicants, and drugs. Until there is a clear cut text of the Quran, al-Qaraḍāwī does not accept the status of any things as *ḥarām* and goes for a much-relaxed interpretation of a tradition in point.

Al-Qaraḍāwī tries to come up with an approach that makes it easier for the Muslims to follow Islam, and especially for those Muslims who are living under the rule of non-Muslims. Many scholars criticize the oversimplification of the Islamic juristic principles by al-Qaraḍāwī. Some scholars have satirically dubbed his book as *The Lawful and Lawful in Islam* instead of *The Lawful and Unlawful in Islam*.³

The above discussion was related to al-Qaraḍāwī's standpoint regarding the issue of *ḥalāl* and *ḥarām*. Now, the following sections will focus on the analysis of his approach and methodology.

Analyzing the Juristic Methodology of al-Qaraḍāwī:

Al-Qaraḍāwī adopts an approach that reflects two essential methodological points that are present in his other works as well. The first one is the adaptation of the principle of *taysīr*, which means ease.⁴ He believes that Muftis and Jurists should

¹ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 54.

² For a scholarly discussion on the principle of 'the basic *Asl* refers to the permissibility of things' see: Hafiz Aftab Ahmad Ahmad and Hafiz Zaheer Ahmad Al-Isnadi, "Principle of Permissibility in various Connotations: An Analytical Study," *Fikr o Nazr* 53, no. 3 (2016): 41-79.

³ Hassan, *Fiqh Al-Aqalliyāt: History, Development, and Progress*, 79.

⁴ 'Hardship is to be alleviated' (*al-mashaqqatu tajlib al-taysir*), see, Kamali, *Shar'iah Law: An Introduction*, 142.

use this principle and facilitate the people to follow their religion Islam with ease. However, the limits of this principle are not described clearly by al-Qaraḏāwī. Though he believes that this principle must not contradict the explicit texts of Shariah, the question is that who will decide which text is explicit and which is not? No one can deny this principle's significance, but this exceptional principle cannot be used as a general rule and mold the Shariah according to one's desires. Secondly, the fundamental principle of al-Qaraḏāwī's thought is the idea of a non-sect approach, a kind of eclecticism, which is technically called *talfiq*. According to this approach, one is not bound to follow a particular *fiqhī* school of thought (*madhhab*); instead, if one is qualified to do *ijtihād*, one must go for it. *Talfiq* means to pick up at once choice the easiest or more accommodative opinion from any *fiqhī* school of thought if multiple opinions exist on a particular matter.¹ Al-Qaraḏāwī is one of the proponents of the principle of *talfiq*. The adaptation of this principle is not limited to the book under scrutiny. Instead, it is one of the basic tenets of his methodology in general.

Taha Jabir al-'Alwani defines *talfiq* as a merger of the most compatible solution from traditional schools of thought and the most suitable alternative presented by any modern days scholars. According to him, such a combination of traditional and contemporary views will help cope with the current issues. Though al-'Alwani and many other scholars are not proponents of this approach,² Muhammad Hashim Kamali has favored this uniformity approach in the *halal* food standards.³

1. The forthcoming points can help us understand the above mentioned methodological points of al-Qaraḏāwī.

¹ Abdul Karim Usman, "Talfiq aur Dūsray Madhab par Fatwa: Ḥadūd o Ḍawābiṭ," *Fikr-o-Nazr* 48, no. 3 (2011): 98. Also for scholarly discussion of principle of *Talfiq* in Islamic Finance see: Muhammad Tahir Mansoori, "The Role of Eclecticism in the Contemporary Fatwa: A Study of Fatawa of AAOIFI about Islamic Finance," *Fikr-o-Nazr* 52, no. 1 (2014): 77-102.

² Talfiq aur Dūsray Madhab par Fatwa: Ḥadūd o Ḍawābiṭ," 123. Also see: "Mukhtalif Nizamhāy Qawānīn kay Asūlun Mein Talfiq", *Al-Shariah*, 2017, <http://www.alsharia.org/mujalla/2017/apr/nizam-qawaneen-dr-mushtaq-ahmad>. Taha Jabir al-'Alwani, *Issues in Contemporary Islamic Thought* (Virginia: International Institute of Islamic Thought, 2005), 10.

³ Muhamamd Hashim Kamali, *The Parameters of Halal and Haram in Shar'iah and the Halal Industry*, Occasional Paper Series 23 (London: International Institute of Islamic Thought, 2013), 48.

2. The flesh of swine is declared ḥarām according to al-Qaraḍāwī¹, but the issues discussed by the jurists, regarding other parts of swine and pork, are not discussed. It is important to mention that most jurists have agreed that not only flesh but all of the components of swine are ḥarām.²
3. While explaining the lawfulness of skin, bones, and the animals' hair, al-Qaraḍāwī narrates only the lenient opinion and declares that using animal skin is allowed, including the skin of pig and dog.³ Leaving the various interpretations of the referred Hadith,⁴ al-Qaraḍāwī only mentioned his preferred understanding.
4. Regarding the issue of the permissibility and prohibition of terrestrial animals, al-Qaraḍāwī referred to Qur'ānic verse⁵ and narrated the tradition from Ibn 'Abbas that nothing is ḥarām except dead, blood, swine and the one sacrificed other than the name of Allah.⁶ Whatever is forbidden other than that is *mukrūh* (detestable) and not ḥarām. It is essential to note that most jurists have agreed upon terrestrial animals' prohibition except for few animals such as locust.⁷
5. Al-Qaraḍāwī has discussed the status of slaughtering and the meat of animals killed by *Ahl al-Kitāb* using electric shock. While referring to the relevant Qur'ānic verse⁸, he adopts the interpretation of Qaḍī Ibn al-'Arabī. He concludes that the imported meat originating from *Ahl al-Kitāb* is permissible for us. If they consider it to be ḥalāl, it is ḥalāl for us.⁹ It is interesting to note that many scholars and jurists adopt a significantly different interpretation.
6. While discussing the permissibility of the meat from the People of the Book, al-Qaraḍāwī's approach is quite lenient, and he quotes a rule which states that 'what we do not see should not be probed into.' According to him, if a Muslim

¹ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 45.

² Hafīz Mubashar Hussain, "Ḥaywanāt kī Ḥillat-o-Ḥurmat: Fuqahā kī Ārā' aur Ilam-e-Ḥawanāt," *Fikr o Nazar* 50, no. 1 (2012): 31-32.

³ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 48-49.

⁴ For detail opinions regarding this use of skin of animals, see: Muhammad Ibn Ismā'īl al-Amīr al-Ṣan'ānī, *Subul al-Salām: Sharah Balūghul Marām min adillat al-Aḥkam* (Al-Mansūra: Dār al-Ghadīd, 2005), 47-48.

⁵ Al-A'rāf: 157.

⁶ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 52-53.

⁷ Hussain, "Ḥaywanāt kī Ḥillat-o-Ḥurmat," 33-34.

⁸ Al-Ma'idah: 6 - 7.

⁹ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 56-57.

has not witnessed a matter, he is not required to inquire. Thus an animal is ḥalal for him unless he has noticed something which renders it ḥarām.¹

But this approach has been rejected by the majority of scholars.²

7. According to al-Qaraḍāwī, all marine animals are ḥalal. Al-Qaraḍāwī referred to Quranic verses³ for this ruling. But his general statement, rendering all marine animals ḥalal, does not describe some exceptional seafood/marine animals, which are either declared mukrūh or ḥarām by the jurists.⁴

Relating Al-Qaraḍāwī's Approach to the Reform in Islam:

After discussing al-Qaraḍāwī's views of ḥalal and ḥarām, it seems worthwhile to analyze his reformist approach through the lens of current theories of reform in Islam. Fazlur Rahman (1919-1988) is one of the distinguished theorists of Islam reform, who has propounded original ideas about Islamic modernism.⁵ He has enumerated various approaches to reform. 'Reform through tradition' is one such approach, which al-Qaraḍāwī seems to be practically applying the issue of ḥalal and ḥarām in Islam. Let us elaborate on how this view of reform and modernity relates to al-Qaraḍāwī's approach to ḥalal and ḥarām.

According to Fazlur Rahman, Muslims are suffering from intellectual lethargy. However, the early history of Islam provides appropriate guidelines for interpreting the Quranic teachings and Prophetic Sunnah to meet the new challenges.⁶ Revival and reform were Fazlur Rahman's focus, and his primary concern was to rethink Islam through education.

According to him, *tajdīd* (renewal) and *ijtihād* (independent thinking) are vital elements in the rethinking process of Islam.⁷ He broadly classifies the approaches to reform into six categories, namely, silence (as a method), double-speaking and double-writing, reform through tradition, the partialist and link method, the systematic interpretation approach, and lastly, secularism.

Fazlur Rahman views that in the face of rising modern challenges, many Muslims adopt the strategy of silence. He argues that many Muslim intellectuals do have

¹ Al-Qaraḍāwī, *Al-Ḥalāl wa al-Ḥarām fī al-Islām*, 60.

² Samiullah, "The Meat: Lawful and Unlawful In Islam," 84-85.

³ Al-Naḥl: 14; Al-Ma'idah: 96 - 99.

⁴ Muhammad Ali Al-Sabūnī, *Tafsīr Āyāt al-Ahkām Min al-Qur'ān* (Cairo: Dār al-Sabūnī, 2007), 114.

⁵ Fazlur Rahman, "Islamic Modernism: Its Scope, Method and Alternatives," *International Journal of Middle East Studies* 1, no. 4 (1970): 317-33.

⁶ Fazlur Rahman, *Islamic Methodology in History* (Islamabad: Islamic Research Institute, 1995), 177.

⁷ Ebrahim Moosa, "Introduction," in *Revival and Reform in Islam*: Fazlur Rahman, ed. Ebrahim Moosa (Oxford: Oneworld, 2000), 6.

Reform through tradition

specific opinions, and they can express themselves. Still, they do not exhibit their views in the general public to avoid any religious controversies.¹ Then, he defines double-speaking and double-writing as a state of mind when intellectuals seem to show simultaneous loyalty to the contradictory standpoints on a given issue, a sort of ambivalence.²

Reform through tradition is another approach that is being adopted by many modern reformists. It means to look for the solutions of the contemporary problems from within the traditional *fiqhī* schools of thought but with the permission of eclecticism to make necessary adjustments when needed. In other words, the principle of *talfiq* is the crucial feature of reform through tradition. While discussing *talfiq*, Fazlur Rahman states:

*“According to this principle, if on a given issue serious hardship is likely to be experienced by the opinion of a particular school of traditional law, recourse may be had to the opinion of another school of traditional law, which may be more accommodating or expedient. This procedure is a legacy of pre-modernist liberalizing trends in Islam.”*³

This method aims at continuity in change. One may note, however, that being a modernist, Fazlur Rahman does not support this approach as it strengthens traditionalism at the cost of modernism. The link strategy means that reform must not be carried simultaneously at all levels. Instead, there must be a gradual application.⁴ All the Islamic laws were not revealed or applied in one go. There was a gradual application of Islamic laws during the life of the Holy Prophet Muhammad (peace be upon him) and the early period of Islam.

The prohibition of alcohol elaborates is an obvious example. The systematic interpretation method is yet another attempt by the intellectual modernists to come up with a bold and systematic interpretation of the Qur’an.

Fazlur Rahman finds this method satisfactory and plausible. But it has often received a negative response from the conservatives who thought it to be an attack on traditional Islam.⁵ Lastly, for Fazlur Rahman, secularism in Muslim societies is a product of the pressure of conservatism and the weakness of Islamic modernism.

¹ Fazlur Rahman, *Islamic Modernism: Its Scope, Method and Alternatives*, 323.

² *Ibid.*

³ *Ibid.*, 325.

⁴ *Ibid.*, 327.

⁵ *Ibid.*, 331.

Secularism in Islam means accepting laws and other social and political institutions without reference to religion (Islam).¹

After this overview of the approaches to reform listed by Fazlur Rahman, let us consider under which type the work of al-Qaraḍāwī falls. As discussed earlier that the main methodological points of al-Qaraḍāwī's discourse on *ḥalal* and *ḥarām* are the adoption of the principle of *taysīr* and principle of *talfīq* (eclecticism approach). According to our analysis of methods of reform of Islamic Modernism, al-Qaraḍāwī's approach is precisely what Fazlur Rahman has termed as 'reform through tradition.'

The points raised on the opinion of al-Qaraḍāwī regarding *ḥalal* and *ḥarām* earlier indicate that he quotes a tradition and justify it to be the best reasonable opinion no matter whether the majority supports that tradition or not.

Al-Qaraḍāwī is opting for the principle of *talfīq*, which is a formalized procedure of 'reform through tradition.' Al-Qaraḍāwī's approach towards *ḥalal* and *ḥarām* includes most of the features described by Fazlur Rahman in this regard. However, to a certain extent, the link approach also seems relevant to al-Qaraḍāwī as he is a proponent of the gradual application of Shariah rulings. The gradual application is a crucial feature in his *fiqh al-aqallīyāt* theory.²

However, this methodological point is not evident in al-Qaraḍāwī's essential work on the issue at hand, namely *Al-Ḥalal wa al-Ḥarām fī al-Islām*. Still, the link approach is not wholly irrelevant to his thought.

Conclusion:

Indeed al-Qaraḍāwī's contribution to the subject of *ḥalal* and *ḥarām* is significant. His approach is straightforward. Generally, he restricts the *ḥarām*/forbidden food to only four categories mentioned in the verses of the Holy Qur'an. Then, wherever he refers to a Prophetic tradition, he interprets it in the most lenient way. He also advocates the principle of gradual application of Shariah laws.

When he adopts a specific standpoint on a particular issue, he never even mentions the alternative juristic opinions. He uses the principles of *taysīr* and *taflīq* for his rulings on *ḥalal* and *ḥarām*, which make us categorize his approach as 'reform through tradition.'

Fazlur Rahman would not support this approach as it favors traditionalism and downplays modernism.

On the other hand, the traditionalists also find issues with al-Qaraḍāwī's stances on various *fiqhī* rulings for his extensive reliance on the principles of *talfīq* and *taysīr*. For the traditionalists, this leads to interpretive inconsistency because the interpreter uses a juristic principle to deal with one case and discards it in other

¹ Fazlur Rahman, "Islamic Modernism: Its Scope, Method and Alternatives, 323.

² Hassan, *Fiqh Al-Aqallīyāt: History, Development, and Progress*, 79.

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cases. Still, in between the staunch modernists and traditionalists, al-Qaraḏāwī has a considerable following among various segments of Muslim communities.



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