

The Use of Forbidden Materials in Medicinal Products: An Islamic Perspective

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Abstract: The issue of permissible and forbidden materials found in the production and consumption of medicinal products has generated serious debates among Muslims in the present day. Despite the general prohibition from using forbidden material in any medicinal product, there are also cases where it is permitted. Amidst this divergence of opinions among religious scholars on the matter, this paper aims to analyse this issue in a comprehensive manner from the perspectives of the jurists, Muslim medical practitioners and modern interpretations of the Islamic Law as exemplified by the *Fatwa* Council of a modern day Muslim country. The study employs qualitative research methods comprising historical and content analysis in developing a holistic understanding of the issue under discussion. The findings explicate the religious and legal basis of using forbidden materials that can provide a guideline on understanding its use in the medical and health aspects.

Key words: Fatwa • Halal • Haram • Islam • *Ijtihad* • Medicine • Health

INTRODUCTION

In Islam, the questions of permissible (Halal) and forbidden (Haram) constitute one of the core principles and philosophy of Islamic Law. The former generally means something that is clean, pure and lawful, whereas the latter is viewed as unclean, impure and unlawful, though not necessarily in its physical and material sense. In fact, the concept of Halal and Haram is predominantly imbued with the moral and legal sanctions of the Islamic Law and it encompasses various aspects of a Muslim's life including creed, religious rituals, devotional acts, financial transactions, conjugal relationship, dietary habit, health and wellness and so on [1].

Despite its prevalence in the religious and legal aspects of Islam, awareness on the Halal and Haram issues has recently generated an increase in the interests of contemporary Muslims. For most of the part, modern Muslim consumers have, for once, demanded for a more credible Halal food for their consumption. The issue of animal slaughtering for instance, which is important in determining the Halal status of its meat, has prompted

abattoirs and importers of meat, usually from the non-Muslim countries, to comply with the proper Islamic method on the matter [2]. On going discussions and debates on these issues have also prompted some Muslim countries to formulate and promote their own standards in ensuring and maintaining the integrity of the Halal status of a product and/or produce [3, 4].

Due to this, it is not surprising that most of the academic discourse on Halal and Haram concentrates on foods and beverages. Various studies and tests were conducted on tracing the existence of forbidden materials in food, its method of production and other related matters [5-7].

However, the halal and Haram aspects of medicinal products have only started to attract serious attention and scholarly debates. A number of studies are conducted focusing on the awareness of consumers [8], economic positioning of Halal cosmetic products [9], current practice by the healthcare providers in dispensing Halal or Haram medication [10], providing Halal alternatives in the formulation of medicinal products [11] and so on with less attention given to the legal and religious basis of its status.

In Islam, the religious and legal basis of Halal and Haram concept and practice is not only discussed from the viewpoints of the jurists, as is usually done, but should also encompass the understanding of the matter by the Muslim medical practitioners in the Islamic history, as well as collective contemporary interpretations of the Islamic Law by the Muslim scholars and modern scientists as exemplified by the Fatwa Council of modern day Muslims. Therefore, the objective of this study is to analyze the status of using forbidden materials in medicinal products from the perspective of Islam in a more comprehensive manner.

Current Practices in Medication and Treatment:

Medicine is a material used for treatment in order to relieve, nurse or prevent illness in human and to increase their hygienic level. It can be used in many ways and forms, not only to be consumed orally but also through the anus or any orifices, injected or implanted under the skin or applied onto the skin in the form of cream or ointment. With the advancement of time and science, various innovative discoveries were made to increase the quality of human life through various methods in genetics and medical biotechnological engineering. This includes the use of any material, including the forbidden ones for the Muslims, in critical diseases and treatment of thrombosis, heart surgery, haemodialysis as well as critical medicinal products particularly in the forms of vaccines, antibiotics, health supplements and so on.

In some cases, there are certain medicinal products, which are both porcine and bovine-based used in certain medical treatment. Porcine-based medicine is derived from Haram material for the Muslims whereas the bovine-derived medicine is permissible for their use. The question to be asked here is whether Muslims can use these porcine-based medicinal products in the presence of the bovine-based products. Similarly, whether porcine-based medicine, which in certain cases is more effective in curing disease, can be used in place of the bovine-based medicine.

In this regard, Low-Molecular-Weight Heparin and Unfractionated Heparin are examples of medicinal products commonly used in surgery, which act as anticoagulant and inhibit blood clotting. Low-Molecular-Weight Heparin is a porcine-based medicinal product, which is used to prevent and treat deep vein thrombosis, a condition in which harmful blood clots form in the blood vessels of the legs. These blood clots can travel to the lungs and can become lodged in its blood vessels causing a condition called pulmonary embolism.

Low-Molecular-Weight Heparin is used for several days after surgery for patients who are not able to walk. It is also used to prevent blood clots from forming during haemodialysis [12].

On the other hand, Unfractionated Heparin is a bovine-based product, which is also used as an anticoagulant to slow the rate of blood clot formation. Blood clots can cause severe and life-threatening problems. Thus, it is used to prevent the formation of blood clots after surgery and in other circumstances to help dissolve blood clots already formed in deep vein thrombosis, pulmonary embolism and other similar situations.

However, in practice, medical doctors viewed that Low-Molecular-Weight Heparin is better than Unfractionated Heparin because patients receiving the former reported a higher quality of life in terms of physical and social function and sense of wellbeing. Also, treatment with Low-Molecular-Weight Heparin was more cost-effective than therapy with Unfractionated Heparin because the length of the hospital stay was reduced by 60% to 70% without an increase in the cost of home health care. Therefore, doctors usually suggest patients to use Low-Molecular-Weight Heparin [13, 14].

These two products are used to serve the same purpose as medicines in medical treatment. However, both of them come from different sources. In this case, the formulation of any specific ruling on the permissibility of using the medicine needs to take into consideration the various religious and legal aspects of the matter as discussed below.

The Use of Forbidden Materials in Medicinal Products from the Islamic Perspective:

Maintaining good health and wellness is an important aspect of Islam. Muslims are expected to keep their bodies healthy in order to perform their duties towards Allah. When inflicted with a disease or illness, they are required to seek for treatment and its cure. Allah appreciates a healthy Muslim more than a sick person. There are many verses of the Quran and prophetic traditions (Hadith), which are related to health care and disease treatment. For instance, in one of the hadiths, the Prophet has urged his followers to “ask Allah for forgiveness and health, for after being granted certainty, one is given nothing better than health” [15]. Similarly, he also said “A healthy believer is better and well-liked by Allah as compared to a sick believer” [16].

Thus, the use of medicine for curing illnesses and diseases is generally legalized and recognized in Islam. This is mainly due to the healing factor of the medicine to

overcome the disease affecting the human body. Nevertheless, Islam stresses on the importance of acknowledging the use of medicine only as the natural cause of curing, while the ultimate power to heal and cure belongs to Allah. As such, it is natural that sometimes even the best prescribed medicine for a particular disease is unable to heal the illness, the same way that sometimes a morbid illness could be healed merely by the power of prayer. The Quran has stressed this important principle through the voice of Ibrahim who said that “and when I am ill, it is He Who cures me” (al-Shu‘ara’: 80). The Prophet has further explained that “every disease has a medicine, so if the medicine is used, one gets cured by the power of Allah” [17].

Therefore, it is a common practice among the Muslims from the advent of Islam until the present day to seek remedies based on the technological advancement in the field of medicine available to them, that is from the traditional use of plants and natural resources to produce potions, mixtures, ointments and so on to the modern scientific exploitation of chemicals and drugs to produce medicines in various forms known. Nevertheless, some of these substances may contain unlawful materials or those deemed as “unclean” (*al-najasad*) by the Islamic Law. It is mentioned in the Quran that “forbidden to you (for food) are: dead meat, blood, the flesh of swine and that on which has been invoked the name of other than Allah, that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which has been (partly) eaten by a wild animal; unless you are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety. This day, have those who reject faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you, completed My favour upon you and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-forgiving, Most Merciful” (al-Ma’idah: 3).

Similarly, Allah “has only forbidden you dead meat and blood and the flesh of swine and that on which any other name has been invoked besides that of Allah...but if one is forced by necessity, without wilful disobedience, nor transgressing due limits, then is he guiltless. For Allah is Oft-forgiving, Most Merciful” (al-Baqarah: 173). These generally ascribed principles assert that these substances such as intoxicants (*al-khamr*), swine and impure things could not be consumed at all costs, yet there are certain situations that heed the need of using substances such as

in the case of emergency or out of the extreme necessity for survival (*darurah*). In explaining this, the jurists have roused debates and discussions concerning the meaning of the term and its application in real life situations.

The Views of the Jurists: *Darurah* means a situation where a person does not have any Halal food or drink that can be consumed and the Islamic Law has declared the only available one to him as Haram. At the same time, it is feared that his non-consumption of the Haram food or drink would weaken him or put himself in greater danger and death. In general, this conception of *darurah* is mostly agreed upon by the jurists of all schools of jurisprudence. Yet, concerning the question of whether some of the prohibited substances can be used as medicine, there is a difference of opinion among them [18].

The majority of the Muslim jurists from the four famous schools of jurisprudence; the Shafi‘ites, the Hanbalites, the Malikites and the Hanafites hold that the use of intoxicants could never be legalized in any case or situation. This standpoint is based on an authentic tradition of the Prophet when asked about using intoxicants for medicinal purposes; he replied, “it is not medicine, but an ailment” [17]. They also quoted another tradition where the Prophet said that “Allah has created both disease and medicine and He has made a remedy for every diseases, so seek remedy (to cure your sickness). But do not seek from unlawful substances” [19]. This shows clearly that the Prophet has prohibited the use of any unlawful materials for medicinal purposes in ultimatum without mentioning any exception to a particular situation.

Nonetheless, there are a few other Muslim jurists from the school of the Hanafites and al-Qadi al-Tabari from the Shafi‘ites, among others, who are of the opinion on the legality of using intoxicants for medication if met with certain requisites. These necessary requisites can be summarized as follows: (i) It is the only feasible cure and no other alternatives could be found in that particular situation, (ii) The prescription must be in a small amount and should not intoxicate the mind. This is to ensure that it will not harm the body more than the benefits that it could yield and (iii) A Muslim doctor must prescribe it as his commendation in this matter is considered as a responsibility and a kind of legal testimony [18].

They based their standpoint in this matter on a tradition narrated by Anas ibn Malik where the Prophet used to permit the use of camel’s milk and urine to cure the sickness in the stomach [20]. This Hadith shows that the use of certain impure things-such as the camel’s urine

and the likes-known to be the remedy for certain disease, could be used strictly for that purpose only and it could be compared with the case of intoxicants.

The Understanding of the Muslim Medical Practitioners:

In their understanding and practice of the tradition of Islamic medicine known as *Tibb Al-nabawi* (prophetic medicine), Muslim medical practitioners of the past have also contributed in the discourse regarding the use of forbidden and impure materials in medication and medicinal practice. For instance, when discussing silk as a form of treatment for skin disease, al-Dhahabi has presented various arguments and Hadiths on the possibility of its use by men. According to a Hadith, the Prophet allowed some of his companions to wear silk which is generally ruled as Haram for men for skin itch treatment. Based on this, according to some jurists of the Shafi'ites, it is allowed to use forbidden materials for medication. However, the Malikite jurists are of the opinion that the permission was limited to the particular condition mentioned in the Hadith and that the general rule of prohibition remains as valid. Interestingly, al-Dhahabi, who represents the prophetic medical practitioner cum scholar of Islamic traditions in the 14th century Damascus, supported the view of the Malikites and insisted on the prohibition of using any kind of forbidden and impure materials such as intoxicant, frog, poison and others. He also elaborated the standpoint of the majority of the jurists on using the Halal materials only as stated in the relevant Hadith on the matter [21].

In a similar manner, IbnQayyim has stressed on the use of Halal materials only for medication and treatment of diseases. He justified his opinion not only based on the hadith of the Prophet, but also through logical reasoning. He argued that Allah has prohibited some materials and declared it as impure and unlawful mainly due to its harm and to protect man from its negative impact. Although some of these materials might contain some benefits for the physical body, but its consumption might harm and impair the spiritual and ethical aspects of man. Thus, what the Law has forbidden must not be consumed and used at any cost and there is no provision or exception for this rule even in cases of extreme necessity as understood by the jurists [22].

The View of a Modern Day Fatwa Council: In facing the rapid advancement of science and technology in the field of medicine and pharmacy, contemporary Muslims are faced with a myriads of issues concerning Halal and Haram in the aspect of medicinal products and its use in

medication that need to be addressed. Only this time, knowledge of the religious and legal maxims does not suffice and there is also a need to understand the scientific and medical aspect of the medication in producing an appropriate ruling of its use. Thus, collaborative efforts between the religious scholars and scientists set the trend of contemporary style of collective *ijtihad* (legal exercise of reasoning) as practiced by various Muslim countries in the present day.

In the case of Malaysia for instance, the Fatwa Committee of the National Council of Islamic Religious Affairs has consistently held various conference session since the 1970s to discuss the religious rulings on various issues in medicine including organ transplantation, sperm bank, brain death, human cloning, stem cell research and others [23]. Interestingly, in cases involving the utilization of forbidden materials in immunization, vaccination and medical treatment, there is no blanket rule of prohibition or permission despite their adherence to the religious and legal aspects of the Islamic Law as promulgated by the jurists. For instance, the vaccine for Rubella, which is made from the tissues of the human foetus, is legalized as permissible and Halal based on the legal maxim of "necessities overrule prohibition". Similarly, immunization for polio, diphtheria and tetanus is also permitted based on necessity and prevention of harm. However, the use of *Botulinum Toxin Type A* or Botox injection for cosmetic purposes is not allowed. Yet, if prescribed by a qualified doctor due to medical reason and necessity, then it is permitted based on the maxim of *darurah*.

On other hand, in cases where there are alternatives to the forbidden materials, the permission is only given for the use of the Halal alternatives. This can be particularly seen in the case of the porcine-based BioThrax and RotaTeg vaccines. The Fatwa Council has decided that since the diseases treated by the vaccines have not reached the level of extreme necessity and that there is a Halal alternative to it, the use of these vaccines are ruled as prohibited.

Permissible Conditions: Between Necessity and Convenience: Reverting to the permissibility status of the examples of the medicinal products discussed at the beginning of the study, that is concerning the use of Low-Molecular-Weight Heparin and Unfractionated Heparin as anticoagulant and in surgery, it is interesting to note the differences in its ruling according to the different viewpoints and approaches of the Muslim scholars. According to the method of the Muslim medical practitioners, the use of the porcine-based medicine is

outlawed in any circumstances and the Halal alternative must be used (if available). Although the porcine-based Heparin might be more effective than its bovine substitute, yet the moral and spiritual harm that might be inflicted upon the patient's soul is greater than its benefits.

If viewed using the perspective of the classical jurists, it is found that the prohibition is based on the assumption that the forbidden substances are consumed in their purest forms. As such, if mixed with other foreign materials where these substances cease to retain their original forms, then it could be permitted based on the necessity and requisites mentioned above. The same rule could be applied for all impurities such as the meat of the snake, urine and so on. This is, in fact, another view adopted by some followers of the Shafi'ites. Other jurists from various schools also hold on to this factor in issuing their opinions and it is interesting to note that Ibn al-Arabi and al-Qurtubi-both from the Malikites-also affirmed the legality of using intoxicants and the likes in the case of extreme conditions and necessities based on the aforementioned verse of the Quran (al-Baqarah: 173). This verse shows that these extreme cases of necessities annul all the prohibitions prescribed in matters relating to intoxicants and unlawful substances and could be consumed in a limited quantity to preserve life and saving it. It is in this light also that al-'Izz ibn Abd al-Salam explains that this permission is given in a time when other alternatives could not be found, as the rationale of safeguarding one's health and his well being is more important than the rationale of avoiding the impurities, yet it is limited to particular situations and conditions as mentioned [24].

On a similar note, contemporary collective efforts of *ijtihad* by the Fatwa Committee has come to the decision of prohibiting the use of Clexane, Fraxiparine and its likes in medical treatment, due to the existence of porcine element in the content of Low-Molecular-Weight Heparin. In its place, the Fatwa Committee has recommended the use of Arixtra (Fondaparinux sodium) as a verified Halal and effective alternative to the former. In this case, the use of forbidden material is no longer a matter of extreme necessity and as such, the original ruling of prohibition applies [23].

CONCLUSION

It can be deduced that the fundamental principle in Islam states the prohibition of using forbidden materials and other impurities for medicinal as well as other purposes as prescribed in the Islamic Law. Although it is

stressed that the general ruling is based upon clear principles, it is equally important to also stress on the manner of how this ruling is to be applied, which requires taking into consideration the contexts such as time, place and situation. Islam places equal emphasis for such consideration in the application of the general rulings. It is an ultimate objective of Islam to provide solutions to the problems faced by man in his life. Nonetheless, some exceptions could be applied in the emergencies and in extreme conditions such as to save one's life and the likes. This exclusive overruling of the general principle is not absolute; rather it is confined to certain rules as mentioned above. In fact, the three viewpoints of Muslim scholars afore-discussed signify their efforts and approaches in understanding the text and context of the Islamic Law, which also bear its impact on their religious and legal outlooks. Thus, any future discourse on the use of forbidden materials in medicinal products and other related matter should take into consideration the differences of approaches among the Muslims as a guideline in understanding their religious perspectives, which are based on the Quran and Hadith of the Prophet.

REFERENCES

1. Al-Qaradawi, Y., 2001. The Lawful and the Prohibited in Islam. Kuala Lumpur: Islamic Book Trust.
2. Rezai, G., Zainalabidin Mohamed and Mad Nasir Shamsudin. 2012. Non-Muslim Consumers' Understanding of Halal Principles in Malaysia. *Journal of Islamic Marketing*, 3(1): 35-46.
3. Faridah Jalil and Nurhafilah Musa, 2012. Halal Products-Malaysian Constitution Perspective. <http://ssrn.com/abstract=2162296>. Accessed on 20th September 2013.
4. Shahidan Shafie and Md. Nor Othman, 2006. Halal Certification: An International Marketing Issues and Challenges. Paper presented at the International IFSAM VIIIth World Congress, pp: 11.
5. Hashimi, D. and S.M. Saifuddeen Shaikh Mohd Salleh, 2010. A Background on Halal Industry and Principles. *Proceedings of the International Workshop for Islamic Scholars on Agribiotechnology: Shariah Compliance*, 1-2 December 2010, Penang, Malaysia, pp: 12-20.
6. Malboobi, M.T. and M.A. Malboobi, 2010. Halal Concept and Products Derived from Modern Biotechnology. *Proceedings of the International Workshop for Islamic Scholars on Agribiotechnology: Shariah Compliance*, 1-2 December 2010, Penang, Malaysia, pp: 21-28.

7. Ghareyazie, B., 2010. Food and Environmental Safety of Biotech Crops: Islamic Perspective. Proceedings of the International Workshop for Islamic Scholars on Agribiotechnology: Shariah Compliance, 1-2 December 2010, Penang, Malaysia, pp: 29-42.
8. Suleman, F., 2011. Multicultural Approaches to Medicine Use: What Does the Research Say? South African Pharmaceutical Journal, 2(78): 41-44.
9. Norzaidi Mohd Daud, Hazni Abdul Aziz, Noor Hana Baharudin and Siti Fazila Shamsudin, 2012. Identifying the Determinant Attributes of Halal Cosmetics Product that Influence Its Positioning Strategy in Malaysian Market. Journal of Applied Sciences Research, 8(1): 301-313.
10. Azmi Sariff and Hadeer Akram Abdul Razzaq, 2013. Exploring the Halal Status of Cardiovascular, Endocrine and Respiratory Group of Medications. The Malaysian Journal of Medical Sciences, 20(1): 69-75.
11. Shikov, A.N., O.N. Pozharitskaya, V.G. Makarov and M.N. Makarova, 2009. New Technology for Preparation of Herbal Extracts and Soft Halal Capsules on its Base. Journal of Applied Sciences Research, 8(1): 301-313.
12. Hirsh, J. and M.N. Levine, 1992. Low Molecular Weight Heparin. Blood, 79(1): 1-17.
13. Yeager, B.F. and S.C. Matheny, 1999. Low-Molecular-Weight Heparin in Outpatient Treatment of DVT. American Family Physician, 59(4): 945-952.
14. Klein, W., A. Buchwald, S.E. Hillis, S. Monrad, G. Sanz, A.G. Turpie and K. Ludwig, 1997. Comparison of Low-Molecular-Weight Heparin with Unfractionated Heparin Acutely and with Placebo for 6 Weeks in the Management of Unstable Coronary Artery Disease Fragmin in Unstable Coronary Artery Disease Study (FRIC). Circulation, 96(1): 61-68.
15. Al-Albani, M.N., 1988. Sahih al-Jami' al-Saghir wa Ziyadatih. Beirut: al-Maktab al-Islami.
16. Ibn Majah, M.Y., 2001. Sunan Ibn Majah. Beirut: Dar al-Fikr.
17. Al-Mundhiri, Z.A.A., 2000. Mukhtasar Sahih Muslim. Riyadh: Dar al-Salam.
18. Azzam, A.A.Z., 2001. al-Maqasid al-Shar'iyah fi al-Qawa'id al-Fiqhiyyah. Cairo: Dar al-Bayan.
19. Al-Azimabadi, M.A., 2001. Aun al-Ma'bud Sharh Sunan Abi Daud. Beirut: Dar Ihya' al-Turath al-Arabi.
20. Al-Asqallani, A.A.H., 2000. Fath al-Bari Sharh Sahih al-Bukhari. Riyadh: Dar al-Salam.
21. Al-Dhahabi, M.A., 1990. al-Tibb al-Nabawi. Beirut: Dar Ihya' al-'Ulum.
22. Ibn Qayyim, M.A.B. n.d. al-Tibb al-Nabawi. Beirut: Dar al-Fikr.
23. JAKIM (Jabatan Kemajuan Islam Malaysia), 2010. Himpunan Keputusan Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia Mengenai Isu-isu Sains dan Perubatan. Putrajaya: JAKIM.
24. Al-Zuhaili, W., 2002. al-Fiqh al-Islami wa Adillatuh. Beirut: Dar al-Fikr.