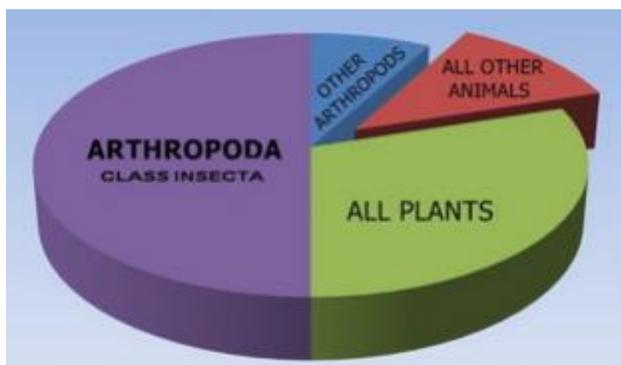


Introduction

Consumption of food is the fundamental necessity of human beings. Their existence on the surface of the earth cannot be imagined without it. From the very ancient time to the present modern age, evolutionary process has occurred in all trends of life but edibles remained more vibrant. Once when there was an era of caves and wildernesses, the dependence was upon grass and leaves. Today the foods industries are alluring all over the world. Food Science and Technology has become one of the major disciplines in the universities around the globe. Besides, a question remained relevant in all these centuries, what to eat and what not to eat? Allah (SWT) answered the very question by declaring particular things Halal and certain things Haraam.

Halal denotes permissibility and Haraam connotes impermissibility. A Muslim leads his life in the domain of Halal and keeps himself away from Haraam. The Universe is packed with living and non-living organisms, but everything is not allowed to be consumed. Cattle meat and milk, non-toxic and non-intoxicated drinks and plants, fish with scales and non-predatory animals and birds fall in the slant of Halal, while predatory animals and birds, toxic and intoxicated drinks and plants, pig, dead animals and blood categorized as Haraam. The matter mounts to great concern when it is referred to the arthropods. Are they Halal to consume, particularly in the context of E 120? The outcome of this issue comprises of different narratives regarding the opinions of various Schools of thought.

Arthropods¹: The taxon name ARTHROPODA was cited by VON SIEBOLD in 1848. Originally it is a Greek terminology. ARTHRO indicates jointed while PODA implies legs. Any animal that has more than four jointed legs is a member of this family. It is a huge phylum which includes eleven classes and every class has its own subclasses. Furthermore, it is divided in to two major forms, land and marine. They are basically invertebrate living organisms, such as insects, spiders, scorpions etc. Some of them, like mosquito and grasshopper enjoy a rich history with mankind. Together with human beings they can be found anywhere. They have been living in this Universe for millions of years. It is a belief that arthropod is the largest phylum and consists eighty five percent of the known animals. This fact is reflected by the following diagram.



Characters of arthropodsⁱⁱ

Following are the major characters of arthropods.

a) Segmented body

It means that their bodies comprise of more than one part, like spiders have two parts and flies have three parts. This specialty discriminates them from the other living organisms.

b) Many jointed legs

Unlike the other animals, they have more and jointed legs. Spiders have eight legs while millipedes can have as many as hundreds.

c) Exoskeleton

Like the armor of a soldier in the battle field, arthropods have the external skeleton, which prevents them from hardships. It is soft in the beginning as they born but hardens with the passage of time.

d) Invertebrate

Since arthropods are invertebrate animals, hence they don't have backbones.

e) Cold blooded

These animals are cold blooded. Therefore they depend upon the temperature of their environment.

f) Movement

This is one of the exiting features of arthropods. Unlike the other animals, they are capable to move on the different ranks. Not only can they fly, but creep and crawl as well.

g) Existing places

This feature also discriminates them from the other animals. They exist on the land, in the air and in the ponds and oceans.

In simple, arthropods are interesting creatures with utmost distinctive features.

Major classes of arthropodsⁱⁱⁱ

Following are the major classes of arthropods.

I. INSECTA

This class includes countless numbers of insects such as beetle, mosquito, ant, butterfly etc. Their body structure is segmented, which contains head, thorax and abdomen. They have three pairs of legs and one pair of feeler. Usually the members of this group have wings but some wingless subclasses can also be found, like silverfish, springtail, bristletail etc.

Whenever the word insect is heard, usually minds are polluted with the impression of detestation. The obvious nature of mankind considers them repulsive, but this is not the whole fact. The biological studies have unfolded the truth that there exist more than one million insect species in the world,

among them are the numerous types of eye-catching subclasses, which are neither repulsive nor poisonous. Following are some of the examples.

JEWEL CATERPILLAR



It looks like a precious jewel but is indeed a type of insect. The biologists could not disclose the matter that why this insect is so colorful, however they are of the view that these colors prevent them from predators. Usually it is found in Mexico.

BAGWORM



This insect is a member of butterfly family. One of the interesting features of these animals is the habit of making layers to hide themselves. They can be found anywhere in the world.

SILKMOUTH



These insects are the primary producers of silk and are domesticated. They depend upon human beings for their reproduction. They are found in Asia, Africa and America. There are many other beautiful and attractive species of insects including SUNSET MOTH, BLUE DASHER, FLOWER MANTIS, HUMMINGBIRD MOTH, JEWEL BEETLE etc. Due to adequacy the exhibited examples are sufficient to prove the fact that all of them are not detested.

II. CRUSTACEA

Crabs, lobsters, shrimps, barnacles and woodlice are the examples of this class. Usually their segmented bodies comprise of cephalothorax and abdomen, but some of them contain head and trunk. Cephalothorax implies fused head and thorax. They have five or more pairs of legs, two pairs of antennae and are wingless.

III. MYRIAPODA

Millipedes and centipedes are among the members of this class. Their bodies consist of two segments, head and trunk. They have as many pairs of legs as one or two per trunk, one pair of antennae and are wingless.

IV. ARCHANIDA

This is the fourth major class of arthropods. Scorpion, king crabs, spiders, mites and ticks are the instances of this group. Their body structure incorporates of cephalothorax and abdomen. They have four pairs of legs. These animals do not have antennae and wings.

In addition to the above four major classes, several minor classes are also found. The ONYCHOPHORA (velvet worms), TARDIGRADE (water bears), PENTASTOMIDA (tongue worms) and PYCNOGONIDA (sea

spiders) are categorized as minor and finally a class of extinct arthropods, TRILOBITA (trilobites). They were recognized through the discovery of their fossils. They used to live in water several million years ago.

As the truth has been outspread that ARTHROPODA is vastly expanded phylum and has a variety of animals, it is important to confess that there are numerous disgusted and repulsive animals among them which provide diversity to the universe, for Allah (SWT) did not create anything worthless. Still this shall be against the Divine Innovative Philosophy to declare the whole phylum or any of its major class repulsive due to the presence of some disgusted animals. Following verse reflects the artistic skill of the Mighty God.

صَنَّعَ اللَّهُ الَّذِي أَنْقَنَ كُلَّ شَيْءٍ إِنَّهُ خَيْرٌ بِمَا تَفْعَلُونَ ﴿٨٨﴾

(Such is) the artistry of Allah, who perfected all things: for he is well acquainted with all that ye do. (27:88)

Furthermore, hedgehog belongs to Mammalia Class and its Family is ERINCIIDEA. It has been declared detested by the Prophet (PBUH). In this regard, following hadith must be taken in consideration.

حَدَّثَنَا إِبْرَاهِيمُ بْنُ خَالِدٍ الْكَلْبِيُّ أَبُو ثَوْرٍ، حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ عَيْسَى بْنِ نُمَيْلَةَ، عَنْ أَبِيهِ، قَالَ كُنْتُ عِنْدَ ابْنِ عُمَرَ فَسُئِلَ عَنْ أَكْلِ الْفُنْفُنِيِّ، فَتَلَا { قُلْ لَا أُجِدُ فِيهَا أُوجِي إِلَيَّ مُحَرَّمًا } الْآيَةَ قَالَ قَالَ شَيْخٌ عِنْدَهُ سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ ذَكَرَ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ " خَبِيثَةٌ مِنَ الْخَبَائِثِ " . فَقَالَ ابْنُ عُمَرَ إِنْ كَانَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هَذَا فَهُوَ كَمَا قَالَ مَا لَمْ نَدْر .

Narrated Numaylah (RA), "I was with Ibn Umar, he was asked about eating hedgehog. He recited: "Say: I find not in the message received by me by inspiration any (meat) forbidden (aiming hedgehog to be lawful)." An old man who was with him said: I heard AbuHurayrah says: It was mentioned to the Messenger of Allah (ﷺ). He (ﷺ) said, abominable of the abominable. Ibn Umar said: If the Messenger of Allah (ﷺ) had said it, it is as he said which we did not know". (Sunan Abi Dawud 3799)

The mentioned hadith explicitly proclaims that hedgehog is detested. As stated, it belongs to Mammalia Class. Hereafter can the whole class be declared abominable due to its presence? No one will do this. Similar must be the case of insects and the other arthropods. How can a whole phylum or any of its class be deemed repulsive just because of the fact that there are some disgusted and abominable animals among them.

Jurisprudence of Haraam^{iv}

Jurisprudence connotes study, knowledge and the science of law. After the adequate discussion on the characters and classes of arthropods and prior to the discourse with regard to their consumption, it is necessary to understand a scientific procedure, which includes degrees and the methodology of derivation of Haraam. Without comprehending this, it is impossible to adjudicate this subject.

Degrees of Prohibition^v

Pig, blood, dead animals, alcoholic drinks, predatory animals and birds fall in the slant of Haraam as explicitly mentioned in Quran and hadith. In this regard, whenever a prohibitory word is voiced, minds are enticed to the above stated apex category, having no idea regarding the three stages of disallowance.

1. Makrooh-e-Tenzeehi

It means disliked slightly. This is not the degree of prohibition. A thing is not forbidden to be committed or consumed on this stage rather it is unsuitable, e.g. horse meat. According to Hanafi' School of thought, it is not appropriate to consume horse meet as it is dignified animal and used in war. Occasionally ingesting with left hand or without Tasmiah are the other examples. Furthermore, one who commits or consumes anything which falls in this category, shall be liable for nothing, neither for sin, nor for punishment.

2. Makrooh-e-Tehreemi

It means disliked bitterly. This is the degree of prohibition, but lesser in bitterness as compared with Haraam, e.g. eating something in the utensils made of gold, consumption of reproductive parts of halal animal being slaughtered in accordance with shariah principles and sale and purchase after the first call for Jumma' prayer. Moreover one who commits or consumes anything which is Makrooh-e-Tehreemi, shall be liable for sin.

3. Haraam

It means forbidden and disallowed absolutely. This is the apex degree of disallowance, e.g. murder, extortion, theft and adultery. Consumption of alcoholic drinks, pig, blood, dead and predatory animals and birds are the other examples of this category. One who commits or consumes anything which is Haraam, shall be liable for sin and punishment. Furthermore, one who intentionally refuses and rejects the prohibition of a matter declared Haraam by the definitive verse of Quran shall be deemed non-Muslim.

Derivation of Haraam^{vi}

Allah (SWT) and Hazrat Muhammad (PBUH) have outlawed the mankind from so many things. As it has been revealed that every forbidden thing does not rank in the apex category (Haraam), it is

necessary to understand the methodology of derivation of Haraam. Hence it can be distanced from the two minor categories.

Derivation of law from Quran and hadith is very complicated process and requires skill in many fields. Without indulging in the detailed process, adequacy is required and will be sufficient at this level. Fundamentally there are two types of verses and hadiths.

1) Qat'I-UI-Dalalah

A verse of Quran or a text of hadith, which is definitive in interpretation and implication and does not accept more than one interpretation, is called Qat'I-UI-Dalalah.

2) Zanni-UI-Dalalah

A verse of Quran or a text of hadith, which is speculative in interpretation and implication and accepts more than one interpretation, is called Zanni-UI-Dalalah.

The law of Haraam is always derived from Qat'I-UI-Dalalah. Following are some of the examples of Haraam from Quran and hadiths.

حُرِّمَتْ عَلَيْكُمْ أَلْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ
وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا
مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَمِ ذَلِكُمْ
فِسْقٌ الْيَوْمَ يَئِسَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ
وَأَخْشَوْنِ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَمَّمْتُ عَلَيْكُمْ نِعْمَتِي
وَرَضِيْتُ لَكُمْ الْإِسْلَامَ دِينًا فَمَنْ اضْطُرَّ فِي مَخْبَصَةٍ غَيْرِ
مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. That is grave disobedience. This day those who disbelieve have despaired of [defeating] your religion; so fear them not, but fear me. This day I have perfected for you your religion and completed my favor upon you and have approved for you Islam as religion. But whoever is forced by severe hunger with no inclination to sin - then indeed, Allah is Forgiving and Merciful. (5:3)

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ
مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾

O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful. (5:90)

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ
وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمْ الَّتِي
أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ
وَرَبِّبَاتُكُمْ الَّتِي فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ الَّتِي دَخَلْتُمْ
بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ
وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا
بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا

﴿٢٣﴾

Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever forgiving and Merciful. (4:23)

Discussion

All the above verses are definitive in implication and interpretation and don't accept more than one interpretation, hence the matters prohibited in these texts shall be decreed Haraam. In this regard:

- According to first verse (5:3), Consumption of dead animals, blood and Swine flesh is Haraam.
- Due to second verse (5:90), Gambling, sacrificing on stones alters to other than Allah and consumption of intoxicated drinks, are Haraam.
- The third verse (4:23) proclaims that marriage with mother, daughter, sister and other sanctified relatives mentioned in the text, is Haraam.

Examples from hadiths

وَحَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ، حَدَّثَنَا أَبِي، حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ مَيْمُونِ، بْنِ مِهْرَانَ عَنِ ابْنِ عَبَّاسٍ، قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ وَعَنْ كُلِّ ذِي مَخْلَبٍ مِنَ الطَّيْرِ .

Ibn-e-Abbas (RA) reported that Allah's Messenger (PBUH) prohibited the eating of all fanged beasts of prey, and all the birds having talons. (Sahih Muslim 1934)

وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَوَانِيُّ، وَعَبْدُ بْنُ حَمِيدٍ، كِلَاهُمَا عَنْ يِعْقُوبَ بْنِ إِسْرَاهِيمَ، بْنِ سَعْدٍ حَدَّثَنَا أَبِي، عَنْ صَالِحٍ، عَنِ ابْنِ شَهَابٍ، أَنَّ أَبَا إِدْرِيسَ، أَخْبَرَهُ أَنَّ أَبَا ثَعْلَبَةَ قَالَ حَرَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لُحُومَ الْحُمْرِ الْأَهْلِيَّةِ .

Abu Tha'laba (RA) reported that Allah's Messenger (PBUH) prohibited (the eating) of the flesh of domestic asses. (Sahih Muslim 1936)

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، حَدَّثَنَا شُعْبَةُ، قَالَ سَمِعْتُ هِشَامَ، بْنَ زَيْدِ بْنِ أَنَسِ بْنِ مَالِكٍ قَالَ دَخَلْتُ مَعَ جَدِّي أَنَسِ بْنِ مَالِكٍ دَارَ الْحَكَمِ بْنِ أَيُّوبَ فَإِذَا قَوْمٌ قَدْ نَصَبُوا دَجَاجَةً يَرْمُونَهَا قَالَ فَقَالَ أَنَسٌ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُصَبَّرَ الْبَهَائِمُ .

Hisham b. Zaid b. Anas b. Malik (RA) reported, "I visited the house of al-Hakam b. Ayyub along with my grandfather Anas b. Malik, (and there) some people had made a hen a target and were shooting arrows at her. Thereupon Anas said that Allah's Messenger (PBUH) had forbidden tying of the animals". (Sahih Muslim 1956)

Discussion

All the above stated hadiths are definitive in interpretation and implication, therefore don't accept more than one interpretation, hence the matters forbidden in these texts shall be rendered Haraam. In this regard:

- According to first hadith, all the animals which are predatory, either terrestrial or aerial, shall be considered Haraam.
- Due to second hadith, consumption of domesticated donkeys is Haraam.
- Third hadith proclaims that ill treatment with animals shall be professed Haraam.

Are arthropods Haraam?

Since it has been demonstrated, that Haraam is the apex category of prohibition with two minor sorts and can only be deducted from Qat’i-UI-Dalalah, yet the question regarding arthropods remains unresolved. Different Schools of thought have diverse opinions in this context. To enlighten the issue, the particular verse upon which the whole matter is cemented must be taken in deliberation.

وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبِيثَاتِ

And makes lawful for them the good things and prohibits for them the evil (7:157)

Discussion

The above verse states a ruling that impure, detested and abominable things are Haraam to consume, but does not provide conclusive and exclusive details concerning repulsive living organisms. However the jurists have deemed this verse definitive in case of blood, swine flesh, dead animals, alcoholic drinks, human and animal waste and the animals which naturally live on impure and abominable things, because some other verses and hadiths describe the same. Hence all the mentioned things shall be rendered Haraam. The question ascends when arthropods are conversed under the scope of this verse. Are they impure and detested? Besides, being known to the fact that their phylum is the largest which contains almost eighty five percent of the known animals and incorporates the land and marine forms; do they come under the ruling of this verse? Moreover, there are some hadiths that express the lawfulness of arthropods.

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ، حَدَّثَنَا غَالِبُ بْنُ حَجْرَةَ، حَدَّثَنِي مِلْقَامُ بْنُ تَلْبٍ، عَنْ أَبِيهِ، قَالَ صَحِبْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمَّ أَسْمَعَ لِحَشْرَةَ الْأَرْضِ تَحْرِيماً .

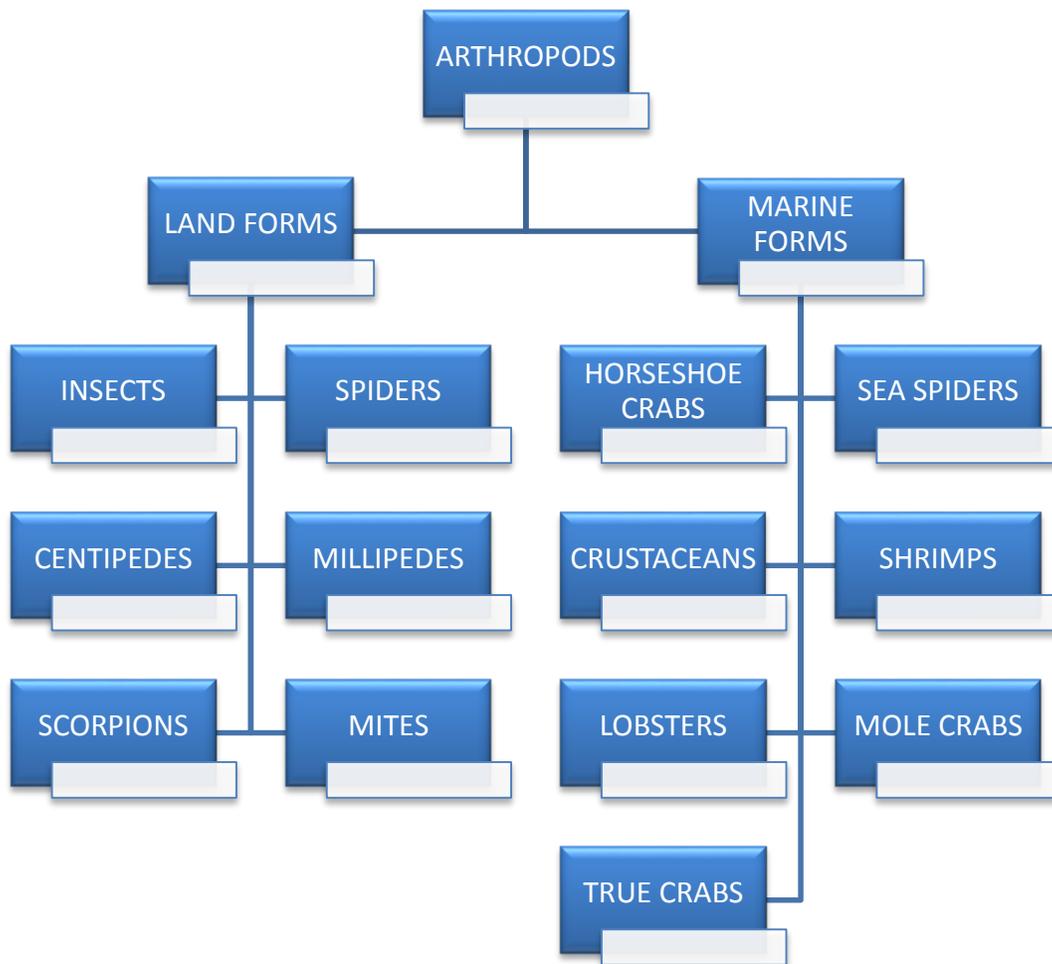
Narrated Milqam (RA) from his father that I accompanied the Messenger of Allah (ﷺ), but I did not hear about the prohibition of (eating) insects and little creatures of land. (Sunan Abi Dawud 3798)

حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ صُبَيْحٍ، حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، حَدَّثَنَا مُحَمَّدٌ، - يَعْنِي ابْنَ شَرِيكَ الْمَكِّيَّ - عَنْ عَمْرٍو بْنِ دِينَارٍ، عَنْ أَبِي الشَّعَثَاءِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ كَانَ أَهْلُ الْجَاهِلِيَّةِ يَأْكُلُونَ أَشْيَاءَ وَيَتْرَكُونَ أَشْيَاءَ تَقَدَّرَ اللَّهُ تَعَالَى نَبِيَّهُ وَأَنْزَلَ كِتَابَهُ وَأَحَلَّ حَلَالَهُ وَحَرَّمَ حَرَامَهُ فَمَا أَحَلَّ فَهُوَ حَلَالٌ وَمَا حَرَّمَ فَهُوَ حَرَامٌ وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ وَتَلَا { قُلْ لَا أَجِدُ فِيمَا أُوحِيَ إِلَيَّ مُحَرَّمًا } إِلَى آخِرِ الْآيَةِ .

Narrated Abdullah ibn Abbas (RA) that the people of pre-Islamic times used to eat some things and leave others alone, considering them unclean. Then Allah sent His Prophet (ﷺ) and sent down His Book, marking some things lawful and others unlawful; so what He made lawful is

lawful, what he made unlawful is unlawful, and what he said nothing about is allowable. (Sunan Abi Dawud 3800)

To educate the issue sketch of arthropods is following, trailed by the narratives of different Schools of thought.



Opinions of different Schools of thought

- Hanafi,^{vii} Hanbali^{viii} and Imamia^{ix} Schools of thought are of the opinion that all the land form arthropods are non-Halal and fall under this verse (7:157) with the exception of locust. Furthermore, Hanafi and Imamia Schools are of the view that amongst the marine forms, only shrimps are Halal. Whereas Hanbali School affirms that all the marine forms are Halal.

- Shafi'i^x School of thought narrates that amongst the land forms the matter shall be referred to the consideration of human beings especially the customs of Arabs at the time of the Prophet (PBUH). Hence their viewpoint is not definitive in this regard. Since the custom of Arabs was not to consume insects and alike, therefore they decreed them non-Halal, but the provided hadiths which will be discussed as following are not related to arthropods. Whereas about the marine forms, this school proclaims that all of them are Halal.
- Maliki^{xi} school of thought views that all the land and marine form arthropods are Halal to consume.

It is important to know that Imam Shafi'i and Imam Ahmad legitimate the consumption of marine arthropods, whereas about land form they are close to Hanafi and Imamia Schools. Hence they brought following hadiths to support their narrative regarding the prohibition of land form under the scope of mentioned verse (7:157).

حَدَّثَنَا أَصْبَغُ، قَالَ أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ وَهَبٍ، عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، قَالَ قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَتْ حَفْصَةُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " خَمْسٌ مِنَ الدَّوَابِّ لَا حَرَجَ عَلَى مَنْ قَتَلَهُنَّ الْغُرَابُ وَالْجِدَاةُ وَالْفَارَةُ وَالْعَقْرَبُ وَالْكَلْبُ الْعَقُورُ " .

Narrated Hafsa (RA) that Allah's Messenger (ﷺ) said, "It is not sinful (of a Muhrim) to kill five kinds of animals, namely: the crow, the kite, the mouse, the scorpion and the rabid dog." (Sahih al-Bukhari 1828)

حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ، قَالَ حَدَّثَنِي إِبْرَاهِيمُ، عَنِ الْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُ - قَالَ بَيْنَمَا نَحْنُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَارٍ بِيَمْنَى، إِذْ نَزَلَ عَلَيْهِ {وَالْمُرْسَلَاتِ} وَإِنَّهُ لَيَتْلُوهَا، وَإِنِّي لَأَتَلَقَاهَا مِنْ فِيهِ، وَإِنَّ فَاةَ لَرَطْبٍ بِهَا، إِذْ وَثَبْتُ عَلَيْنَا حَيَّةٌ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " افْتُلُوهَا " . فَأَبْتَدَرْنَاهَا، فَذَهَبَتْ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " وَقَيْتُمْ شَرَّكُمْ كَمَا وَقَيْتُمْ شَرَّهَا " .

Narrated `Abdullah (RA) that while we were in the company of the Prophet (ﷺ) in a cave at Mina, when Surat-wal-Mursalat was revealed and he recited it and I heard it (directly) from his mouth as soon as he recited its revelation, Suddenly a snake sprang at us and the Prophet (ﷺ) said (ordered us): "Kill it." We ran to kill it but it escaped quickly. The Prophet (ﷺ) said, "It has escaped your evil and you too have escaped its evil." (Sahih al-Bukhari 1830)

حَدَّثَنَا إِسْمَاعِيلُ، قَالَ حَدَّثَنِي مَالِكٌ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - رَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِلْوَرَعِ " فَوَيْسِقُ " .

Narrated `Aisha (RA) the wife of the Prophet that Allah's Messenger (ﷺ) called the salamander a bad animal. (Sahih al-Bukhari 1831)

حَدَّثَنَا إِبْرَاهِيمُ بْنُ خَالِدِ الْكَلْبِيِّ أَبُو ثَوْرٍ، حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ عَيْسَى بْنِ نُمَيْلَةَ، عَنْ أَبِيهِ، قَالَ كُنْتُ عِنْدَ ابْنِ عُمَرَ فَسُئِلَ عَنْ أَكْلِ الْفُنْفُنِيِّ، فَتَلَا { قُلْ لَا أَجِدُ فِيمَا أُوحِيَ إِلَيَّ

مُحَرَّمًا { الْآيَةَ قَالَ قَالَ شَيْخٌ عِنْدَهُ سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ ذَكَرَ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ " حَبِيبَةُ مِنَ الْخَبَائِثِ " . فَقَالَ ابْنُ عُمَرَ إِنَّ كَانَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هَذَا فَهُوَ كَمَا قَالَ مَا لَمْ نَدْرِ .

Narrated Numaylah (RA), "I was with Ibn Umar, he was asked about eating hedgehog. He recited: "Say: I find not in the message received by me by inspiration any (meat) forbidden (aiming hedgehog to be lawful)." An old man who was with him said: I heard AbuHurayrah says: It was mentioned to the Messenger of Allah (ﷺ). He (ﷺ) said, abominable of the abominable. Ibn Umar said: If the Messenger of Allah (ﷺ) had said it, it is as he said which we did not know". (Sunan Abi Dawud 3799)

Eight animals have been deemed detested in the above mentioned hadiths. Among them, only scorpion belongs to arthropods, which has been decreed non-Halal because of its venomousness not due to detestation, while the rest are related to other phylum. Prior to analyze the other seven animals there must be an understanding as to the major groups of animals based upon their own natural diet habits.

Carnivores

It is that group of animals which naturally consume meat. They are predators and eat from the flesh of the predated animals. These are terrestrial as well as aerial, e.g. tiger, lion, fox, salamander, kite, hawk, eagle etc.

Omnivores

These are the animals which naturally eat plants and meat. Since omnivores consume foods from both, animal and plant origin therefore they have similarities with carnivores as well as herbivores. Their digestive system is more like that of carnivores, e.g. pig, hedgehog, rat, dog, crow etc.

Herbivores

A group of animals that naturally consume food from the plant origin is called herbivores. Cattle, sheep, goat, camel, elephant and insect are the examples of this category.

After the introduction of these groups, following hadith must be taken in consideration.

وَحَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ، حَدَّثَنَا أَبِي، حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ مَيْمُونِ، بْنِ مِهْرَانَ عَنِ ابْنِ عَبَّاسٍ، قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ وَعَنْ كُلِّ ذِي مَخْلَبٍ مِنَ الطَّيْرِ .

Ibn-e-Abbas (RA) reported that Allah's Messenger (PBUH) prohibited the eating of all fanged beasts of prey, and all the birds having talons. (Sahih Muslim 1934)

The mentioned hadith proclaims the prohibition (apex category) of those living organisms that prey on the other animals. Fundamentally carnivores fall under the domain of this hadith but as stated, omnivores have the aspect of carnivores. Therefore they shall also be cited under the scope of this text. Furthermore, among the prohibited eight animals which have been named earlier in four hadiths, salamander mouse and kite are carnivores while crow, hedgehog and dog are omnivores. Some zoologists have added the specific classes of mouse to omnivores while dog to carnivores. Hence all these animals have been professed Haraam due to the fact that they prey on the other living creatures. Scorpion and snake are poisonous. Thus they have been prohibited because of their venomousness. However among all of them the only arthropod is the scorpion. Will it be fair to render the whole phylum or any of its major class repulsive due to its presence?

Since it has been proven that there exist huge differences in the narratives of different Schools of thought as well as the hadiths allowing the consumption of arthropods and non-providence of conclusive details regarding repulsive animals, hence the above mentioned verse (7:157) shall be deemed speculative (Zanni-Ul-Dalalah) in nature with regard to the prohibition of ARTHROPODA phylum and however the matter has already been affirmed that the apex category (Haraam) can only be derived from definitive (Qat'I-Ul-Dalalah) verse. Moreover, being known to the fact that whoever intentionally refuses the prohibition of a matter declared Haraam (Apex category) by the definitive verse of Quran shall be deemed non-Muslim, hereafter one cannot expect from the jurists like Imam Malik, Imam Shafi'I and Imam Ahmad that they may have the opinions which are repugnant to the spirit of this verse (7:157), because Imam Malik deems all the arthropods Halal while Imam Shafi'I and Imam Ahmad declare marine form Halal. Therefore arthropods as a phylum shall not be adjudicated Haraam (Apex Category) due to detestation in the context of mentioned verse unless fall under any other definitive verse or hadith, like blood, dead animals, pig carnivores etc.

Various Halal Standards regarding the consumption of arthropods

Halal operations are carried out under the principles of numerous Halal Standards all around the globe. Several Islamic Countries have developed their own in addition to the SMIIC. Each and every standard has appropriate guide lines for Halal Certification Bodies. Following are some of the glimpses regarding the consumption of arthropods.

- SMIIC Standard (Clause # 5.1.1.2) states that, venomous animals such as scorpion, centipede and wasps are non-Halal, as well as the repulsive animals such as insects and those that are forbidden to be killed, like honeybee and hoopoe.
- Pakistan Standard (PS 3733, Clause# 4.1.1.3) proclaims absolutely the same as mentioned in SMIIC Standard.
- Malaysian Standard (MS 1500:2009, Clause# 3.5.1.1.1) repeats the same as stated in SMIIC Standard but narrates flies and lice instead of insects.
- Singapore Standard (MUIS-HC-S001, Clause A.5.2) considers non-poisonous land crabs as Halal.
- MUI (Indonesia HAS 23201) Halal Standard on Materials (Material #10, 11 and 13) professes that cochineal color is Halal as well as the crabs and worms, if not poisonous.

All the Halal Standards either mentioned above or not, are in agreement that poisonous and repulsive animals are Haraam. There is no ambiguity in poison as it is an apparent factor of prohibition, but the opinions are diverse and uncertain about repulsiveness. Some of the standards consider cochineal color Halal, which is derived from an insect, while the other standards consider it Haraam as they contemplate insects repulsive. Some standards narrate land crabs Halal, while the others might include them in repulsive animals. The matter is alike regarding worms as well. The core of the matter is that Allah (SWT) and Prophet Muhammad (PBUH) did not provide conclusive and exclusive details of abominable and repulsive animals as (They) conveyed about the other prohibited animals. Hence there must be an understanding as to the doctrine of silence.

Doctrine of Silence^{xii}

There are certain matters which are maximally defined by Islamic Jurisprudence, like oneness of Allah, last prophet hood of Prophet Muhammad (PBUH), prayers, fasting, Hajj, Zakat etc. Their primary and secondary issues have been enlightened. Whereas some matters are minimally described, their primary concerns have been discoursed but subsidiary have been left to the mankind, like clothing. Since it is one of the most important necessities of human beings, yet there exist no mandatory secondary descriptions in jurisprudence. However, what can be found primarily in this regard for men, are the prohibition of silk and covering the private parts of body and for women is covering the whole body. In addition to these injunctions, sensitivity of Islam shall also be taken in consideration and the decision of its compliance has been delegated to the mankind as jurisprudence is silent in the context of obligatory directions. Hence the Muslims of this planet while clothing according to their circumstances, customs, geographies, economic conditions, political conditions, wishes and pleasures have to decide their own, whether or not their outfits are according to the sensitivity of Islam?

Prohibition of squandering is also an example of this doctrine. In principle, extravagance has been decreed Haraam. It is a variable matter which diverges from one person to another person, therefore its secondary description has not been provided. Hence its obligatory subsidiary details have been surrogated to the Muslims. They have to decide while doing their daily course of business, whether or not their deeds fall in the slant of extravagance? Equability and moderation are the other examples of this principle.

Similar is the case of repulsive and abominable animals. Primarily Allah (SWT) forbade the mankind from the consumption of disgusted animals but did not bestow compulsory secondary description. Therefore the matter is SUB JUDICE to the jurists of this Ummah and they have diverse judgments in this regard. Following hadith will enlighten this doctrine.

حَدَّثَنَا مُحَمَّدُ بْنُ مِقَاتٍ أَبُو الْحَسَنِ، أَخْبَرَنَا عَبْدُ اللَّهِ، أَخْبَرَنَا يُونُسُ، عَنِ الرَّهْرِيِّ، قَالَ أَخْبَرَنِي أَبُو أَمَامَةَ بْنُ سَهْلٍ بْنُ حُنَيْفٍ الْأَنْصَارِيُّ، أَنَّ ابْنَ عَبَّاسٍ، أَخْبَرَهُ أَنَّ خَالِدَ بْنَ الْوَلِيدِ الَّذِي يُقَالُ لَهُ سَيْفُ اللَّهِ أَخْبَرَهُ أَنَّهُ، دَخَلَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى مَيْمُونَةَ - وَهِيَ خَالَتُهُ وَخَالَهُ ابْنُ عَبَّاسٍ - فَوَجَدَ عِنْدَهَا ضَبًّا مَخْنُودًا، قَدِمَتْ بِهِ أُخْتُهَا حُفَيْدَةُ بِنْتُ الْحَارِثِ مِنْ نَجْدٍ، فَقَدِمَتْ الضَّبَّ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَانَ قَلَمًا يُقَدِّمُ يَدَهُ لِبَطْعَامٍ حَتَّى يُحَدِّثَ بِهِ وَيُسَمِّيَ لَهُ، فَأَهْوَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ إِلَى الضَّبِّ، فَقَالَتِ امْرَأَةٌ مِنَ النَّسْوَةِ الْحُضُورِ أَخْبَرَنَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا قَدَّمْتَنَ لَهُ، هُوَ الضَّبُّ يَا رَسُولَ اللَّهِ. فَرَفَعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ عَنِ الضَّبِّ، فَقَالَ خَالِدُ بْنُ الْوَلِيدِ أَحْرَامُ الضَّبِّ يَا رَسُولَ اللَّهِ قَالَ " لَا وَلَكِنْ لَمْ يَكُنْ بِأَرْضِ قَوْمِي فَأَجِدُنِي أَعَافُهُ ". قَالَ خَالِدٌ فَاجْتَرَرْتُهُ فَأَكَلْتُهُ وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْظُرُ إِلَيَّ.

Narrated Khalid bin Al-Walid (RA) that he went with Allah's Messenger (ﷺ) to the house of Maimuna, who was his and Ibn `Abbas' aunt. He found with her a roasted mastigure which her sister Hufaida bint Al-Harith had brought from Najd. Maimuna presented the mastigure before Allah's Messenger (ﷺ) who rarely started eating any (unfamiliar) food before it was

described and named for him. (But that time) Allah's Messenger (ﷺ) stretched his hand towards the (meat of the) mastigure whereupon a lady from among those who were present, said, "You should inform Allah's Messenger (ﷺ) of what you have presented to him. O Allah's Messenger (ﷺ)! It is the meat of a mastigure." (On learning that) Allah's Messenger (ﷺ) withdrew his hand from the meat of the mastigure. Khalid bin Al-Walid said, "O Allah's Messenger (ﷺ)! Is this unlawful to eat?" Allah's Messenger (ﷺ) replied, "No, but it is not found in the land of my people, so I do not like it." Khalid said, "Then I pulled the mastigure (meat) towards me and ate it while Allah's Messenger (ﷺ) was looking at me. (Sahih al-Bukhari 5391)

Mastigure is actually a spiny-tailed lizard, which is now called dhab-lizard. Fundamentally it is herbivore, but occasionally the young members of this class consume insects and other small animals. (Wikipedia) In the above mentioned hadith when Prophet (PBUH) was informed about the roasted lizard which was presented before him, He pulled his hand back and when Khalid (RA) asked about its legal status, He replied, it is not Haraam but I do not like it as it is not found in the land of my people. Then Khalid (RA) started eating the roasted lizard and the Messenger (PBUH) was looking at him with silence. There are two matters which can be derived from this hadith.

- Prophet (PBUH) disliked the roasted lizard and disliking implies detestation. (Tirmidhi #1790, Abu-Dawood #3793)
- When Khalid (RA) started eating the lizard, besides, the Messenger (PBUH) did not like it, the Prophet (PBUH) kept on watching him with silence, hence empowered him to take his own decision.

Hereafter it is proven that detestation can be a variable matter and the decision whether a thing is repulsive or not, might be delegated to a person himself. Islam shows mercy and compassion with mankind by keeping silence in so many matters and by empowering the people to take their own decisions in such issues under the principles of jurisprudence.

Doctrine of Adoption^{xiii}

One of the objectives of Islam is to create and provide ease. The word "Islam" has been derived in Arabic from peace and harmony. Prophet (PBUH) preached brotherhood, compassion, mercy, mutual cooperation and trustworthiness all of his life. He (PBUH) started from himself and exhibited a model to his nation. Following hadiths are the crux of the religion in this context.

حَدَّثَنِي إِسْحَاقُ، حَدَّثَنَا النَّضْرُ، أَخْبَرَنَا شُعْبَةُ، عَنْ سَعِيدِ بْنِ أَبِي بُرْدَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ لَمَّا بَعَثَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمُعَاذَ بْنَ جَبَلٍ قَالَ لَهُمَا " يَسِّرَا وَلَا تُعَسِّرَا، وَبَشِّرَا وَلَا تُنْفِرَا، وَتَطَاوَعَا "

Narrated Abu Musa (RA), when Allah's Messenger (ﷺ) sent him and Mu`adh bin Jabal to Yemen, he said to them, "Facilitate things for the people (treat the people in the most agreeable way), and do not make things difficult for them, and give them glad tidings, and let

them not have aversion (i.e. To make the people hate good deeds) and you should both work in cooperation and mutual understanding, obey each other. (Sahih al-Bukhari 6124)

حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ مُطَهَّرٍ، قَالَ حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ، عَنْ مَعْنِ بْنِ مُحَمَّدٍ الْغَفَارِيِّ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " إِنَّ الدِّينَ يُسْرٌ، وَلَنْ يُشَادَّ الدِّينَ أَحَدٌ إِلَّا غَلَبَهُ، فَسَدِّدُوا وَقَارِبُوا وَأَبْشِرُوا، وَاسْتَعِينُوا بِالْعَدْوَةِ وَالرَّوْحَةِ وَشَىءٍ مِنَ الدُّلْجَةِ " .

Narrated Abu Huraira (RA) that the Prophet (ﷺ) said, "Religion is very easy and whoever overburdens himself in his religion will not be able to continue in that way. So you should not be extremists, but try to be near to perfection and spread the good tidings that you will be rewarded and gain strength by worshipping in the mornings, the afternoons, and during the last hours of the nights." (Sahih al-Bukhari 39)

حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ، حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، أَنَّ سَالِمًا، أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " الْمُسْلِمُ أَخُو الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ، وَمَنْ كَانَ فِي حَاجَةِ أَخِيهِ كَانَ اللَّهُ فِي حَاجَتِهِ، وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً فَرَّجَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبَاتٍ يَوْمَ الْقِيَامَةِ، وَمَنْ سَتَرَ مُسْلِمًا سَتَرَهُ اللَّهُ يَوْمَ الْقِيَامَةِ " .

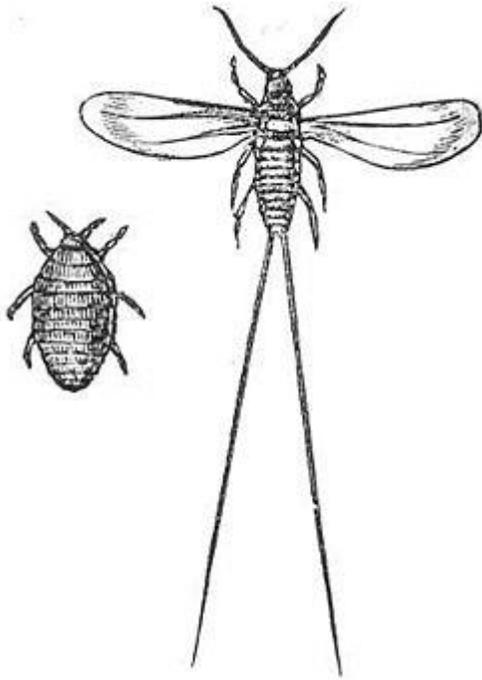
Narrated Abdullah bin Umar (RA) that Allah's Messenger (ﷺ) said, "A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, Allah will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allah will bring him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, Allah will screen him on the Day of Resurrection". (Sahih al-Bukhari 2442)

The above mentioned virtues and values were more required in the social and communal lives of Muslims as compared to their individual concerns; hence jurists inducted them in Islamic Jurisprudence and empowered them with the force of law. In this regard, Public Interest and Equity were included in jurisprudence as Secondary Sources of Law.

With the passage of time and with the evolution of jurisprudential laws, the jurists from various Schools of thought have developed a policy which is called Doctrine of Adoption. Under the principles of this doctrine the jurists from one school leave their own established opinion regarding an issue and adopt the view of other school for the sake of public interest. In the recent past the jurists from Hanafi' School have decreed in the favor of a woman who lost her husband completely for more than four years and neither she nor her and his own relatives did know anything about him, hence she allowed to marry anyone else. The limitation of four years was not the actual stance of the jurists of this school. Earlier they were in a view that the time span must be as long as the normal age duration of a generation. Later on they considered it hard and against the public interest, thus adopted the narrative of Maliki School

which restricts four years for this purpose. This kind of adoption shall be exercised and exhibited by the knowledgeable scholars. Furthermore it shall not breach the vibrant principles of Quran and hadith.

The question escalates when E 120 is discoursed in the context of this doctrine. Does the mentioned principle (Doctrine of Adoption) apply to cochineal?



Cochineal

It is actually a scale insect, from which the natural dye carmine is derived, thus used in food, cosmetic and pharmaceutical industries. The bigger in shape is male while smaller is female. This insect is found in Mexico and South America. Central America originated the carmine dye in 15th Century. Hence it was used to color the fabrics. That was colonial, pre-Industrial revolution age. Later on in 19th Century when synthetic colors were invented, the use of natural dye gradually vanished. After a long time health fears over artificial food additives have restored the practice of carmine dye. Hereafter voices are being raised by the Hanafi' and Imamia Schools as insects are considered non-Halal among them. To resolve the matter under the principles of mentioned doctrine the questions shall be put firstly to the Muslim Food Scientists. Whether or not this color is in the best interest of the public? While answering this question some of them are of the view that since carmine is from the chemical class called ANTHRAQUENONES, hence it is very beneficial for the better management of diabetes^{xiv xv} blood pressure and cancer and approved by the American FDA since 1969.^{xvi} Therefore more clinical studies are required that can it be used instead of medicine? Furthermore, is it necessary to use this dye and is it healthier than the artificial additives? If so, then secondly the matter shall be referred to the scholars (Hanafi'l, Imamia). After detailed discussion they may replace their established opinion with that of the viewpoint of Imam Malik to render the cochineal color halal.

Customary Precedents Regarding the Consumption of Arthropods

Allah (SWT) has created mankind as His best and most rewarded creature. In this regard He proclaims:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority" (1:30)

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ
مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا
تَفْضِيلًا

And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference. (17:70)

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

We have certainly created man in the best of stature. (95:4)

All the above mentioned verses in addition to some other adjudge the dignity and uprightness of mankind. Hereafter it is necessary to understand the role of foods in the self-esteem of human beings. The very first command delivered to the very first humans was about food, and when set aside, their private parts of the body became apparent. Hence consumption is not only important for health but with regard to the soul also. The piousness and the holiness of a person depend upon the ingesting of good things. Therefore Allah (SWT) has directed the mankind to consume what is good and nourishing, thus cattle, goat, sheep, camel, rooster, vegetables, fish etc. have been the prominent customary edibles, whereas Land form arthropods have never been placed in such category in any of the customs of divine religions. There exist no conspicuous precedents concerning the consumption of insects and alike in the religious history of mankind. Since these little creatures are not domesticated for ingestion, therefore human beings are not familiar with them. Moreover, they are by nature vegetable and meat lovers so tiny land creatures do not attract them for consumption.

Adjudication

The above whole discourse is adjudicated with the following rulings.

- Since ARTHROPODA is the biggest phylum which contains more than eighty percent of the known animals, therefore all of them shall not be deemed repulsive as there are numerous attractive and eye-catching species among them. Furthermore, it is against the Divine Innovative Philosophy to declare such a big number of living organisms repulsive due to the presence of some disgusted species. Moreover, it has been observed over the centuries that mankind does not domesticate these tiny creatures for consumption, hence feels discomfort with them but awkwardness does not mount to detestation in every case.
- Prohibition is categorized as Makrooh-e-Tenzeehi, Makrooh-e-Tehreemi and Haraam. Therefore every forbidden thing or act shall not mount to apex category (Haraam), it might be disallowed as Tenzeehi or Tehreemi. Furthermore, Haraam can only be derived from definitive verse or hadith. Any restriction that has been imposed by speculative verse or hadith shall mount to Makrooh-e-Tenzeehi or Tehreemi. Speculative kinds of verses and hadiths are the actual domain of differentiation which is found among the various Schools of thought and is indeed the beauty of Islam.
- The verse (7:157) that has been mentioned with regard to the prohibition of arthropods is speculative in the absence of conclusive and exclusive details of abominableness, therefore according to this verse, arthropods as a phylum shall not be deemed Haraam (apex category) due to detestation unless any of its members falls under any other definitive verse or hadith, if found. In such case that specific animal shall be rendered Haraam.
- If repulsiveness is not proven by the definitive verse or hadith but rather through speculative verse or hadith then prohibition shall mount to Makrooh-e-Tehreemi or Tenzeehi depending upon the nature of text. Furthermore, in such case detestation might be a variable matter and can be enlisted under the doctrine of silence where subsidiary mandatory injunctions are not provided, hence jurists are empowered to decide their own under the principles of jurisprudence.
- Under the doctrine of adoption Hanafi' and Imamia Schools can replace their established opinions with the viewpoint of Maliki School to render cochineal color Halal if the required conditions are fulfilled.

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