

# **Notes of Lectures on Fiqh by Maulana Sadiq Hasan Lecture # 23 (Thursday 21 August 2003)**

## **BENEFIT OF EHTIATE WAJIB**

✳️ Ehtiate Wajib (Obligatory Precaution) is a very useful term used by a Mujtahid in issuing opinion on those issues in which he is not sure of his own firm decision. This gives some flexibility to his followers to refer to another Mujtahid, who may have a different fatwa on such issues. When a Mujtahid gives an opinion on an issue under the category of Ehtiate Wajib, it means that he is giving an option to his followers to either follow his opinion on this issue or follow the fatwa of the next highest ranking Mujtahid on that particular issue. Several examples would clarify this.

✳️ Ayatullah Khui says that according to Ehtiate Wajib, the Ahle Kitab (Christians and Jews) are najis. But Ayatullah Seestani says that they are tahir. Hence the followers of Ayatullah Khui can follow the fatwa of Ayatullah Seestani in this matter and consider Ahle Kitab as tahir.

✳️ Ayatullah Seestani says that on the basis of Ehtiate Wajib, gelatine made from bone of a non-zabiha (un-Islamically slaughtered) animal is haram. But all other current Mujtahids say that gelatine made from bone of such animal is halal. Hence followers of Ayatullah Seestani can follow other Mujtahid on this issue and assume gelatine from bone to be halal.

✳️ Ayatullah Seestani says that if a man and a woman (mahram or na-mahram) are offering salat in one room, then it is Ehtiate Wajib that the distance between them must be at least 7.5 feet (unless the man is in front). But Ayatullah Khui says that a distance of one span is necessary, and Ayatullah Khomeini says that no distance is necessary. Since Ayatullah Khui and Khomeini are dead, the followers of Ayatullah Seestani can follow a living Mujtahid on this issue, who has a different fatwa.

✳️ Sometimes an opinion with Ehtiate Wajib does not give much option to the followers. For example, Ayatullah Khui says that shaving of beard is haram on the basis of Ehtiate Wajib. All other Mujtahids also say that shaving of beard is haram. Hence followers of Ayatullah Khui have to accept that shaving of beard is haram.

## **HALAL MEAT AND FISH**

✳️ If a Muslim says that the meat, which is under his custody (i.e. he is serving or giving or selling) is halal (zabiha), then you can take it as halal, unless you have Yaqeen (100% sure) or Itminan (98-100% satisfaction) that he is telling a lie or he is known to you as one who does not care about haram or halal. This applies also to host, shop owner, restaurant owner etc. It is not necessary for you to investigate his background or lifestyle, but he must be a Muslim. If your level of satisfaction about the meat being halal is above 50% but below 80%, then it is better to avoid it.

✳️ But if a Muslim says that the meat served in another shop or restaurant is halal, then you must have witnesses or you must attain Itminan to consider that meat to be halal.

✳️ If it is written on the Muslim meat shop that the meat is halal, then you must be sure that the present owner of the shop has written it or approved it.

✳️ If there is a halal certificate shown on a Muslim or non-Muslim meat shop or restaurant, then you must be sure or have Itminan that the certificate has been issued by a reliable Muslim authority or organisation.

✳️ If a kafir says that the meat he is serving or selling is halal, then you can not take it as halal as such on the basis of his words, unless witnesses testify or you attain Yaqeen or Itminan (by your own judgement through other information) that the meat is halal. For example, if you get Itminan on the basis of the fact the strict laws of the country will not allow him to tell a lie about that meat, then you can consider it as halal.

✳️ If it is written on a food packet in a non-Muslim country or obtained from a non-Muslim country that the meat content is halal, then believing on the writing is not enough. You must attain Yaqeen or Itminan that the meat content is halal.

✳️ If a food packet coming from a non-muslim country mentions that it has animal fat, then you can not use it. But if you have a sincere doubt that whether the fat was derived from animal's body or from the milk of the animal, then in such a case of doubt you can assume the fat to be halal. The fat derived from a non-zabiha animal is haram but the fat derived from the milk is halal.

✳️ For a fish to be halal, it must fulfil two conditions: (a) the fish must have scales, and (b) the fish must have been caught alive (by muslim or non-muslim). If you have Itminan that the fish was caught alive and it also has scales, then you can eat it.

### **PRECAUTIONS IN NAJASAT / TAHARAT, HARAM / HALAL**

✳️ Even though Islamic rulings are lenient in making decisions whether a thing is najis or tahir or haram or halal, it is always better to adopt precaution in matters involving high degree of doubt or lack of knowledge about haram or halal.

✳️ In case of najis or tahir things, it is better to avoid eating or using those things where you have a high degree of doubt that they are najis. But it is neither mustahab nor makrooh to avoid such doubtful things.

✳️ In case of haram or halal food, it is Mustahab to avoid eating those food (e.g. meat) for which you have more than 80% satisfaction level that they are **haram**.

✳️ In Islam, a higher degree of Taqwa (piety) is attained by a Muslim when he keeps away from those things, for which he is not sure if they are halal or haram.

✳️ We must especially train our children (especially those in western countries) to keep away from najis and haram things even in case of doubt. It is quite possible, that due to continuing Ijtihad by Mujtahids, the rulings of Mujtahids may change in future about the rules of taharat and najasat, or halal or haram.