

Medicines Containing Alcohol

In Islamic Law

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Course: Contemporary Fiqh Issues, FQH 502

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Assignment question:

Talk about medicines containing alcohol.

Define alcohol and also talk about whether it is halaal or haraam to drink it.

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Abstract

This research paper examines the legal rulings of medicine containing alcohol in Islamic law. The scholars of Islam have differed regarding several issues connected to this topic which led to confusion among the people. At the same time, medicines containing alcohol are very common and hard to avoid in modern times which requires a clear picture of what is acceptable according to Islamic law and what is not acceptable.

Firstly, this research paper will define the different types of alcohol, its uses, and explain its rulings according to the scholars of the past, paying attention to the differences of opinions regarding its purity. Secondly, it will be discussed which legal principles and legal maxims are necessary to deduce a ruling from the available sources of Islamic law regarding this issue. Thirdly, the situations in which alcohol may or may not be used will be defined based on the scholars' understanding of necessity and need.

Keywords: Fiqh, Islamic law, medicine containing alcohol, ruling of alcohol

Medicines Containing Alcohol

In Islamic Law

All praise belongs to Allah, the Lord of the worlds, and blessings and peace be upon our prophet Muhammad, his companions, his family and those who follow his path until the Last Day.

Due to the commonness and difficulty of avoidance of medicines containing alcohol, many questions arise among Muslims regarding its permissibility. Scholars have differed regarding several points concerning the permissibility and purity of alcohol in medicines. This has led to some confusion which requires a clear explanation as to what is permissible in Islamic law.

In addition, the principles of necessity and need get often confused. A question that is commonly asked is when the need for medicines containing alcohol is compelling enough to be allowed to resort to it.

This research paper aims to clear the doubts and to answer the questions that arise with regard to the topic of medicine containing alcohol. Therefore, this paper is divided into the following sections:

Section 1: The definition and rulings of the different types of alcohol according to the differing opinions of the major madhahib (schools of Islamic law) will be mentioned.

Section 2: The legal principles and legal maxims which are required to deduce a legal ruling regarding medicine containing alcohol will be discussed. This includes the maxim that “the original rule in things is that they are lawful and pure” (Ibn ‘Abd al-Salām, 1262) and the principle of *istihlāk*.

Section 3: The theory of necessity (*ḍurūrah*) and need (*hājah*) will be discussed and a clear differentiation according to some contemporary scholars will be applied to the issue of medicine containing alcohol.

Definition and Ruling of Alcohol

Definition of Alcohol

Linguistically, alcohol is any chemical substance that is an organic compound that has at least one hydroxyl function group in its molecule which is attached to a carbon atom of a hydrocarbon chain. This includes methanol, ethanol, propanol, butanol, pentanol, and many others. (Wade, 2022)

Technically, alcohol refers to the alcohol which is meant for consumption and has an intoxicating effect on the one who consumes it. This only refers to ethanol, also known as ethyl alcohol. While methanol is also often consumed in the form of low-quality beverages, it is not considered to be drinking alcohol as it does not commonly have an intoxicating effect on the consumer but rather causes headaches. Therefore, the rulings regarding alcohol are only applied to ethanol.

This is based on a hadith found in Sunan Tirmidhi where Nu'mān bin Bashīr narrated that the Messenger of Allah ﷺ said: "Indeed Khamr comes from wheat, Khamr comes from barely, Khamr comes from dates, Khamr comes from raisins, and Khamr comes from honey."¹

Ruling of Alcohol

According to the Quran, Sunnah, and the consensus of the scholars of Islam, consuming alcohol is impermissible (*ḥarām*) to be consumed.

¹ Sunan Tirmidhi, Hadith No. 1872 (*ḥasan*)

Allah says in Sūrah al-Mā'idah, verse 90: *O you who believe! Wine, gambling, altars and divining arrows are filth, made up by Satan. Therefore, refrain from it, so that you may be successful.*

Anas ibn Malik narrated that the Messenger of Allah ﷺ said: "Wine is cursed from ten angles: The wine itself, the one who squeezes (the grapes, etc), the one for whom it is squeezed, the one who sells it, the one who buys it, the one who carries it, the one to whom it is carried, the one who consumes its price, the one who drinks it and the one who pours it."²

However, scholars have differed regarding the purity of alcohol.

According to the Hanafi madhhab (school of thought), there is a difference of opinion regarding it. According to one opinion, which is also the opinion of Imam Muhammad, all types of ethanol are prohibited and impure. According to another opinion, which is also the opinion of Imam Abu Hanifah and Imam Abu Yusuf, only ethanol which is derived from grapes and wine is impure and prohibited while ethanol which is derived from any other source is pure and permissible to consume as long as it does not intoxicate. (ibn Abideen, 1812)

Modern-day Hanafi scholars usually give the fatwa that all types of ethanol are prohibited to consume and only alcohol from dates and grapes is impure and must not be consumed at all, no matter how little in quantity it is. (Darul Ifta, Darul Uloom Deoband, 2016) However, this view is weak and not accepted according to the other madhahib.

Principles of Islamic Law Applied to Medicine Containing Alcohol

Legal Maxime of the Original Ruling of Worldly Matters

The legal maxim which is important to be understood in all worldly matters of Islamic law is that "the original rule in things is that they are lawful and pure". (Ibn 'Abd al-Salām,

² Sunan ibn Mājah, Hadith No. 3380 (*ḥasan*)

1262) This ruling is agreed upon by most of the scholars. It is based on what Allah said in Sūrah al-Baqarah, verse 29: *It is He who created for you all that the earth contains,*

Therefore, all medications are permissible and pure unless proven otherwise.

Principle of *Istihlāk*

Istihlāk is known as the principle of dissolution. It refers either to “using up something” or to “mixing one substance in small quantity with another substance in large quantity so that the characteristics of the first substance are lost.”

This principle is based on some of the statements of Prophet Muhammad ﷺ and the unanimous opinion of the scholars. However, even though the scholars did not differ about the acceptance of this principle, they differed about the details, conditions, and application of this principle.

Based on this, if alcohol is mixed with another pure and permissible substance in a way that its characteristics are lost, it becomes permissible to be used according to the majority of scholars which is the correct opinion. Only the Hanafi scholars differ with regard to alcohol which is derived from grapes and dates as they claim that this type of alcohol is impure and must not be used in medicine at all. (Darul Ifta, Darul Uloom Deoband, 2016)

The same is valid for food and drinks where alcohol is used as a conservative, such as ready-made pizza dough and pastry.

Theory of Necessity and Need

Definition of Necessity and Need

Necessity (*ḍurūrah*) is generally defined as the preservation of religion, life/health, wealth, lineage and dignity. If one or more of the aforementioned necessities are at risk of being harmed, one may resort to some prohibited things to preserve these necessities. Based on this, scholars have formulated the legal maxim “necessity permits unlawful thing” (Ibn ‘Abd al-Salām, 1262).

This is based on what Allah mentions in Sūrah al-Baqarah, verse 173: *But if one is forced by necessity without willful disobedience nor transgressing due limits, then there is no sin on him.* And in Sūrah al-Mā'idah, verse 3: *But as for him who is forced by severe hunger, with no inclination to sin, then surely.* And in Sūrah al-An'ām, verse 119: *except that to which you are compelled by extreme necessity.*

In the case of necessity, two conditions have to be met. These are that the necessity must be compelling, i.e. no other permissible or less harmful option can be resorted to, and that only so much may be consumed that is required to remove the fear of great harm to the aforementioned necessities.

Need (*ḥājah*) is usually defined as a situation that poses great difficulty to an individual.

It is generally understood among scholars that there is a difference between necessity and need even though it is not clearly defined by the classical scholars of Islam. Some contemporary scholars have postulated that the difference between necessity and need is that necessity (preservation of religion, life/health, wealth, lineage, and dignity) allows you to resort to something prohibited while need (great difficulty without the fear of harm) only allows a person to choose a weaker opinion which one would not follow without the need.

For example, if a woman follows the opinion that the face is to be covered, but she faces great difficulty covering her face while performing Hajj or Umrah, she would be allowed to uncover her face because there is the opinion amongst scholars that not covering the face is allowed.

On the other hand, great difficulty without the fear of harm to the aforementioned necessities would not allow a person to drink alcohol or eat pork – even if there is no other option for him. It only becomes permissible when he fears great harm. (Uthmani, 2011)

However, it should be noted that not everything becomes permissible by the mere presence of harm to one or more of the necessities. Sins are divided into three categories when it comes to their permissibility or prohibition due to necessity.

Firstly, those things that become permissible, such as eating dead flesh, eating pork and drinking alcohol. The proofs of this category have been mentioned above. About this category, it has been mentioned: “If a person is forced by necessity to eat impurities then it is compulsory for him to do so because the harm of losing life or limb or the body than the harm of eating impurities.” (Ibn ‘Abd al-Salām, 1262)

Secondly, those things which remain impermissible, but there is a concession (*rukhsah*) like mentioning words of kufr on the tongue, the destruction of the wealth of a Muslim, defamation of another person and the like.

Thirdly, those things which remain impermissible and there is no concession such as killing a Muslim, committing *zinah* (adultery) and the like. (Uthmani, 2011)

Application of Theory of Necessity and Need

It was clearly shown that alcohol belongs to those things which become permissible and in fact obligatory to be consumed to remove the fear of harm to the necessities.

Based on this, the necessary amount of medication with any necessary amount of alcohol will be permissible to be consumed in the case of fear of harm to a person’s life and long-term health if no other permissible or less harmful option is available.

In the case of great difficulty without the fear of harm to the necessities, one may have a more lenient approach when it comes to the percentage of alcohol in the medication (e.g. 1% vol alc. may be acceptable).

In a situation where there is no necessity or need, medications with a very small percentage of alcohol (e.g. 0.5% vol alc.) will be acceptable.

Conclusion

It can be concluded based on evidence from the Quran, the Sunnah, and the works of the scholars that alcohol in medicine will be permissible depending on the situation and the amount of alcohol contained in the medicine.

And Allah knows best.

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