

Ruling On Booking Orders From A Restaurant Selling Permissible And Impermissible Food Items

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(Dawateislami)

Question

What do the scholars of Islam say regarding the following matter: We have opened a call centre, and our line of work is to make contact with takeaways and restaurants in Europe. We offer to receive customer calls on their behalf, take their orders and forward that complete information to said takeaways and restaurants, allowing them to prepare and deliver food with ease.

In return for this service, we agree a daily or monthly fee according to the hours our staff will attend calls on their behalf. Whether calls are received or not during those timings, the daily or monthly service fee will be binding. What is the ruling of shari'ah relating to this?

Note: According to further elaboration from the questioner: If a customer wishes to place an order, he will make a local call which will be routed to us here in Pakistan via the internet. We will enter all necessary details concerning the customer and his order, then using the print option in our software, it will be printed out at that particular restaurant in Europe, allowing its staff to prepare and deliver the order. As our work is only with restaurants in Europe which also provide haram items such as pork, alcohol etc., when we receive orders containing these, we would have to record and relay them also.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the scenario described above, the offering of such a service to restaurants in Europe is impermissible and haram. Before discussing the details of this ruling, a few preliminary matters will need to be kept in mind.

Those items that have been forbidden for consumption in Islam are impermissible for both Muslims and non-Muslims. Their impermissibility for Muslims is clear, and according to the preponderant view, non-Muslims are also legally responsible when it comes to rulings of shari'ah. It is also necessary for them to avoid these things. Consumption of these items is haram for them also.

Whatever items are haram for consumption, it is haram to provide them to someone else or aid another person in procuring them, as this entails aiding a person in sin. Allah has clearly forbidden this in the Quran.

An item being impermissible is not restricted to it containing just alcohol or pork. There are other reasons which can necessitate this. For example, a machine slaughtered animal (such that the conditions of Islamic slaughter are not found, has the same ruling apply to it as carrion). This is forbidden to consume. The same is true for items containing alcohol (apart from the case of medicines, their consumption is forbidden).

After this introduction, the detail of this answer is: the customer contacting you may order an item which is halal or haram, and you will be responsible for recording it and sending it to the relevant restaurant, so their staff can prepare and deliver the order. From our preliminary discussion, providing both Muslims and non-Muslims with forbidden and impure items (for example: pork, machine slaughtered meat, alcohol and products that have these mixed into them), is impermissible and a sin. Consequently, your taking of an order for haram items and providing it to restaurant staff is to aid them in sin. The employment which involves that which is impermissible or aiding in that which is forbidden, is itself unlawful.

The permissible scenario for this is that you make an agreement with a restaurant which only provides 100% halal items or that you only take orders which contain lawful items from a restaurant. In such a scenario your service provision will be permissible if there is no other reason making it unlawful.

The legal cases relating to the above-mentioned details are as follows:

Prohibition of pork and alcohol

Allah states in the Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَعْرَافُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوا لَعَلَّكُمْ تَفْلِحُونَ ﴿٩٠﴾

Translation from Kanz-ul-Iman: O believers! Wine, and gambling, and idols, and fortune-telling arrows (to ascertain luck or predict future events) are but impure; the works of the Devil. Therefore, keep avoiding them in order that you may attain success.¹

In another verse, Allah announced:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أَهَلَ لِغَيْرِ اللَّهِ بِهِ

Translation from Kanz-ul-Iman: Forbidden for you (to eat) is carrion (dead meat), and blood, and the flesh of swine, and that which has been slaughtered while proclaiming any name other than Allah²

As explained in hadith, ten people are cursed in relation to alcohol. In Sunan al-Tirmidhi:

لعن رسول الله صلى الله تعالى عليه وسلم في الخبر عشرة: عاصرها ومعتصرها وشاربها وحاملها والبحولة اليه وساقيتها وبائعها واكل ثمنها والمشتري لها والمشترا له

Translation: The Messenger of Allah صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ cursed ten in relation to alcohol: He who extracts wine, he who has it extracted, its drinker, he who brings it, the one it is carried to, its server, its seller, he who earns from it, he who purchases it and the one it is purchased for.³

In another hadith narrated by the renowned Companion Jābir b. ‘Abdullāh رَضِيَ اللهُ عَنْهُ:

انه سبع رسول الله صلى الله عليه وسلم عام الفتح وهو بكعة، يقول: ان الله ورسوله حرم بيع الخمر والميتة والخنزير والاصنام

¹ Al-Quran, 5:90, Translation from Kanz al-Īmān

² Al-Quran, 5:3, Translation from Kanz al-Īmān

³ Jāmi’ al-Tirmidhi, vol. 1, p. 242, published in Karachi

Translation: He heard the Messenger of Allah صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ say during the year Makkah was conquered: "Indeed Allah and His Messenger have forbidden the sale of alcohol, carrion, swine and idols."⁴

Impermissibility of machine slaughter

Allah explains in the Quran:

وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ ط

Translation from Kanz-ul-Iman: And do not eat that upon which Allah's Name has not been mentioned (at the time of slaughtering) and (eating) that is indeed disobedience.⁵

Mentioning the conditions of slaughter, the Hanafi jurist, Mufti Amjad 'Ali al-Azamī رَحْمَةُ اللهِ عَلَيْهِ said:

There are some conditions for the permissibility of a slaughtered animal:

- 1) The person performing the slaughter should be sane.
- 2) He should be a Muslim or one of the People of the Book.
- 3) Slaughtering should take place in the name of Allah.
- 4) The one slaughtering should say the name of Allah with his own tongue.
- 5) The intended purpose of taking the name of Allah should be for the slaughtering of the animal.
- 6) Any name other than that of Allah should not be taken at the time of slaughter.
- 7) The animal which is slaughtered should be alive at the time of slaughter, even if a small portion of its life remains.⁶

Writing about the details of machine slaughter, Mufti Nizām al-Dīn Raḍawī explains:

Animals which are slaughtered using machines are haram according to all four schools of jurisprudence. The ruling of these is the same as carrion, as it is an agreed condition for the lawfulness of an animal that the person performing the slaughter should be sane, intelligent, a Muslim or a person from the people of the Book. Whereas in the machine slaughter system, the slaughter is not carried out by a human being. Electricity is used instead, which is certainly devoid of these conditions.⁷

At another juncture, he states:

Evidently, a machine is neither a sane human being of sound intellect, nor is it a Muslim or a person of the Book. It is not capable of reciting بِسْمِ اللَّهِ or making intention. Slaughter performed with a machine, is devoid of all conditions necessary for slaughter to be valid. This renders machine slaughter haram, according to universal consensus of the four imams.⁸

The permissibility/impermissibility of items which contain alcohol

⁴ *Jāmi' al-Tirmidhi*, vol. 2, p. 582, published in Beirut

⁵ *Al-Quran*, 6:121, Translation from *Kanz al-Imān*

⁶ *Bahār-i-Sharī'at*, part. 15, pp. 313 - 314, *Maktabat al-Madinah*, Karachi

⁷ *Machinī Zabiha*, p. 31, *Maktabah Barakat al-Madina*, Karachi

⁸ *Machinī Zabiha*, p. 46, *Maktabah Barakat al-Madina*, Karachi

Dar al-Ifta Ahl al-Sunnah has issued many fatwas on this matter. To learn more, separate legal rulings can be acquired from any branch of Dar al-Ifta Ahl al-Sunnah.

Providing Muslims and non-Muslims with haram items

Non-Muslims are as legally responsible as Muslims in relation to the rulings of sharī‘ah. The impermissibility of alcohol and pork is also established for them. In *Badāi‘ al-Ṣanāi‘*:

حرمة الخمر والخنزير ثابتة في حقهم كما هي ثابتة في حق المسلمين، لانهم مخاطبون بالحرمان وهو الصحيح عند اهل الاصول.⁹

In *Fatāwā Razawiyyah*, “The correct view is: disbelievers are also legally responsible in relation to the rulings of sharī‘ah.”¹⁰

In regard to giving a non-Muslim alcohol to drink, it is written in *Hidāyah*:

ولا ان يستقى ذميا ولا ان يستقى صبيا للتداوى والوبال على من سقاها.¹¹

Mufti Amjad ‘Ali A‘zamī رَحْمَةُ اللهِ عَلَيْهِ writes:

It is unlawful to give alcohol to a disbeliever or a child, even as a medicine. The sin of this will be upon he who gives them it. Some Muslims invite non-Muslims to meals and give them alcohol to drink. The former are sinful and the crime of this drinking is upon them.¹²

Aiding in haram acts

Allah states:

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

Translation from *Kanz-ul-Iman*: And do not help one another in sin and injustice.¹³

Commenting on this, Imam Abū Bakr Aḥmad al-Jaṣṣāṣ رَحْمَةُ اللهِ عَلَيْهِ writes:

نهى عن معاونة غيرنا على معاصي الله تعالى

Allah forbade us from supporting others in acts of disobedience to Him.¹⁴

Impermissibility of employment that involves haram

Allamah Kamāl al-Dīn Ibn Humām رَحْمَةُ اللهِ عَلَيْهِ said:¹⁵

الاجارة على ما هو طاعة او معصية، لا تجوز

Imām Aḥmad Razā Khān رَحْمَةُ اللهِ عَلَيْهِ explained, “Employment in which a person must personally do acts which are haram, is haram itself. This remains the case even if wages are paid from purely lawful wealth.”¹⁶

It is recorded in the *Kuwaiti Fiqh Encyclopaedia*:¹⁷

اتفقوا على انه لا يجوز للمسلم ان يؤجر نفسه للكافر لعبل لا يجوز له فعله كعصر الخمر ورعى الخنازير وما اشبه ذلك

⁹ *Badāi‘ al-Ṣanāi‘*, vol. 6, p. 83, published in Quetta

¹⁰ *Fatāwā al-Razawiyyah*, vol. 16, p. 382, Raza Foundation, Lahore

¹¹ *Al-Hidāyah*, vol. 4, p. 503, published in Peshawar

¹² *Bahār-i-Sharī‘at*, vol. 3, p. 672, Maktabat al-Madinah, Karachi

¹³ *Al-Quran*, 5:2, Translation from *Kanz al-Imān*

¹⁴ *Ahkam al-Quran*, vol. 2, p. 429, published in Karachi

¹⁵ *Fath al-Qadīr*, vol. 10, p. 60, published in Quetta

¹⁶ *Fatāwā al-Razawiyyah*, vol. 19, p. 515, Raza Foundation, Lahore

¹⁷ *Kuwaiti Fiqh Encyclopedia*, vol. 19, p. 45, published in Kuwait

Mufti Amjad ‘Ali al-A‘zamī رَحْمَةُ اللَّهِ عَلَيْهِ was asked the ruling regarding two Muslims employed in a restaurant where pork was cooked alongside other meat. One of the two was employed to lift a covered dish and pass it to the other, who would then place the dish on a table. Neither of them was aware of what was in the covered dish. He replied:

When it is known that the restaurant cooks pork and they were both involved in getting the plate to the table, they should not have taken up employment in such a place. They should repent and reconnect themselves with the Muslim community. It is stated in hadith:¹⁸

التائب من الذنب كمن لا ذنب له

وَاللَّهُ أَعْلَمُ عَزَّوَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

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¹⁸ Fatāwā Amjadiyyah, vol. 3, pp. 270 - 271, Dar al-Uloom Amjadiyyah, Karachi