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Alcohol contained Products – A detailed Answer

Question: I would like to enquire whether applying or using items containing alcohol is permitted. There are many home and personal care products such as Isopropanol (rubbing alcohol), hand sanitizers (mainly in hospitals), mouth wash and the list is endless that contain alcohol. There are many foods, drinks and even medicines also containing alcohol particularly ethanol. My question is what is the Shar'ee perspective in using or consuming products with alcohol ingredients? Are they permissible or not? Appreciate if you could provide an elaborative answer on this issue.

الجواب حامداً و مصلياً

In the name of Allāh, the Most Gracious, the Most Merciful

There has been much discussion among the circle of contemporary scholars on the legal position of alcohol contained products. Much of it depends on the type of alcohol it contains; natural or artificial form and its derivative source. The advancement of the manufacturing industries in food, care products, medical, alcohol and so on in the last few decades has resulted in a myriad of new legal issues, compelling the contemporary scholars to respond to those arising issues in light of the Shar'ee principles. The dilemma we Muslims face today is that it is impossible to avoid every alcohol contained products and by attempting to do so, will lead to unnecessary constrain. An alternative solution must therefore be sought in light of the Shari'ah guidelines. I will therefore elaborate on the legal Hanafi position adopted in reference to your question.



equal in prohibition? The Shafi'ee, Maliki and Hanbali Schools of *fiqh* and Imām Muhammad ﷺ from the Hanafi School consider alcohol derivatives of all varieties as *khamr* without any distinctions between the original source because of their intoxicating nature. The following prophetic reports are adduced in support of their position. The first wherein the Messenger of Allāh ﷺ said, “Every intoxicating [drink] is unlawful and whatever excessive [amount] intoxicates then its miniscule [quantity] is unlawful.”⁶ Another report generically forbids all forms of alcohol beverages regardless of its source. The Messenger of Allāh ﷺ said, “Verily from wheat there’s *khamr*, from barley there’s *khamr*, from raisins there’s *khamr*, from dates there’s alcohol and from honey there’s alcohol.”⁷ These two sound reports adequately prove that alcohol that is intoxicant in nature is prohibited regardless of its source and quantity.

Imām Abū Haneefah ﷺ and his senior student Imām Abū Yūsuf ﷺ – both referred to as Shaykhain – divide *khamr* into two categories; *khamr haqeeqi* (real alcohol) and *khamr ghayr haqeeqi* (unreal alcohol). *Khamr haqeeqi* refers to drinks extracted from the *Ashribah Arba*; raw grape juice, processed grape juice, dried grape juice (raisins) and date juice, fermented to the point that it becomes highly concentrated like for instance the process of wine making. This is based on the prophetic tradition wherein the Messenger of Allāh ﷺ said, “*Khamr comes from two trees; grapes and dates.*”⁸ The

⁶ Sunnan ibn Majah, Hadeeth No: 3392

بَابُ مَا أَسْكَرَ كَثِيرُهُ، فَقَلِيلُهُ حَرَامٌ
عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «كُلُّ مُسْكِرٍ، حَرَامٌ، وَمَا أَسْكَرَ كَثِيرُهُ، فَقَلِيلُهُ حَرَامٌ»

⁷ Sunnan ibn Majah, Hadeeth No: 3379

بَابُ مَا يَكُونُ مِنْهُ، الْخَمْرُ
حَدَّثَهُ أَنَّ الشَّعْبِيَّ، حَدَّثَهُ أَنَّهُ سَمِعَ التُّعْمَانَ بْنَ بَشِيرٍ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ مِنَ الْخِنْطَةِ خَمْرًا، وَمِنَ الشَّعِيرِ خَمْرًا، وَمِنَ الرَّيْبِ خَمْرًا، وَمِنَ التَّمْرِ خَمْرًا، وَمِنَ الْعَسَلِ خَمْرًا»

⁸ Sunnan ibn Majah, Hadeeth No: 3378

بَابُ مَا يَكُونُ مِنْهُ، الْخَمْرُ
عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " الْخَمْرُ مِنْ هَاتَيْنِ الشَّجَرَتَيْنِ: النَّخْلَةِ، وَالْعِنْبَةِ "

most prevalent alcohol drink in those days was *nabeedth* drink produced from dates. The traditional method of producing wine or *nabeedh* was to manually crush grapes or dates to extract its juices and during the fermentation process, when a thick bubbling layer of froth appeared at the end of it, it was a sign of it being highly concentrated and intoxicating. According to the Shaykhain, it is this type of *khamr* whose prohibition and impurity is being referred to in the above verse of surah al-Maidah whether in small or large quantity, or whether it intoxicates or not. Denial of its prohibition casts one outside of the fold of Islām.⁹ As for *khamr ghayr haqeeqy*, it refers to alcohol beverages extracted from other than grapes and dates, such as barley, honey, wheat etc. This is a grade lower than the real form of *khamr* that is not impure and permissible to consume but not for recreational (*lahw*) purpose and nor to the extent of one becoming intoxicated, however permitted for medicinal purpose or to gain strength for worship.¹⁰

⁹ Jawharatun Niyyarah, Kitabul Ashribah p. 175 vol 2

(الْأَشْرِبَةُ الْمُحَرَّمَةُ أَرْبَعَةٌ: الْحَمْرُ وَهُوَ عَصِيرُ الْعِنَبِ) يَعْنِي الْيَاءُ مِنْهُ (إِذَا عَلِيَ وَاشْتَدَّ وَقَدِيفَ بِالرِّبْدِ) مِنْ دُونَ أَنْ يُطْبَخَ. قَوْلُهُ: (وَالْعَصِيرُ إِذَا طُبِحَ حَتَّى ذَهَبَ أَقْلُ مِنْ ثَلَاثِيهِ) وَيُسَمَّى الطَّلَاءُ. قَوْلُهُ: (وَنَقِيعُ الثَّمَرِ إِذَا اشْتَدَّ وَعَلِيَ) وَيُسَمَّى السَّكْرُ (وَ) نَقِيعُ (الرِّبِيبِ إِذَا عَلِيَ وَاشْتَدَّ) ، وَالْكَلامُ فِي الْحَمْرِ فِي عَشْرَةِ مَوَاضِعَ أَحَدُهَا فِي بَيَانِ مَا هِيَ بِهَا وَهِيَ الْيَاءُ مِنْ مَاءِ الْعِنَبِ إِذَا صَارَ مُسْكِرًا، وَالثَّانِي فِي حَدِّ ثُبُوتِ هَذَا الْاسْمِ وَهَذَا الَّذِي ذَكَرَهُ مَنْ اشْتَرَطَ الْقَدْفَ بِالرِّبْدِ هُوَ قَوْلُ أَبِي حَنِيفَةَ وَعِنْدَهَا إِذَا اشْتَدَّ وَعَلِيَ وَلَا يُشْتَرَطُ الْقَدْفُ بِالرِّبْدِ، وَالثَّلَاثُ إِنَّ عَيْنَهَا حَرَامٌ غَيْرٌ مَغْلُوبٌ بِالسَّكْرِ وَلَا مَوْفُوفٌ عَلَيْهِ لِأَنَّهَا رَجَسٌ، وَالرَّجْسُ مُحَرَّمٌ الْعَيْنِ، وَالرَّابِعُ أَنَّهَا نَجَسَةٌ مُغْلَظَةٌ كَالْبَوْلِ، وَالْحَامِسُ أَنَّهَا يَكْفُرُ مُسْتَحْلِلُهَا، وَالسَّادِسُ سُفُوطٌ تَقُومُ فِي حَقِّ الْمُسْلِمِ حَتَّى لَا يَضْمَنَ مُثْلِفُهَا وَعَاصِبُهَا وَلَا يَجُوزُ تَبِعُهَا لِأَنَّ اللَّهَ تَعَالَى لَمَّا نَجَسَهَا فَقَدْ أَهَانَهَا، وَالتَّقْوَمُ يُشْعِرُ بِعِزَّتِهَا وَمَنْ كَانَ لَهُ عَلَى مُسْلِمٍ ذَيْنَ فَأَوْفَاهُ مِنْ تَمَنٍّ حَمْرٍ لَا يَجِلُّ لَهُ أَنْ يَأْخُذَهُ وَلَا يَجِلُّ لِلْمَدْيُونِ أَنْ يُؤَدِّيَهُ لِأَنَّهُ تَمَنٌّ بَيْعٌ بَاطِلٌ وَإِنْ كَانَ الدَّيْنُ عَلَى ذِمِّيٍّ فَإِنَّهُ يُؤَدِّيهِ مِنْ تَمَنٍّ الْحَمْرُ وَلِلْمُسْلِمِ أَنْ يَسْتَوْفِيَهُ مِنْهُ لِأَنَّ بَيْعَهَا فِيمَا بَيْنَهُمْ جَائِزٌ، وَالسَّابِعُ: حُرْمَةُ الْإِنْتِفَاعِ بِهَا لِأَنَّ الْإِنْتِفَاعَ بِالنَّجَسِ حَرَامٌ وَلِأَنَّ الْحَمْرَ وَاجِبُ الْإِحْتِنَابِ، وَفِي الْإِنْتِفَاعِ بِهِ اقْتِرَابٌ قَالَ اللَّهُ تَعَالَى: { فَاجْتَنِبُوهُ } [المائدة: 90] ، وَالثَّامِنُ: أَنَّهُ يُحَدِّثُ شَارِبُهَا وَإِنْ لَمْ يَسْكُرْ مِنْهَا لِقَوْلِهِ - عَلَيْهِ السَّلَامُ - «مَنْ شَرِبَ الْحَمْرَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاجْلِدُوهُ»

¹⁰ Jawharatun Niyyarah, Kitabul Ashribah p. 175 vol 2

قَوْلُهُ: (وَنَبِيدُ الْعَسَلِ، وَالْحِنْطَةُ، وَالشَّعِيرِ، وَالذُّرَّةُ حَلَالٌ وَإِنْ لَمْ يُطْبَخْ) هَذَا عِنْدَ أَبِي حَنِيفَةَ وَأَبِي يُوسُفَ إِذَا شَرِبَهُ مِنْ غَيْرِ هُوَ وَلَا طَرَبٍ وَكَذَا الْمُتَّخِذُ مِنَ الدَّخَنِ، وَالْإِحْصَا، وَالْمُسْتَمْسِ وَنَحْوِهِ لِقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «الْحَمْرُ مِنْ هَاتَيْنِ الشَّجَرَتَيْنِ وَأَشَارَ إِلَى الْكُرْمَةِ، وَالنَّخْلَةِ» ثُمَّ قِيلَ: يُشْتَرَطُ الطَّبْحُ لِإِبَاحَتِهِ وَقِيلَ: لَا يُشْتَرَطُ وَهُوَ الْمَذْكُورُ فِي الْكِتَابِ وَهَلْ يُحَدِّثُ فِي شُرْبِ الْمُتَّخِذِ مِنَ الْحُبُوبِ إِذَا سَكِرَ مِنْهُ قَالَ الْحُجَنْدِيُّ: لَا يُحَدِّثُ وَصَحَّحَ فِي الْهَدَايَةِ أَنَّهُ يُحَدِّثُ لِأَنَّ الْمُسَاقَ يَجْتَمِعُونَ إِلَيْهِ كاجْتِمَاعِهِمْ عَلَى سَائِرِ الْأَشْرِبَةِ بَلْ فَوْقَ تَمَنٍّ إِذَا سَكِرَ مِنَ الْأَشْرِبَةِ الْمُتَّخِذَةِ مِنَ الْحُبُوبِ لَا يَقَعُ طَلَاغُهُ عِنْدَ أَبِي حَنِيفَةَ بِمَثَلَةِ النَّائِمِ وَذَاهِبِ الْعُثْلِ بِالْبَنْجِ. وَقَالَ مُحَمَّدٌ: يَقَعُ طَلَاغُهُ كَمَا فِي سَائِرِ الْأَشْرِبَةِ الْمُحَرَّمَةِ هَذَا الْخِلَافُ فِيمَا إِذَا شَرِبَهُ لِلتَّداوِي أَمَا إِذَا شَرِبَهُ لِلْهُوِ، وَالطَّرَبِ فَإِنَّهُ يَقَعُ طَلَاغُهُ بِالْإِجْمَاعِ.

To further expound on the rationale behind above differences, the three schools including Imām Muhammad ﷺ fundamentally rule according to the inevitable outcome of such consumption i.e. intoxication. In other words, it's prohibition is sufficient by the mere fact that it intoxicates clouding a person's mind and inhibiting the faculty responsible for moral disposition. Moreover, the prophetic statement of including barley, wheat, honey etc amongst *khamr* dismisses the dichotomy of *khamr* proposed by the Shaykhain, thus rendering all types of beverages equal in prohibition. The severity of the outcome suggests to strictly prohibit all types of alcohol. Contrarily, the Shaykhain acknowledge the fact that other derivative sources can potentially lead to intoxication and therefore forbidden if there is a likelihood chance of someone becoming intoxicated when consumed for the wrong reasons. The dichotomy of *khamr* into real and unreal however is based on the extraction source. Grapes and dates were the common sources of manufacturing actual alcohol such as wine leading to high level of intoxication whereas with other sources, the degree of intoxication and pleasure was not the same as that of real alcohol.

Allamah Kasāni ﷺ (a renowned Hanafi jurist) elucidates on this dichotomous nature that *khamr* of the [aforementioned] *ashrabul arba'ah* consist of the actual connotation of *khamr* that clouds the mind [*mukhāmartul aql*]. This is because *khamr* is the name of raw grape juice [and dates] that completely takes over the intellect unlike the other beverages that do so but not to the extent of the actual real *khamr*. That which completely takes over the mind is thus referred to as the primary form of *khamr* whose even miniscule quantity is prohibited. Other beverages besides it are deemed secondary forms of alcohol that are not impure but prohibited only when one knows they will be intoxicated. He further argues that the Prophetic statement of '*khamr coming from these*

(وَالْحَلَالُ مِنْهَا) أَرْبَعَةٌ أَنْوَاعٌ: الْأَوَّلُ نَبِيذُ التَّمْرِ وَالرَّيْبِ إِنْ طَبِخَ أَدْنَى طَبْخَةٍ يَجِلُّ شُرْبُهُ (وَإِنْ اشْتَدَّ) وَهَذَا (إِذَا شَرِبَ) مِنْهُ (بَلَا هُوَ وَطَرِبَ) فَلَوْ شَرِبَ لِلْهُوِّ فَقَلْبِيلُهُ وَكَثِيرُهُ حَرَامٌ (وَمَا لَمْ يُسَكَّرْ) فَلَوْ شَرِبَ مَا يَغْلِبُ عَلَى ظَنِّهِ أَنَّهُ مُسَكَّرٌ فَيَحْرُمُ، لِأَنَّ السُّكْرَ حَرَامٌ فِي كُلِّ شَرَابٍ. (و) الثَّانِي (الْحَلِيطَانِ) مِنَ الرَّيْبِ وَالتَّمْرِ إِذَا طَبِخَ أَدْنَى طَبْخَةٍ، وَإِنْ اشْتَدَّ يَجِلُّ بِلَا هُوِّ. (و) الثَّلَاثُ نَبِيذُ الْعَسَلِ وَالتَّبِينِ وَالتَّبْرِ وَالشَّعِيرِ وَالدَّرَّةِ) يَجِلُّ سِوَاءَ (طَبِخَ أَوْ لَا) بِلَا هُوِّ وَطَرِبَ. (و) الرَّابِعُ (الْمُتَلَثُّ) الْعِنْبِيُّ وَإِنْ اشْتَدَّ، وَهُوَ مَا طَبِخَ مِنْ مَاءِ الْعِنْبِ حَتَّى يَذْهَبَ ثُلُثَاهُ وَيَبْقَى ثُلُثُهُ إِذَا قَصَدَ بِهِ اسْتِغْرَاءَ الطَّعَامِ وَالتَّداوِي وَالتَّقْوِي عَلَى طَاعَةِ اللَّهِ تَعَالَى، وَلَوْ لِلْهُوِّ لَا يَجِلُّ إِجْمَاعًا حَقَائِقُ.

two trees; grapes and dates' further indicates to the restriction of real *khamr* to these two sources. It is for this reason that the consumer of the second type is punishable only when signs of intoxication become apparent unlike the first type where the drinker is punishable even without any apparent signs of intoxication.¹¹ Shaykhain's position for deeming alcohol from grapes and dates as real alcohol is further justified through Almighty Allāh's statement where He states, **And amongst [His favours] is the fruits of date trees and grapes you take from it intoxicants [which is prohibited] and for pure provisions [halāl drinks].**¹² Here Almighty Allāh specifying intoxicating drinks to grapes and dates indicates to its common usage which compliments the meaning of *khamr* in the verse of sūrah al-Ma'idah implying that *khamr* primarily refers grapes and dates extraction.

The above discussion was the rational explanation in light of the evidences of the variant interpretations of *khamr*. The three schools of fiqh including Imām Muhammad عليه السلام deem all forms of alcohol as the same in prohibition whilst the Shaykhain do not consider all types of alcohol beverages as the same. What is generally conceded by all

¹¹ Kāsāni, Badāi Sanai Kitāb al-Ashribah p. 117 vol 5

(وَأَمَّا) قَوْلُهُمْ: إِنَّ هَذِهِ الْأَشْرِبَةَ خَمْرٌ لَوْجُودِ مَعْنَى الْخَمْرِ فِيهَا، وَهُوَ صِفَةُ مُحَامَرَةِ الْعَقْلِ فَلْنَا: اسْمُ الْخَمْرِ لِلَّتِي مِنْ مَاءِ الْعِنَبِ إِذَا صَارَ مُسْكِرًا حَقِيقَةً، وَلَسَائِرِ الْأَشْرِبَةِ بِجَازٍ؛ لِأَنَّ مَعْنَى الْإِسْكَارِ وَالْمُحَامَرَةِ فِيهِ كَامِلٌ، وَفِي غَيْرِهِ مِنَ الْأَشْرِبَةِ نَاقِصٌ فَكَانَ حَقِيقَةً لَهُ بِجَازًا لِعَيْرِهِ، وَهَذَا لِأَنَّهُ لَوْ كَانَ حَقِيقَةً لِعَيْرِهِ لَكَانَ الْأَمْرُ لَا يَخْلُو مِنْ أَحَدٍ وَجْهَيْنِ: إِمَّا أَنْ يَكُونَ اسْمًا مُشْتَرَكًا، وَإِمَّا أَنْ يَكُونَ اسْمًا عَامًّا وَلَا سَبِيلَ إِلَى الْأَوَّلِ؛ لِأَنَّ شَرْطَ الْإِشْتِرَاكِ الْخِلَافُ الْمَعْنَى، فَلَا اسْمَ الْمَشْتَرَكِ مَا يَقَعُ عَلَى مُسَمِّيَاتٍ مُخْتَلِفَةٍ الْحُدُودِ وَالْحَقَائِقِ، كَاسْمِ الْعَيْنِ وَنَحْوِهَا، وَهَهُنَا مَا اخْتَلَفَ، وَلَا سَبِيلَ إِلَى الثَّانِي؛ لِأَنَّ مِنْ شَرْطِ الْعُمُومِ: أَنْ تَكُونَ أَفْرَادَ الْعُمُومِ مُتَسَاوِيَةً فِي قَبُولِ الْمَعْنَى الَّتِي وَضِعَ لَهُ الْلَفْظُ لَا مُتَفَاوِتَةً، وَلَمْ يُوْجَدْ التَّسَاوِيُ هَهُنَا، وَإِذَا لَمْ يَكُنْ بِطَرِيقِ الْحَقِيقَةِ تَعَيَّنَ أَنَّهُ بِطَرِيقِ الْمَجَازِ فَلَا يَتَنَاوَلُهَا مُطْلَقُ اسْمِ الْخَمْرِ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

Kāsāni, Badāi Sanai Kitāb al-Ashribah p. 475 vol 6

(وَجْهٌ) قَوْلِ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ - أَنَّ الْخَمْرَ مُتَعَلِّقَةٌ بِالْخَمْرِيَّةِ لَا تَنْبُتُ إِلَّا بِشِدَّةٍ، وَالشِدَّةُ لَا تُوْجَدُ فِي هَذِهِ الْأَشْرِبَةِ فَلَا تَنْبُتُ الْخَمْرَةُ، وَالذَّلِيلُ عَلَى انْعِدَامِ الْخَمْرِيَّةِ أَيْضًا مَا رَوَيْنَا عَنْ النَّبِيِّ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَنَّهُ قَالَ «الْخَمْرُ مِنْ هَاتَيْنِ الشَّجَرَتَيْنِ» ذَكَرَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - الْخَمْرَ فَالْأَلَامُ الْجِنْسُ فَاقْتَضَى اقْتِصَارَ الْخَمْرِيَّةِ عَلَى مَا يُتَّخَذُ مِنَ الشَّجَرَتَيْنِ وَإِنَّمَا لَا يَجِبُ الْحُدُّ وَإِنْ سَكِرَ مِنْهُ؛ لِأَنَّهُ سَكْرٌ حَصَلَ بِتَنَاوُلِ شَيْءٍ مُبَاحٍ، وَأَنَّهُ لَا يُوْجِبُ الْحُدَّ كَالسُّكْرِ الْحَاصِلِ مِنْ تَنَاوُلِ الْبَنْجِ وَالْحَبْرِ فِي بَعْضِ الْبِلَادِ بِخِلَافِ مَا إِذَا سَكِرَ بِشَرْبِ الْمُثَلَّبِ أَنَّهُ يَجِبُ الْحُدُّ؛ لِأَنَّ السُّكْرَ هُنَاكَ حَصَلَ بِتَنَاوُلِ الْمَحْظُورِ وَهُوَ الْقَدْحُ الْأَخِيرُ.

¹² Surah Nahl 16:67

based on the evidences is that *khamr* if impure or intoxicant that clouds a person's mind inhibiting the faculty that is responsible for moral behaviour then it is prohibited.

The Change of Ruling

With the Shaykhain's interpretation of *khamr* being much narrower compared to the majority view, there is a potential risk of it being exploited by many people for self-gratification. Where there exists a high risk of misappropriation of such legality then rulings can change under the law of blocking the means. Ibn Ābideen Shāmi رحمته الله (Hanafi jurist) whose final position is generally adopted by the majority of the Hanafi Muftis of our time, favours for the application of the majority view including Imām Muhammad's رحمته الله position in prohibiting the consumption of all types of alcohol beverages; whether from grapes and dates or otherwise, due to the moral decadence of the contemporary society. Far from gaining strength for worship, prodigal consumers drink for pleasurable and social reasons (such as stimulating passion). Shaykhain's position was during a time where corruption of a society was not to the degree as observed today. Even according to their view, drinking for recreational purpose is prohibited and should this be the predominant practice of today, with the moral degeneration of society in our time, then implementing the view of Imām Muhammad رحمته الله is to close the doors of moral corruption altogether is necessary especially if it is known that intoxication is the primary cause of immorality.¹³ This is so to prevent people exploiting Shaykhain's view and to safeguard the wellbeing of the Muslim community.

¹³ Ibn Ābideen Shāmi, Raddul Muhrtār, Kitāb al Ashriba p. 36 vol 10

(وَحَرَمَهَا مُحَمَّدٌ) أَيُّ الْأَشْرِيَةِ الْمُتَّخِذَةِ مِنَ الْعَسَلِ وَالتَّيْنِ وَخَوِهَا قَالَهُ الْمُصَنِّفُ (مُطْلَقًا) قَلِيلَهَا وَكَثِيرَهَا (وَبِهِ يُفْتَى) ذَكَرَهُ الرَّيْلَعِيُّ وَغَيْرُهُ؛ وَاخْتَارَهُ شَارِحُ الْوَهْبَانِيَّةِ،

(قَوْلُهُ وَخَوِهَا) كَالْتَّمَرِ وَالرَّيْبِ وَالْعَنْبِ، فَالْمُرَادُ الْأَشْرِيَةُ الْأَرْبَعَةُ الَّتِي هِيَ حَالِلٌ عِنْدَ الشَّيْخَيْنِ إِذَا غَلَتْ وَاشْتَدَّتْ وَإِلَّا فَلَا تَحْرَمُ كَثِيرَهَا اتِّفَاقًا (قَوْلُهُ وَبِهِ يُفْتَى) أَيُّ يَقُولُ مُحَمَّدٌ، وَهُوَ قَوْلُ الْأَيْمَةِ الثَّلَاثَةِ لِقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «كُلُّ مُسْكِرٍ حَرَّمَ وَكُلُّ مُسْكِرٍ حَرَامٌ» رَوَاهُ مُسْلِمٌ، وَقَوْلُهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «مَا أَسْكِرَ كَثِيرُهُ فَقَلِيلُهُ حَرَامٌ» رَوَاهُ أَحْمَدُ وَابْنُ مَاجَةَ وَالدَّارِقُطْنِيُّ وَصَحَّحَهُ (قَوْلُهُ غَيْرُهُ) كَصَاحِبِ الْمُتَّقَى

Contemporary Hanafi Muftis now maintain that the final position in the Hanafi School, like in other Schools, is that oral consumption of all types of alcohol beverages other than wine is prohibited irrespective in miniscule or large quantity. With the change of fatwa, all types of beverages will be considered impure [*najis*]. There are some differences as to which type of impurity alcohol fall under. Some have argued that beverages not derived from grapes and dates are deemed *najis khafeefah* (lighter impurity) due to the existing differences among the scholars in the matter. Others have maintained that they are deemed *najis ghaleedha* (major impurity) in due consideration of Imām Muhammad's ﷺ position and this is the final verdict.¹⁴

Contemporary Ruling on Alcohol Contained Products in Modern Societal Norms

The change of ruling as explained above was underscored on the principle of preservation of morality and blocking the means of corruption. The Muslim



والمواهب والكفاية والنهائية والمعراج وشرح المجمع وشرح دُرر البحار والمُهَسَّنَاتِ وَالْعَيْنِي، حَيْثُ قَالُوا الْفَتَاوَى فِي زَمَانِنَا بِقَوْلِ مُحَمَّدٍ لِعَلْبَةِ الْفَسَادِ. وَعَلَّلَ بَعْضُهُمْ بِقَوْلِهِ لِأَنَّ الْفُسَاقَ يَجْتَمِعُونَ عَلَى هَذِهِ الْأَشْرِيَةِ وَيَقْصِدُونَ اللَّهْوَ وَالسُّكْرَ بِشُرْبِهَا. أَقُولُ: وَالظَّاهِرُ أَنَّ مُرَادَهُمُ التَّحْرِيمُ مُطْلَقًا وَسَدُّ الْبَابِ بِالْكُلِّيَّةِ وَإِلَّا فَالْحُرْمَةُ عِنْدَ قَصْدِ اللَّهْوِ لَيْسَتْ مَحَلَّ الْخِلَافِ بَلْ مُتَّفَقٌ عَلَيْهَا كَمَا مَرَّ وَيَأْتِي، يَعْنِي لَمَّا كَانَ الْعَالِبُ فِي هَذِهِ الْأُزْمَةِ قَصَدَ اللَّهْوَ لَا التَّقْوَى عَلَى الطَّاعَةِ مُنَعُوا مِنْ ذَلِكَ أَصْلًا تَأْمَلْ (قَوْلُهُ وَذَكَرَ) أَيُّ فِي كِتَابِ الْحُدُودِ وَنَصُّهُ: وَفِي الْعَمَادِيَّةِ حُكْمِي عَنْ صَدْرِ الْإِسْلَامِ أَبِي الْبَيْسَرِ الْبَزْدَوِيِّ أَنَّهُ وَجَدَ رِوَايَةً عَنْ أَصْحَابِنَا جَمِيعًا أَنَّهُ يَجِبُ الْحُدُّ، فَإِنَّ الْحُدَّ إِنَّمَا يَجِبُ فِي سَائِرِ الْأَنْبِيَّةِ عِنْدَهُمَا، وَإِنْ كَانَ حَلَالًا شُرْبُهُ فِي الْإِبْتِدَاءِ، لِأَنَّ مَا يَقَعُ بِهِ السُّكْرُ حَرَامٌ وَالسُّكْرُ سَبَبُ الْفَسَادِ، فَوَجِبَ الْحُدُّ لِيُنْزَجِرُوا عَنْ شُرْبِهِ فَيَرْتَفِعَ الْفُسَادُ، وَهَذَا الْمَعْنَى مُوجُودٌ فِي الْأَشْرِيَةِ أَيْ فِي الْأَشْرِيَةِ الْمُتَّخِذَةِ مِنَ الْحُبُوبِ الْمَذْكُورَةِ قَبْلَ هَذِهِ الْعِبَارَةِ. وَحَاصِلُهُ أَنَّهُمَا حَيْثُ حَلَّلَا الْأَنْبِيَّةَ وَأَوْجَبَا الْحُدَّ بِالْفَدْحِ الْمُسَكَّرِ مِنْهَا لَرِمَ مِنْهُ وَجُوبَ الْحُدِّ بِالسُّكْرِ مِنْ بَاقِي الْأَشْرِيَةِ كَمَا هُوَ قَوْلُ مُحَمَّدٍ

¹⁴ Ibn Ābideen Shāmi, Raddul Muhrtār, Kitāb al-Taharat, Babul Anjas p. 524 vol 1

(قَوْلُهُ: وَحَرِّمَ) هَذَا مَا فِي عَامَّةِ الْمُثُونِ. وَفِي الْمُهَسَّنَاتِ عَنِ الْفَتَاوَى الدِّيَنَارِيِّ قَالَ الْإِمَامُ حُوَاهِرُ زَادَةَ: الْحُمْرُ تَمْتَعُ الصَّلَاةَ وَإِنْ قَلَّتْ، بِخِلَافِ سَائِرِ النَّجَاسَاتِ. اهـ. (قَوْلُهُ: وَفِي بَاقِي الْأَشْرِيَةِ) أَيُّ: الْمُسَكَّرَةُ وَلَوْ نَبِيذًا عَلَى قَوْلِ مُحَمَّدٍ الْمُنْفَقِيِّ بِهِ ط. (قَوْلُهُ: وَفِي النَّهْرِ الْأَوْسَطِ) وَاسْتَدَلَّ بِمَا فِي الْمُنْيَةِ: صَلَّى وَفِي تَوْبِهِ دُونَ الْكَثِيرِ الْفَاحِشِ مِنَ السُّكْرِ أَوْ الْمُنْتَصِفِ تَجْرِيهِ فِي الْأَصَحِّ. قَالَ ح: وَهُوَ نَصٌّ فِي التَّخْفِيفِ، فَكَانَ هُوَ الْحَقُّ؛ لِأَنَّ فِيهِ الرُّجُوعَ إِلَى الْفَرْعِ الْمَنْصُوصِ فِي الْمَذْهَبِ. وَأَمَّا تَرْجِيحُ صَاحِبِ الْبَحْرِ فَحَيْثُ مِنْهُ. اهـ. قُلْتُ: لَكِنْ فِي الْمُهَسَّنَاتِ: وَأَمَّا سِوَى الْحُمْرِ مِنَ الْأَشْرِيَةِ الْمَحْرَمَةِ فَغَلْبَةُ فِي ظَاهِرِ الرِّوَايَةِ خَفِيفَةٌ عَلَى قِيَّاسِ قَوْلِهِمَا. فَأَفَادَ أَنَّ التَّخْفِيفَ مَبْنِيٌّ عَلَى قَوْلِهِمَا أَيُّ: لِثُبُوتِ اخْتِلَافِ الْأُئِمَّةِ، فَإِنَّ السُّكْرَ وَالْمُنْتَصِفَ وَهُوَ الْبَادِئُ قَالَ يَجْلِبُهُمَا الْإِمَامُ الْأَوْزَاعِيُّ. وَيُظْهِرُ لِي التَّوْفِيقُ بَيْنَ الرِّوَايَاتِ الثَّلَاثِ بِأَنَّ رِوَايَةَ التَّغْلِيبِ عَلَى قَوْلِ الْإِمَامِ، وَرِوَايَةَ التَّخْفِيفِ عَلَى قَوْلِهِمَا، وَرِوَايَةَ الطَّهَارَةِ خَاصَّةً بِالْأَشْرِيَةِ الْمُبَاحَةِ. وَيَنْبَغِي تَرْجِيحُ التَّغْلِيبِ فِي الْجَمِيعِ. يَدُلُّ عَلَيْهِ مَا فِي غُرَرِ الْأَفْكَارِ مِنْ كِتَابِ الْأَشْرِيَةِ حَيْثُ قَالَ: وَهَذِهِ الْأَشْرِيَةُ عِنْدَ مُحَمَّدٍ وَمُؤَافِقِيهِ كَحُمْرٍ بِلَا تَفَاوُتٍ فِي الْأَحْكَامِ وَبِهَذَا يُفْتَى فِي زَمَانِنَا. اهـ. فَقَوْلُهُ: بِلَا تَفَاوُتٍ فِي الْأَحْكَامِ يَفْتَضِي أَنَّهَا مُغْلَطَةٌ فَتَدْبُرُ



community however face another dilemma which is, prevalence of alcohol traces in most products; personal care, cosmetic and household, medicines and foods whether intentionally or unintentionally for instance naturally forms through chemical reaction or synthetically formed in labs. This poses a genuine constrain because alcohol remnants exist in virtually all products essential to our use and in many Halal foods such as chocolates, soft drinks breads etc. As Islām is a religion that does not burden it's followers more than their natural capacity, a recourse to dispensation becomes legitimate during times of public predicament so to alleviate the constrain of having to abstain from foods or household products that are virtually impossible. The renowned contemporary Hanafi jurist, Shaykh Mufti Taqi Usmani (may Allāh preserve him), favours the application of the Shaykhain view in the context of alcohol contained products due to Umoom Balwa (general/norm public predicament – a legitimate avenue as a mitigation of prohibiting things).

“The explanation given regarding alcohol that intoxicates, the usage of which has become prevalent today used commonly in medicines, perfumes and other products. (The ruling of such products is) if it (the alcohol ingredient) is extracted from grapes and dates then it cannot be regarded as permissible or pure. However if it is from other than them, then the view of Imām Abū Haneefah  and Imām Abū Yūsuf  (Shaykhain) can be adopted in that it is not unlawful to use it for medication or any other legitimate reasons so long as it does not reach to the level of intoxication.”¹⁵

Acting according to this view allows much flexibility for Muslims today. The honourable Mufti Sahib's statement applies to alcohol derived from other than grapes and dates to include naturally or synthetically formed and by-product alcohol. Alcohol in cosmetic or personal care are synthetically formed which according to the Shaykhain's view is not considered impure. Similarly, the alcohol contained in foods and drinks included as additives or occur as a natural reaction during the process, cannot be considered unlawful.

¹⁵ Takmilah Fathul Mulhim vol 3 p.608





There are various types of alcohol additives but the one which is mostly found across many products is Ethanol. Ethanol (or ethyl) is extracted from fruits or synthetically formed using Ethene's (forming the chemical compound of $\text{CH}_3\text{CH}_2\text{OH}$ which can also be written as $\text{C}_2\text{H}_5\text{OH}$). If it is formed from "flora", then it is normally produced from the process of fermentation. This process involves the chemical breakdown of naturally occurring sugars, which are present in the organic compound and converts them to different chemical products, which include ethanol and other by products. To put it simply, ethanol is produced through the natural fermentation process of yeast or bacteria, which converts sugar (or carbohydrates) to ethanol and carbon dioxide in food categorized as natural ethanol. This ethanol group that is formed usually through the fermentation process, can be found naturally present in fruits, cereals and legumes. Consequently, food and drinks that contain naturally formed ethanol such as fruits, grains and grain extracts or ethanol formed as a by-product of food preparation that are not unlawful and permitted for consumption as long as the percentage of accumulated ethanol is ascertained to be below the threshold for human intoxication.¹⁶

When ethanol is naturally or synthetically formed, it acts as an intoxicating agent. It is the primary ingredient of all alcohol beverages such as wine, beer, whisky or distilled spirits. Pure synthetic alcohol which contains 100% ethanol can be toxic and can prove fatal if consumed. If this pure content is diluted with approximately 80% or more with water then it may be consumed with less risk to life, but still proving to be an intoxicant.

Pure synthetic or natural ethanol also serves other purposes, such as an anti-bacteria agent (due to its toxic nature) in personal care products. These include alcohol-based sanitation tissues and gel-based hand-sanitizers. When applied on to the hand, the acetone ($(\text{CH}_3)_2\text{CO}$, also known as Propanone) causes the ethanol to evaporate at a faster rate.

"Denatured ethanol" (Alcohol Denat) which is generally used by industry is generally Ethanol (from both fermentation and synthetic processes) which has been made deliberately more toxic and disfavoured as to prevent the individual from consuming it.

¹⁶ Norhidayah Pauzia et al (2019), *Ethanol standard in halal dietary product among Southeast Asian halal governing bodies*, journal of Trends in Food Science & Technology, 86 pp. 375-380. See link to access article https://umexpert.um.edu.my/public_view.php?type=publication&row=ODYzNzA%3D





This ensures that the other potentially toxic compounds are not also consumed, and it also ensures that the chemical stay in their desired states until used by the customer the process of “Denaturing the ethanol does not really alter the chemical state of the ethanol molecule which tends to stay the $\text{CH}_3\text{CH}_2\text{OH}$. In normal chemical reactions carried out in the laboratory setting the ethanol molecule will undergo change to become a different compound and will no longer be ethanol, unlike the industrial process which the original molecule under goes no molecule change. Alcohols Denats are usually added to cosmetic products such as “isopropyl alcohol” (also known as rubbing alcohol).¹⁷

In chemical “nomenclature” any molecule which contains and “hydroxyl” group (which is an Oxygen atom bonded to a Hydrogen atom). If this chemical structure of oxygen and hydrogen is found bonded to a molecular structure, then the suffice “-OL” is generally added to the given name of the compound. Which is why other types of molecule are also called alcohols. These include the wider groups of alkanes, alkenes and alkynes. These other alcohols are permissible to use if found in cosmetics as they are pure but they cannot be consumed because of the toxic natures.¹⁸

What is apparent from this is that alcohol or ethanol whether formed synthetically or naturally is ubiquitously found in many solvents as well as may Halal foods. In most instances, they are derived from sources other than grapes and dates. For instance, in the production of industrial alcohol process, corn is the most common raw material for extraction. They are denatured rendered unfit for consumption and thus considered

¹⁷ See below links for more details

<https://www.britannica.com/science/ethanol>

<https://www.epure.org/about-ethanol/how-is-ethanol-produced/>

<http://study.com/academy/lesson/what-is-ethanol-formula-structure-uses.html>

<http://www.cleanfuelsdc.org/pubs/documents/FoodFeedandFuel08.pdf>

http://portal.unimap.edu.my/portal/page/portal30/Lecturer%20Notes/KEJURUTERAAN_BIOPROSES/Semester%201%20Sidang%20Akademik%2020112012/BIOPROCESS%20ENGINEERING%20PROGR/AMME/Top-Up%20courses%20Sem%201%2020112012/TRT%20402-Food%20Technology/Food%20processing%20and%20Preservation-fermentation.pdf

¹⁸ The details of Ethanol formation were kindly included by Mufti Abu Bakar Karolia who is a chemist and experienced in food additives.





pure. If found in solvents such as hand sanitizers, antiseptics or other cosmetic products then they are permissible to use. If found in foods however then considering it is pure, consumption will be lawful provided that it is below the threshold of intoxication according to the position of Shaikhain. It must be born in mind that the Shaykhain forbade *khamr ghayr haqeeqy* for recreational purpose and with the likelihood possibility of becoming intoxicated. Consuming Halal foods with ethanol or any other alcohol types additives is not the same as drinking pure alcohol for self-gratification. Moreover, its miniscule quantity renders it virtually impossible for the consumer to become intoxicated. With this in mind, it appears more consistent with the Shaykhayn's view that ethanol cannot be deemed unlawful for consumption but if on the other hand it is extracted from grapes and dates then it will not be permitted due to its impurity unless it has undergone complete metamorphosis whereby it is no longer deemed alcohol anymore.¹⁹

Conclusion

The above discussion and its application to modern usage of alcohol can be summarised as follows;

1. According to Shaykhain (Imām Abū Haneefah رحمته الله and Imām Abū Yusuf رحمته الله) position, the type of *khamar* extracted from grapes and dates is impure and Harām. All other beverages besides them are considered pure but prohibited only when consumed for the wrong purpose and one becomes intoxicated. The other Imāms of the three Sunni Schools and Imām Muhammad رحمته الله from the Hanafi School do not distinguish between the beverages and hence, render all categories as impure and Harām whether small or large in quantity based on the generic application of

¹⁹ See the following fatawas

http://askimam.org/public/question_detail/10761.html

http://askimam.org/public/question_detail/43624





the prophetic tradition “*all intoxicating substances are forbidden*”. The standard verdict in our time is that all types of alcohol beverages are prohibited both in its small and large quantity so to prevent immorality spreading in society.

2. The fatwa of Shaykhain is adopted in alcohol contained products such as food and drinks without specificities due to *Umoom Balwa* (public predicament). If it is known that the alcohol is derived from grapes and dates then not permissible to consume due to its impurity. The subsidiary rulings that follow from this are;
 - a) Chemical or industrial formed alcohols that are denatured are considered pure. If found in cosmetic or household products then they are permissible to use. Ethanol when applied externally to the body or used for domestic purpose e.g. hand sanitizers, antiseptics or household products are also permissible to use. If a mouth wash contains ethanol then it is permissible to use but must be used cautiously so no liquid slips down the throat.
 - b) Foods or drinks that contain alcohol or ethanol are intentionally added because of preservation. Some occur naturally during the process as a by-product and eventually disappear towards the end like for instance the process of bread. So long as it is not extracted from grapes or dates it cannot be deemed unlawful for consumption provided, it is below the threshold of intoxication. If it is likely to cause intoxication or extracted from grapes and dates then not permissible.
 - c) Medicine containing alcohol or ethanol will not be unlawful to consume except if it is derived from grapes and dates. If so then not permissible for consumption under normal circumstances except in extreme circumstances with specific conditions namely; when it is known that there is genuine cure for the patient, effective for pain relief or curing the particular illness without which the illness is likely to increase, no alternative equally effective medicine is available and advised by a Muslim doctor (or at least by the one who respects Muslim values). This is justified through the application of *tadawi bil muharram* which means the



permissibility to seek medication by consuming something unlawful under the rule of necessity.²⁰

- d) An alcohol whether derived from grapes, dates or otherwise that undergoes significant transformation whereby it loses its original property without perceiving its original taste, colour or smell no longer carries the same ruling as alcohol and hence, lawful like the case with alcohol converting to vinegar.²¹

Allāh Knows Best

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²⁰ Ibn Ābideen Shāmi, Raddul Muhrtār, Kitāb al-Buyoo, Bāb Mutafarriqāt, Matlab fi tadawi bil Muharram p. 480 vol 7

قَوْلُهُ وَرَدَّهُ فِي الْبَدَائِعِ إلخ قَدَّمْنَا فِي الْبَيْعِ الْفَاسِدِ عِنْدَ قَوْلِهِ وَلَبِنُ امْرَأَةٍ أَنَّ صَاحِبَ الْحَافِيَّةِ وَالنَّهَائِيَّةِ اخْتَارَا جَوَازَهُ إِنْ عَلِمَ أَنَّ فِيهِ شِفَاءً وَلَمْ يَجِدْ دَوَاءً غَيْرَهُ قَالَ فِي الْبَهَائِيَّةِ: وَفِي التَّهْذِيبِ جَوَازُ اللَّعْلِبِ لَشُرْبِ الْبَوْلِ وَالِدَّمِّ وَالْمَيْتَةِ لِلتَّدَاوِي إِذَا أُخْبِرَهُ طَبِيبٌ مُسْلِمٌ أَنَّ فِيهِ شِفَاءً وَلَمْ يَجِدْ مِنَ الْمُبَاحِ مَا يَقُومُ مَقَامَهُ، وَإِنْ قَالَ الطَّبِيبُ يَتَعَجَّلُ شِفَاؤُكَ بِهِ فِيهِ وَجْهَانِ، وَهَلْ يَجُوزُ شُرْبُ الْعَلِيلِ مِنَ الْحُمْرِ لِلتَّدَاوِي فِيهِ وَجْهَانِ، وَكَذَا ذَكَرَهُ الْإِمَامُ التُّمْرَتَايْنِيُّ وَكَذَا فِي الدَّخِيرَةِ وَمَا قِيلَ إِنَّ الْإِسْتِشْفَاءَ بِالْحُرَامِ حَرَامٌ غَيْرُ مُجْرَى عَلَى إِطْلَاقِهِ وَأَنَّ الْإِسْتِشْفَاءَ بِالْحُرَامِ إِذَا لَمْ يَكُنْ إِذَا لَمْ يَعْلَمْ أَنَّ فِيهِ شِفَاءً أَمَا إِنْ عَلِمَ وَلَيْسَ لَهُ دَوَاءٌ غَيْرُهُ يَجُوزُ وَمَعْنَى قَوْلِ ابْنِ مَسْعُودٍ - رَضِيَ اللَّهُ عَنْهُ - لَمْ يَجْعَلْ شِفَاؤَكُمْ فِيهَا حَرَمٌ عَلَيْكُمْ يَحْتَمِلُ أَنْ يَكُونَ قَالَ ذَلِكَ فِي دَاءٍ عَرَفَ لَهُ دَوَاءٌ غَيْرَ الْمُحَرَّمِ لِأَنَّهُ جِينِدٌ يَسْتَعْنِي بِالْحَلَالِ عَنِ الْحُرَامِ وَجَوَازُ أَنْ يُقَالَ تَنَكُّيْفُ الْحُرْمَةِ عِنْدَ الْحَاجَةِ فَلَا يَكُونُ الشِّفَاءُ بِالْحُرَامِ وَإِنَّمَا يَكُونُ بِالْحَلَالِ إِنْ نَوَى الْعَيْنُ مِنْ آخِرِ الْفَصْلِ الثَّاسِعِ وَالْأَرْبَعِينَ

²¹ Fatawa Hindiyyah, Kitāb al-Tahārah, Bāb al-Jinayat, vol 1, p. 45

[الفصل الأول في تطهير الأنجاس]

(الباب السابع في النجاسة وأحكامها وفيه ثلاثة فصول)

(ومنها) الاسترخالة لخلل الحُمُر في حايبة جديدة طهرت بالانفاق. كذا في الفئدة. الحُمُر الذي عُجِنَ بِالْحُمُرِ لَا يَطْهَرُ بِالْعَسَلِ وَلَوْ صَبَّ فِيهِ الْخَلُّ وَذَهَبَ أَثَرُهَا يَطْهَرُ. كذا في الظهيرية.

الرَّغِيفُ إِذَا أُلْقِيَ فِي الْحُمُرِ ثُمَّ صَارَ الْحُمُرُ خَلًّا فَالصَّحِيحُ أَنَّهُ طَاهِرٌ إِذَا لَمْ يَبْقَ رَائِحَةُ الْحُمُرِ وَكَذَا فِي الْبَصْلِ إِذَا أُلْقِيَ فِي الْحُمُرِ ثُمَّ تَخَلَّلَ؛ لِأَنَّ مَا فِيهِ مِنْ أَجْزَاءِ الْحُمُرِ صَارَ خَلًّا. هَكَذَا فِي فَتَاوَى قَاضِي حَانَّ.



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