

The Dietary Shari‘ah of Islam

Javed Ahmad Ghamidi

Rendered into English by
Shehzad Saleem

Al-Mawrid

Institute of Islamic Sciences
51-K Model Town Lahore, Pakistan

Phones: 586 3408, 586 5145

URL:al-mawrid.org

Email: almawrid@brain.net.pk

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The Dietary *Sharī‘ah* of Islam¹

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Say: “I find not in what has been revealed time through inspiration forbidden to a person who eats things which are edible, unless it be dead meat, or blood poured forth or the flesh of swine because all these are unclean or in, disobedience to Allah, animals slaughtered in someone else’s name”. Then he who is constrained by hunger such that he neither desires to eat nor crosses the limits [incurs no sin]. This is because your Lord is forgiving and merciful. (6:145)

The objective of Islam is to purify all aspects of human life and soul. It therefore insists that besides cleansing the inner self from contamination, care must be exercised in the intake of food and drinks. Only the ritually clean among them should be eaten and drunk. While answering a question in the Qur’ān regarding animals tamed for hunting, the Almighty has spelled out this general principle in the words: (all clean things are lawful to you, (4:5)). As an obvious corollary, all unclean things are forbidden to the believers. While inviting the Jews and Christians to profess faith in Muhammad (sws), the Almighty has referred to the extremist attitude they had adopted with regard to food and drinks in the following words:

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1. This article appears as a booklet: Ghāmidī, Javed Ahmad, *Khurr-u Nawsh*, 1st ed. Lahore: Al-Mawrid Institute of Islamic Sciences, 2005.

And [this prophet] allows them as lawful what is clean and prohibits them from what is unclean; he releases them from their heavy burdens and from the yokes that were upon them. (7:157)

At no place has the *shari'ah* presented a comprehensive list of clean edibles. The reason for this is that man's own nature generally provides him with ample guidance in this matter and, without any hesitation, he is able to decide the right course. He very well knows that lions, tigers, elephants, eagles, crows, vultures, kites, scorpions and human flesh itself are not meant to be eaten. He is also well aware of the fact that horses and mules are a means of transportation and have no role in satisfying one's hunger. That faeces and urine of animals are impure things are known to him very well also. His reason and intellect guide him very well regarding intoxicants too. Consequently, in this matter, the innate guidance found in human nature is enough to lead the way. The prohibition attributed to the Prophet (sws) regarding beasts having sharp canine teeth, birds having claws and tentacles in their feet², *jallalah*³ and tamed donkeys⁴ is merely a delineation of this innate guidance. The prohibition of liquor is another directive which is based on innate guidance. During the time when the Qur'an was being revealed, when people repeatedly asked about certain benefits that it had in that time, the Almighty revealed in the Qur'an His answer by saying that the sin it incurs is much greater than its benefits (2:219). Later in *Sūrah Mā'idah*, it was explicitly stated that liquor is from among the filthy works of Satan and a believer should totally abstain from it:

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Believers, this liquor and gambling and stone altars and these divining arrows are abominations devised by Satan. Avoid

2. *Muslim*, No: 1934.

3. *Nasā'ī*, No: 4447. This name is given to animals whose meat carries a stink in it because they feed on filth.

4. *Bukhārī*, No: 4199.

them that you may succeed. (5:90)

In short, all these prohibitions are found in the innate guidance a person possesses ever since his birth. No doubt, at times, human nature becomes perverted but a study of human behavior shows that generally people do not falter in this matter. It is for this reason that the *shari'ah* has not given any original guidance on this matter. In this regard, the *shari'ah* has provided guidance on animals and on things related to these animals where human beings were liable to falter. The pig is a quadruped beast of the same genre as the goat, sheep, cow and cattle; however, it consumes meat like other carnivores. Should it then be considered forbidden or not? Should animals which are slaughtered in a way that all their blood is not drained out be eaten or not? Is the blood of animals impure as indeed are their faeces and urine? If animals are slaughtered by taking the name of someone other than the Almighty, can they still be eaten? Since human nature is unable to come up with a decisive answer in this regard, therefore the Almighty guided mankind in this affair through His prophets and informed them that the flesh of the pig, blood, the dead and animals which are slaughtered in the name of someone other than Allah are also impure and unclean and therefore people should abstain from them. In this regard, these aforementioned four things have been primarily discussed by the *shari'ah*. The Qur'an at various places by employing various linguistic expressions⁵, has unequivocally stated that only and only these four things are prohibited by the Almighty.

This directive stated in *Sūrah An'ām* quoted in the beginning is also mentioned in 2:173-4 and 16:115 with a slight difference in words. Then in *Sūrah Mā'idah* certain aspects of the directive have been explained.

The first thing in this explanation concerns (*maytah*: the dead). In this regard, a question could have arisen in the minds of some people: Should an animal which died some sort of an accidental death also be classified as *maytah* just like an animal which dies a natural death is classified so? The Qur'an answered this question by saying that there is no difference between the

5. They are (say: I do not find anything [forbidden] in what [God] has revealed to me), and (only and only).

two: both are forms of *maytah*. Similarly, the Qur'an clarified that an animal killed by a wild beast is also *maytah*, except if it is found alive and then slaughtered in the ceremonial way (*dhibh*).

The Qur'an says:

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Forbidden to you [for food] are: dead meat, blood, the flesh of swine, and that on which Allah's Name has not been invoked while slaughtering, and that which has been killed by strangling, or by a violent blow, or by a headlong fall, or by the goring of horns – and that which has been eaten by a wild animal – unless you are able to slaughter it [before its death]. (5:3)

It is obvious that a piece of flesh cut from a live animal should also be classified as *maytah*. Abū Wāqid narrates that when the Prophet (sws) migrated to Madīnah, among the practices of its people was to slice off the humps of camels and the fatty tails of rams. He is reported to have said:

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Any piece cut from a living animal is *maytah*. (*Abū Dā'ūd*, No: 2858)

It needs to be kept in mind that like other words, the word *maytah* is used in the above mentioned directives according to its usage in the Arabic language. No doubt, it has a literal meaning; however, its usage in the Arabic language does not include all the dead, as is the case with its Urdu usage. In such a case, it becomes confined to a certain specific meaning, and anyone who is aware of this intricacy, for example, will never include dead fish or dead locust in its connotation:

Imām Zamakhsharī writes:

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The word (maytah) mentioned in the Qur'ān must be understood according to its linguistic usage. Is not the case that when someone says that he has eaten *maytah*, we never include a fish or a locust in its connotation. This is similar to the fact that if a person says that he has drunk blood we never include liver or spleen in its connotation. Precisely because of such usage, jurists say that if a person swears that he will never eat meat and then he consumes fish, this will not break his oath although in reality he has eaten meat.⁶

The Prophet (sws), on these very grounds, is reported to have said:

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Two [type of] dead and two [forms of] blood are not forbidden for you: The former being fish and locust and the latter being liver and spleen. (*Ibn Mājah*: No. 3314)

Owing to similar reasons, about sea water, the Prophet (sws) is ascribed to have said:

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Its water is pure and its *maytah* are not forbidden. (*Nasā'i*: No. 59)

In other words, the above quoted words of the Prophet (sws) also pertain to dead fish and certain other similar things which cannot be regarded as *maytah* as far as the usage of the word is concerned but which are *maytah* in the literal sense of the word.

It is evident from 5:3 (quoted above) that the explanation of the word *maytah* and the words (except if you slaughter it in the prescribed way) after (what has been eaten by

6. Zamakhasharī, *Kashshāff*, vol. 1 (Beirut: Dār al-Kitāb al-‘Arabī, n.d.), 215.

a wild animal) that the only form of death that does not make an animal *maytah* is (*tadhkiyah*). *Tadhkiyah* is a *sunnah* established by the Prophets of Allah and as a term means to slaughter an animal in such way that it drains out all the blood in the animal's body and the animal dies because of this very reason. It is only this method of killing an animal which cleanses its meat from the impurity of blood.

The correct methodology for *tadhkiyah* is (*dhibh*) or (*nahr*). *Dhibh* specifically concerns the cow, goat and similar animals, while *nahr* specifically relates to the camel and animals similar to it. *Dhibh* means to cut the throat of an animal such that the gullet and the throat is slit open or to cut the throat and the jugular veins. *Nahr* means to pierce the throat of the animal with a sharp edged weapon like a spear so that blood bursts out from the cut and the animal dies because of blood loss.

If it is not possible to adopt the above outlined prescribed methods of slaughter, then the Prophet (sws) has directed the believers to use any other thing to inflict a cut on the animal at any other appropriate part of his body such that all the blood is able to drain away from that wound:

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‘Adī Ibn Ḥātim says: “O Messenger of Allah is it okay to slaughter a prey with a stone or a piece of wood if the prey is at hand and we do not have a knife to slaughter it”. He replied: “Drain out the blood with whatever you have and take the name of Allah on it”. (*Abu Dā’ūd*, No: 2824)

Killing a prey with a gun or an arrow would also be conditional to what has been said above. If a tamed animal cuts open a prey, its case is also similar, as explained by the Almighty in the Qur’ān. If such an animal is not found alive, then also it should not be considered as *maytah*⁷:

7. However, if it is not cut open by a tamed animal and the animal dies of fear, then it is a *maytah*. Similarly, if it has not been cut open by a tamed animal and is found alive, then it must be slaughtered in the

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They ask what is lawful to you: "Say all good things are lawful to you as well as [the prey of] the beasts you have taught, training them as Allah has taught you. So eat of what they catch for you and [before you let lose the beast to catch the prey], pronounce upon it⁸ the name of Allah. And have fear of Allah. Swift is He in taking account." (5:4)

It is evident from the context of the above verse that since the verse preceding it states that an animal that has been cut open by a beast is only allowed to be eaten if it is found alive and then slaughtered in the prescribed way, it was but natural that the question should arise: Is such an animal allowed to be eaten as has been pounced upon by a tamed beast of prey and the animal dies before one gets the chance to slaughter it in the prescribed way? The verse answers the question in the affirmative and says that cutting upon of an animal by a tamed beast of prey is tantamount to *tadhkiyah*, and therefore it can be eaten even if it has not been slaughtered in the prescribed way with one condition: the tamed beast of prey has preserved the prey for his master and has not eaten from it. In case it has, then such an animal should not be eaten. This condition is stated in the words (what he has preserved for you). Moreover, in this regard, there is no need to discriminate between beasts and birds of prey. Birds like falcons, eagle, and hawks also can be tamed for catching a prey.

prescribed way. It is obvious that the requirement of *tadhkiyah* is not fulfilled without it.

8. In the opinion of this writer, the antecedent of the pronoun in (on it) is (and [the prey of] the beasts you have taught). The reason for this is that if the (that which has been caught) is considered to be the antecedent, then this would merely be a repetition of what has already been stated earlier in the words (except if you slaughter it in the prescribed way) and if the antecedent is related to (so eat), then it would pertain to the normal etiquette of eating, which of course would be totally out of place here.

The Prophet (sws) is reported to have said:

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When you release your dog to catch the prey, take the name of Allah while doing so. If you then see that it has not killed the prey, slaughter it in the prescribed way and take Allah's name while slaughtering it. If it has killed the prey, then you can eat it since it has preserved it for you. However, if it has eaten from the prey, then such a prey is forbidden for you because the beast of prey has in this case preserved it for itself. And if you see other dogs besides yours who have also killed the prey, then do not eat from it since you do not know which of the dogs has actually killed the prey. (*Nasā'ī*, No: 4263)

Besides the word *maytah*, the other two things mentioned in this verse are drained out blood and pork. As far as the prohibition of pork is concerned, it needs no elaboration while in the case of the prohibition of blood, it needs to be kept in mind that the meaning of the words (blood poured forth) have a linguistic usage in the light of which they should be understood. Spleen and liver are nothing but blood, yet usage of the word entails that they not be included in its connotation, as has been pointed out by Zamakhsharī quoted earlier. The adjective (poured forth) which qualifies blood shows that the blood which is left in the blood vessels of the animal is an exception to this directive.

In this list, the fourth and last thing is the meat of an animal while slaughtering which the name of someone other than Allah is invoked. The verse itself explains that the reason for the prohibition of such meat is not the (impurity) of the animal but the (defiance) of the person who slaughters the animal. Since slaughtering an animal while invoking the name of someone other than Allah is an idolatrous practice, it has been termed as (defiance), which is a form of an impurity pertaining to one's

beliefs. Consequently, sense and reason demand that anything which contains such impurity should be analogously included in this prohibition. So on this very principle, the Qur'an has prohibited certain other similar things:

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And what is slaughtered at the stone altars and [forbidden also] is the division of meat by raffling with arrows. This is [an act of] disobedience. (5:3)

While explaining this verse, Imām Amīn Aḥsan Iṣlāḥī writes:

Nuṣub means the stone altars on which sacrifices and offerings are made. There were several such altars in Arabia where sacrifices were offered to please numerous deities, demons and the jinn. The Qur'an has also prohibited such a slaughtered animal. It is evident from the words of the Qur'an that the real reason for their prohibition is merely to please a deity or to seek its nearness – it is of no consequence whether the name of Allah has been invoked or not in such cases. If this prohibition was owing to the fact that the name of someone other than Allah has been invoked during sacrifice, then there was no need to mention it separately since such a prohibition has already been mentioned in the earlier verse. In my opinion, also included in the sphere of this prohibition are the various sacrifices offered in tombs and massouleums to earn the pleasure of the departed person buried in the grave or tomb. Whether the name of Allah is invoked or that of someone else at the time of slaughter, the real reason of prohibition is not this invocation but the place at which the slaughter takes place.

The word *(istiṣām)* means to look up one's share or to find out about one's fate and future. The word *(azlām)* means arrows of divination or gambling. The practice of seeking divination from arrows was in vogue in Arabia, through which people would try to find out fates ordained for them. Similarly, the practice of gambling on arrows was also in vogue in Arabia through which they would procure pieces of meat or some other thing. I have already pointed out in my commentary on *Sūrah Baqarah* under verse 219 that people

would gather at various places, drink liquor and in their state of inebriation slaughter any camels they could get hold of. They would pay the owner of the camels whatever price he demanded. They would then gamble on the meat of the slaughtered camels. Whatever parts of meat a person won in this gambling, he would cook and eat them and drink liquor; they would also generously distribute them among the poor who would gather around on such occasions. At times, such fights and brawls would emerge in such gatherings as a result of inebriation which would result in inter-tribal battles that would last for years and cause a lot of bloodshed. I think that the words of the verse actually refer to this second category.⁹

An animal which is slaughtered such that no name other Allah is invoked on it but the name of Allah is also not positively invoked while slaughtering also comes under this fourth category of prohibited items. The Qur'an has declared it to be an act of *fisq* (defiance; disobedience) just as it has done so in the case of slaughtering an animal in the name of someone other than Allah. While refuting certain superstitious beliefs of the Arabs about animals, it says:

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Eat not [O believers] that animal on which Allah's name has not been pronounced [at the time of the slaughtering of the animal], for this is a *fisq*. And certainly, the devils do inspire their friends to dispute with you, and if you obey them, then you would indeed be polytheists. (6:121)

While explaining, why not invoking Allah's name on a slaughtered animal or prey make it a prohibited thing Imām An'īn Aḥsan Iṣlāḥī, writes:

Firstly, as I have explained in my commentary on the *bismillāh* verse, any task or routine begun without taking the

9 . Iṣlāḥī, *Tadabbur-i Qur'ān*, 3rd ed., vol. 2 (Lahore: Faran Foundation, 1985), 456-457.

Almighty's name is without the blessings of Allah. One must take the Lord's name whenever benefiting from His favours, whether big or small, to express gratitude at being blessed with them. If he does not show acknowledgement on such favours, then this is tantamount to extortion and making use of something that actually does not belong to him. Such an unbefitting and unworthy attitude deserves the wrath and punishment of the Almighty.

Secondly, the sanctity a life possesses requires that even an animal be sacrificed only with the permission of the Almighty Who is the Creator of life. It is only Allah who can give us this right, and, therefore, as a reminder of this fact, it is necessary to take His name when the life of an animal is taken. If God's name is not taken while slaughtering an animal or, or if someone else's name is invoked, or if besides His name, someone else's name is also taken, then this amounts to violating the sanctity a life has and also showing disrespect to the Almighty Himself.

Thirdly, this practice closes the gateway to polytheism. Those who are aware of the history of various religions know that animal sacrifice, making offerings and making vows on them is deeply linked to worship rituals. Because of its importance, it has received great support and patronage in polytheistic religions. People and nations who have been incriminated with honouring and venerating some deity have gotten themselves involved in various forms of animal offerings and sacrifices. The Qur'ān records Satan's challenge given to the Almighty in which he openly told Him that he would lead people astray. The challenge specifically mentions this form as a means to procure his objective. To close all these doors to polytheism, the Almighty made it obligatory that His name only should be positively taken while sacrificing an animal. Anyone who does not follow this practice is not only doing something forbidden, but also the animal upon whom he has committed such an excess is forbidden.¹⁰

The same prohibition applies for a slaughtered animal or prey

10. Ibid., vol. 3, pp. 157-58.

on which although the name of Allah is taken but the person who takes this name does not believe in God or subscribes to polytheism by associating other deities with Him. At the time of slaughter, obviously, no distinction can be made between indulging in polytheism by invoking the name of someone other than Allah and the slaughtering of an animal by a polytheist. For this very reason, besides Muslims themselves, the Qur'ān has only allowed animals slaughtered by the People of the Book since they originally subscribe to monotheism. The Qur'ān says:

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All clean things have this day been made lawful to you and the food to whom the Book was given is lawful to you and your to them. (5:5)

This completes the discussion of prohibited items. It is only in compelling circumstances that one is allowed to benefit from them and that too with the conditions that a person neither craves for them nor crosses the bounds by going beyond his essential need. The Qur'ān has used the words to state these conditions in *Sūrah Baqarah* and *Sūrah Nahl*, while in *Sūrah Mā'idah* the words are slightly different:

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He that is constrained by hunger to eat what is forbidden, without showing inclination to sin, will find Allah Forgiving and Merciful. (5:3)

While explaining this Imām Amīn Aḥsan Iṣlāḥī, writes:

The word means "hunger". To be constrained with hunger means that a person reaches the state that he is left with no other option if he is to survive but to eat prohibited items. In these circumstances, he is allowed to benefit from any of the prohibited items in order to save his life. This condition is imposed by the word which at other places is mentioned by the words which imply that neither should he eat such items with the fondness of heart, nor should he eat more than what is essentially required. The condition mentioned in the word shows that where other

alternatives exist the excuse that halal meat is not available, as is the case in parts of the US and the UK, is not justifiable enough to benefit from prohibited items. Meat is not essential to keep a person alive. Other forms of food can not only keep a person alive but also give him good health and vitality. The condition implied by the words shows that a concession is a concession, and what is prohibited is prohibited in every form. Neither should a prohibited thing become a sought after and cherished item nor a concession an eternal permission to benefit from it. Consequently, it is stressed that one should only benefit from prohibited edibles just to combat compelling circumstances. If a person takes into consideration these conditions and then benefits from a prohibited item to save his life, the Merciful Lord would indeed forgive him. However, if he takes undue advantage of this permission by having a relishing meal from it, then he should be ready to face its consequences, for this would not be a legitimate excuse on his part when he stands up on the Day of Judgement to give his account to the Almighty.¹¹

All these things enlisted above are prohibited as edibles. As far as their other uses are concerned, they are totally allowed. No believer should have any doubt in this regard. Ibn 'Abbās (rta) says that this is something which the Prophet (sws) himself once pointed out:

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A goat was given in charity to Maymūnah's maid. The goat died. [It so happened that] the Prophet (sws) passed by. [Seeing the dead goat], he said: "Would that you had taken its hide, tanned it and then made use of it". People said: "It is a dead animal". At this the Prophet declared: "Only eating it is forbidden". (*Muslim*, No: 363)

11. Ibid., vol. 2, 458-59.

