

Review Article

Lawful and unlawful foods in Islamic law focus on Islamic medical and ethical aspects

Nurdeng, D.

Department of Government and Civilisation Studies, Faculty of Human Ecology, Universiti
Putra Malaysia 43400 UPM Serdang, Selangor, Malaysia

Abstract: In this paper, attempts will be made to study and understand the lawful and unlawful foods in the light of Islamic Medical law focus on ethical aspect that has been practiced during Islamic civilization. We will realize that lawful and unlawful foods are not, as some imagine, mere pretense, but rather constitute the divine command which protects against many diseases. In order to present such a law, the jurists of Islam needed great acuteness and power of reflection to make them understand the matters relating to lawful and unlawful foods in Islam. To attempt to follow these jurists, in their treatment, of the different school of thoughts (*madhahib*) would take us far beyond the limits of this research. Thus, we will rather confine ourselves to those laws which are clearly stated in the *Qur'an* and tradition (*hadith*), as well as a few of the most important issues dealt with in the different school of thoughts (*madhahib*).

Keywords: lawful and unlawful food in Islam, Islamic law, preservation of health, Islamic medical ethics

Introduction

Food is one of the basic needs for survival and good health. As such, any debate on food is bound to attract interest and attention. Muslims stress on the importance of the permissibility of the food to be consumed. It is an admitted fact that foods have been made for the benefit of man and can be utilized by him, although at certain things, human does not know their significant. Imam al-Suyuti, in his *al-Ashbah wa al-Naza'ir*, said: "*al-asl fi al-ashya' al-ibahah* (basically things are allowed for everyone)." (Al-Suyuti, n.d, 133; Al-Shafi'i, n.d, 2: 245). This implies that nothing is unlawful unless specifically prohibited by the *Qur'an* or the tradition (*hadith*) through a clear and explicit text (*nass*). In other words, if the text (*nass*) is not sound, for example as in the case of a weak tradition (*hadith*), or if it is not explicit in stating the prohibition, the original principle of permissibility applies. From this general rule, foods are considered to be permissible (*halal*) unless they are specified or their prohibitions stated clearly in the

Qur'an or the tradition of the Prophet Muhammad (s.a.w). The Prophet Muhammad (s.a.w) says:

Both legal and illegal things are evident but in between them there are doubtful (unclear) things, and most of the people have no knowledge about them. So whoever saves himself from these doubtful things, he saves his religion and his honor, but he who falls into doubtful matters fall into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every kind has a sanctuary, and truly Allah (s.w.t)'s sanctuary is His prohibitions. (Al-Bukhari, 1979, Kitab al-Buyu', Bab al-Halal Baina al-Haram Bayyin; Al-Bukhari, Kitab al-Iman, Bab fadl man istabra'a lidinihi).

The Islamic law (*Shari'ah*) constructs human life on the basis of virtues (*ma'rufat*) and to cleanse human life of vices (*munkarat*). Virtues (*ma'rufat*) denotes all the virtues and good qualities that have

always been accepted as “good” by the human conscience. Conversely, vices (*munkarat*) denote all the sins and evils that have always been condemned by human nature as “evil.” Hence, it is not surprising that Islamic law occupies a very significant role in preservation of health.

Since this paper deals with lawful and unlawful foods in the light of Islamic law focus on Islamic medical and ethical aspect that has been practiced during Islamic civilization, it is necessary to give the meaning of Islamic law (*shari’ah*) and its fundamental objective. The term *Shari’ah* derives from the Arabic word *sha-ra-‘a*: meaning the clear path, highway or the road to a watering place. (Ibn Manzur, n.d, 4: 2238-41, s.v. “shara`a.”). This is the path, which believers must follow. Allah (s.w.t) says: “Then we (Allah (s.w.t) gave them a *Shari’ah* (a path to be followed) in life: follow it, and not the wishes of those who have no knowledge.” (Al-Jathiyah (45): 18). In this respect, the technical meaning of *Shari’ah* is defined, in the *Kashshaf Istilahat al-Funun*, as follows:

Shari’ah means the commands given by Allah to His servants, which has been brought by any of the prophets. Whether relating to the manner of action (*kayfiyyah al-‘amal*) known as subsidiary and applied law (*far’iyyah wa ‘amaliyyah*) of which the science of *Fiqh* was developed; or relating to the manner of belief (*kayfiyyah al-‘itiqad*), known as the essentials and dogma (*asliyyah wa ‘itiqadiyyah*) for which the science of *kalam* was developed. (al-Tahanawi, 1988, 2: 500, s.v. al-Shar`).

The above meaning of *shari’ah* shows that the objective of Islamic law is not only contribute in the growth of a civilization, but also, it has its place in the “preservation of health”, to safeguard human beings from spiritual and physical afflictions. The various rules and injunctions of the Islamic law (*shari’ah*), such as prayer (*salah*), poor-due (*zakah*), fasting (*sawm*), pilgrimage (*hajj*), ritual cleanliness, sex and work habits, the organization of the environment, and foods and drinks, can be viewed as a form of preventive medicine. (al-Nasimi, 1991; Vardit Rispler-Chaim, 1993; Fazlur Rahman, 1989).

The reasons of prohibition of unlawful food

Before embarking upon the kinds of prohibited foods, the reasons for prohibition must be clarified. We cannot fully give all reasons here, but we can merely mention that there has always existed a tendency to interpret the prohibited foods in a rational and medical way. Al-Marghinani, in his *al-Hidayah*, points out that the aim of the prohibition is to preserve the nobility of the human body by preventing its being disgraced through engaging in prohibited food.

(Al-Marghinani, 1991, 4: 68).

This tendency has developed particularly in modern times, after the jurists and medical doctors have approved that things are prohibited only because they are harmful to human beings. On the other hand, things are allowed by Islamic law because they are good (*tayyib*). Allah (s.a.w) says:

O you who believe! forbid not (yourselves) the good things which Allah hath made lawful for you and transgress not. Surely Allah loveth not the transgressors. (Al-Ma’idah (5):87).

O you who believe! Eat of the good things wherewith We have supplied you, and render thanks to Allah if you are (indeed) His worshippers. (Al-Baqarah (2):172).

He again declares:

Say: Who hath forbidden the beautiful (gifts) of Allah, which He hath produced for His servants, and the things, clean and pure, (which He has provided) for sustenance? say they are, in the life of this world, for those who believe, (and) purely for them on the Day of judgment. Thus do We explain the Signs in detail for those who understand. Say: The things that my Lord has indeed forbidden are: Shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah for which He has given no authority; and saying things about Allah of which you have no knowledge. (Al-‘Araf (7):32-33).

It would be interesting to clarify that the word *al-tayyibat*, which is derived from *taba*, means good, pleasant, delightful, delicious, sweet, pure and clean. (Al-Ghazali, n.d, 2: 655 and 820; Ibn Manzur, n.d , 4: 2731-4; Toshihito Izutsu, 1966, 235.). Impure or unclean things should therefore not be eaten. In Islamic medical law context, *al-tayyibat* things are not only good, pleasant, delightful, delicious or sweet but also healthy and beneficent to our body, and what is good for our body is also good for our mind and spirit. As noted earlier that the effects of consuming the prohibited foods and drinks are not only being injurious to one’s physical health but also affect the character and spiritual faculties of man. It may also be kept in mind that the consumption of prohibited food is amongst the chief causes, which lead a man to corrupt deeds. Control over food enables man to promote virtues. Al-Ghazali (d. 504/1111) says that the Creator asks all the creatures to follow His command and eat what is pure, clean, wholesome, nourishing and pleasing to the taste. All these qualities

are beautifully summed up in the word '*Tayyib*'. (Al-Ghazali, n.d, 2: 654-5 and 660; al-Shafi'i, n.d, 2: 244-5).

In addition to the aforesaid, it is important to state here that one of the beauties of Islamic law is that it has prohibited only such things that are unnecessary and dispensable, while providing alternatives which are better and which give greater ease and comfort to human beings. In this regard, many Muslim scholars say that Allah (s.w.t) has prohibited intoxicating drinks in order that they may enjoy other delicious drinks which are wholesome for the body and mind. He has prohibited unclean food but provided alternative wholesome food.

From the above, we would like to conclude that in order to preserve the health of man and to achieve the goals of Islamic Law, the doctrines of lawful and unlawful are important. It is meant to guide man to the right road and bestow happiness on him. Consequently, the prohibition of food and drinking intoxicating drink (*khamr*) and all ways leading to them, as prescribed by Allah (s.w.t) is for the benefit of human beings i.e., protection of man's health including mind and body of the individual and society from diseases and the consequences of the absence of the mind. In terms of the nature of the effect of the use of prohibited things, they can be harmful to the human body, human judgment, human self-development or a combination thereof. (Irfan Ul Haq, 1996, 106). No doubt that whatever hazardous to health has been prohibited or declared hateful under the Islamic law and there is nothing beneficial for health, which has not been declared lawful and permissible by Islamic law (*shari'ah*). Based on this fact, Al-Qaradawi underlines:

A general rule of the Islamic *shari'ah* is that it is *haram* for the Muslim to eat or drink anything which may cause his death, either quickly or gradually, such as poison, or substances which are injurious to health or harmful to his body. It is also *haram* to eat or drink large quantities of a substance if large quantities of it cause illness. For the Muslim is not entirely his own master; he is also an asset to his religion and his *ummah*, and his life, health, wealth, and all that Allah has bestowed upon him are a trust with him which he is not permitted to diminish. (al-Qaradawi, 1989, 76-7).

Coming back to our discussion on the types of food which are forbidden to consume, the following verse is perhaps the most definitive statement that the enactment agree in general with the previous divine teachings notably *Torah* and bible.

Forbidden unto you (for good) are death-meat, and blood and flesh of the

swine, and that over which is invoked the name of other than Allah, and the strangled, and the dead through beating, and the dead through falling from a height, and that which has been killed by (the goring of) horns, and the devoured of wild beasts, unless you have cleansed (by slaughtering) it in the proper, lawful way, while yet there is life in it, and that which has been immolated unto idols. And (forbidden is it) that ye swear by the divine arrows. This is an abomination. (Al-Ma'idah (5): 3).

Also Allah (s.w.t) commands His prophet Muhammad (s.a.w) that:

Say: I do not find in what is revealed to me, anything forbidden to one who eats of it unless it be dead meat, or blood poured forth or the flesh of swine,-for it is impious, (meat) on which a name has been invoked, other than Allah's". But (even so), if a person is forced by necessity, without willful disobedience, nor transgressing due limits,- Thy Lord is forgiving, Most Merciful. He has forbidden you only dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. (Al-An'am (6): 145).

If we consider the above verses carefully, we find that there are four types of food which are classified as forbidden namely: *maytah* (the meat of dead animals or carrion); blood; pork and meat dedicated to anyone other than Allah (s.w.t).

Prohibition of maytah (the meat of dead animals or carrion)

The first unlawful thing mentioned in the above verses is *maytah*, feminine of *mayt*. Literally, it is meat of dead animal. In the terminology of Islamic law, the word *maytah* means an animal that has not been slaughtered in the manner prescribed by Islamic law. (Abdul Rahman al-Jaziri, 1972), 2: 4; J. Shacht, 1986 in *Encyclopaedia of Islam*, s.v. "Maita,"). In other words, it is the flesh of an animal, which dies of itself or in an accident or the meat of an animal, which dies before being slaughtered or hunted and then its blood is not drained. In *Ahkam al-Dhaba'ih*, the author explains that apart from animals dying of natural causes, the following five categories are declared to be under the dead animals. (Abdullah b. Muhammad b. Ahmad al-Tariqi, 1983, 168-177). First is *al-munkhaniqah* that is died accidentally caused by the tightening of a rope around an animal's neck, or by the animal's head entering a constricted space. Second is *al-mawqudhah* (animals that die

from a violent blow) that is known in modern times as electric shock. Third *al-mutaraddiyah* (animals that die from a fall): a fall could be from a high place resulting in death from a broken neck or concussion. The two other categories are animals that are killed by being gored to death (*al-natihah*) and animals that are savaged by a beast of prey (If a part of the flesh of an animal is eaten by a wild animal it is forbidden to Muslims).

Slaughtering causes the blood of animals to flow. The Arabic word for slaughtering is *dhabaha* which technically means the slaughtering of an animal in the manner prescribed by law i.e., by cutting the throat, from beneath, at the part next to the head. According to Islamic law (*shari'ah*), four veins are cut off in slaughtering an animal: *hulqum* (windpipe), *mari'* (esophagus) and *wadajan* or two external jugular veins. (Al-Shafi'i, n.d., 2: 236-7; Shirazi, 1992, 2: 885-6). However, it is not lawful to slaughter by teeth, bones or nails. (Al-Shirazi, 1992, 2: 884; al-Tariqi, 1983, 189-201). The fact that when the Prophet (s.a.w) was asked about the animal killed by a *mi'rad*, a sharp-edged piece of wood or a piece of wood provided with a sharp piece of iron for hunting, he said: "If the game is killed with its shaft, with a hit of its broad side, then the game is (unlawful to eat) for it has been beaten to death." (Al-Bukhari, 1979, Kitab al-Dhaba'ih wa al-Sayd, Bab al-Tasmiyah 'ala al-sayd). Scientifically speaking, killing an animal by any blunt object, renders its meat unfit for human consumption. Therefore, animal should be slaughtered by a sharp knife penetrating the inner part of the animal's neck. Significantly, Islam provides the best way of killing animals for human consumption without causing them much pain at their final departure. They should be treated more gently and kindly before, during and even after the slaughter. The Prophet (s.a.w) said:

Verily, Allah has enjoined goodness to every thing; so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife and let the slaughtered animal die comfortably. (Muslim, 1955, Kitab al-Sayd wa al-Dhaba'ih, Bab al-Amr bi Ihsan al-Dhabh wa al-Qatl wa tahdid al-Shaftrat).

In addition to what has been said, the Prophet (s.a.w) also advised that one should run the knife quickly and complete it fast. Then after slaughtering, one should leave the animal free so that it may freely ease its body in the process of bleeding. No part of the body should be cut and no attempt to skin it should be made until the animal completely dies. Interestingly, according to the Hanafis the emergency slaughter

is permitted, even if the animal will certainly die, provided it still shows signs of life at the moment of slaughtering. However, according to the view predominant among the Malikis, such slaughter is not valid and the animal becomes *maytah*. (Abu Suri' Muhammad 'Abdul Hadi, 1985, 240-241); al-Tariqi, 1983, 60-62).

As noted earlier that an exception from the prohibition of *maytah* is made in the cases of fish and locusts. These are in general considered as the two kinds of *maytah* that are permitted to consume. When the Prophet (s.a.w) was asked about the sea, he replied: "Its water is pure and its dead are lawful (*halal*)."

(Abu Dawud, 1984, Kitab al-Maytah, Bab al-wudu' bi Ma' al-bahr; Ibn Majah, n.d, Kitab al-taharah, Bab al-wudu' bi Ma' al-bahr; Al-San'ani, 1960). In order to interpret this tradition, we would like to give the opinions of jurist (*fuqaha'*) concerning the consumption of animals that live only in water (Al-Tariqi, 1983, 281-286). According to the Hanafi school of thought, all marine animals are unlawful except fish. They also have different points of view with regard to a black fish and another fish in the form of a snake. Some of them said that it is uneatable but according to the majority of Hanafis, it is eatable because it belongs to the category of fish (Abu Suri' Muhammad 'Abdul Hadi, 1985, 78-79). On the other hand, there is three different opinions in regard to marine animals. First opinion is mentioned in *Kitab al-Umm* of Imam al-Shafi'i who says that all marine animals whether they fall under the fish category or not, are lawful. This is because, according to Imam Shafi'i, the word fish applies to all marine animals. Secondly, according to Malikis, all marine animals that live only in water are lawful (Wahbah al-Zuhaili, 1989, 4: 2595). Thirdly, those animals that bear similar names to that of some forestrial animals are lawful. Those animals that are unlawful on land such as the pig and the dog are also unlawful in the sea (Al-Nawawi, 1978, 9: 32; al-Shafi'i, n.d., 2: 244). In the light of all this explanation, al-Qardhawi concludes that:

Marine animals, that is, those which live in water and cannot survive outside it, are all *halal*. It does not matter in what way they are obtained: whether they are taken out of the water dead or alive, whole or piece, whether they are fish or marine animals, whether there are caught by a Muslim or a non-Muslim. The Most Generous Lord has opened wide His bounty upon His servants by permitting them to eat all marine animals, without the requirement of bleeding; man has been left free to catch them in whatever manner he is able, avoiding any unnecessary cruelty as far as possible (Al-Qaradawi, 1960 repr. 1989, 53).

To continue the above discussion, we find that there is difference of opinion among the jurists with regard to fish found floating on the sea. According to the Hanafi school, the fish which floats on water is unlawful (Ibn Rushd, 1985, 1: 378; Wahbah al-Zuhaili, 1989, 4: 2791-2). This school bases its opinion on the following tradition: "Eat what the sea throws up and what is left by the tide, but do not eat what dies therein and floats." But the majority of Muslim scholars agree that the fish, which float on water is lawful (Ibn Qudamah, 1981, 8: 571-2). This is because, Allah (s.w.t) says: "Lawful to you is the pursuit of water-game (*sayd al-bahr*) and its use for food, for the benefit of yourselves and those who travel." (Al-Ma'idah (5): 96).

To relate the above discussion to the preservation of health, it is accurate to say that Islam has placed great emphasis on what to consume for man's physical and moral health. With the advancement of medical science, Mahmud Nazim al-Nasimi in his *al-Tibb al-Nabawi wa al-'Ilm al-Hadith*, gives the reason why dead animals (carriers) are prohibited in Islamic law. According to him, the animal, which dies of itself, must have died due to some reason. If death was due to a disease, then there is no doubt that the disease or poisons still dwell in the animal's body though the flesh is sterilized by cooking. Thus, the eating of it may cause many diseases. This is because, all hormones and antibodies of dead animals are retained in the blood and all infective organisms, including viruses, flourish in blood (Al-Nasimi, 1991, 2: 248-53). Therefore ingestion of such will be dangerous. In addition to the foregoing reasons, E. Kazim in his article "*Medical Aspects of Forbidden Food in Islam*" gives some of the medical reasons for the forbidding of carrion in Islam. Commenting on the diseases transmitted to man by an animal, which dies of itself, Kazim presented a partial list of diseases that are transmitted through the flesh and other organs of the dead animal. Among the diseases that occur because of consuming dead animal are: anthrax, malignant pustule, brucellosis, pasteurellosis, hemorrhagic septicemia (E. Kazim, 1971, 4-6; Mukhtar Salim, 1988, 314-5).

Lastly, it is rational to say that, by prohibiting consumption of a dead animal, the owner of an animal will protect it from disease and hunger. And in case of disease, he will be quick to seek a cure for it or will rush it to be slaughtered.

Prohibition of flowing blood

Blood has, in various culture and traditions, been viewed differently. For example, the ancient Egyptians used blood as treatment for graying of hair and baldness. The Romans used to drink the

blood of the dying gladiators to penetrate them with courage. In pre-Islamic era (*al-Ayyam al-Jahiliyyah*), the Arabs used to drink blood especially that which was drawn from a live animal. It was poured into a gut, and then cooked on the fire (Al-Tariqi, 1983, 283; Abdur Rahman I. Doi, 1984, 411). Furthermore, it was the blood of sacrificed animals that they used to smear on the walls of *Ka'bah* and it was blood that they used to eat fried as part of their culture. In this condition, Prophet Muhammad (s.a.w) was sent. His reforms were made under the influence of a milieu in which each religious community was distinguished by its own regulation concerning food in general and flowing blood in particular. The revelation in this respect was to put an end to the nomadic Arab culture of drinking blood. Allah (s.w.t) says:

He has forbidden you only dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah (Al-Baqarah (2):173).

From the above verse, it is clear that flowing blood is prohibited to drink. The only blood allowed is that which remains in the flesh of the slaughtered animal after one has done his best to remove it (Al-Tariqi, 1983, 283-292). Islamic jurisprudence categorizes any form of blood that flows out of the body as impure (*najs*). Although the ultimate wisdom for its prohibition may not be fully realized, there is medical evidence that drinking blood may be injurious to health. As noted earlier, the aim of Islamic law is to prevent suffering and disease prior to any clinical manifestation (*al-'ilaj*). In relation to the prohibition of flowing blood, the Muslim physicians are of the opinion that the drinking of blood is repugnant to human decency and it may be injurious to human health because blood is a good medium for micro-organisms and carrier of diseases. For being injurious to health and life, Islam prohibits flowing blood which is in the form of liquid which gushes from a slaughtered animal and then thickens, without including the spleen or liver which function as reservoirs of blood in the body. Also excluded here is the blood permeating within the tissues of the slaughtered flesh (Al-Shirazi, 1992, 2: 874-5). Ibn 'Abbas (r.a) was asked about the spleen and he replied: "You can eat it". The questioners said: "But it is Blood." He answered: "Only flowing blood is prohibited to you." (Al-San'ani, 1960 1: 25-26). Besides the health aspect, there is a cultural fact that many people feel disgusted, even ill, when they see meat with blood clotted amidst the meat fibers (Al-Tariqi, 1983, 284-5).

Prohibition of pork

The *Qur'an* refers to swine or pig as *khinzir* (feminine *khinzirah*, pl. *khanazir*) which is a scornful term (F. Vire, 1986, in *Encyclopaedia of Islam*, s.v. "Khinzir"). The same is true in English as the word 'swine' is applied to 'disease, a low, greedy or vicious person.' In *Webster's New International Dictionary*, the term 'pig' is described as dirty, greedy, inconsiderate or ill-mannered person. It behaves in a dirty or untidy way (*Webster's New International Dictionary*, 1957, 1860; *Webster's New Twentieth Century Dictionary*, 1989, 934).

It is mentioned that Allah (s.w.t) prohibits pork because filthy by nature (*rijs*) (Al-Shirazi, 1992, 864-5; Al-Nasimi, 1991, 2: 271). Literally the word "*rijs*" has been explained as "filthy" and "dirty". This word, *rijs*, has been mentioned ten times in the *Qur'an* in different contexts. (Al-Ma'idah (5): 90-91, Al-An'am (6): 125, Al-Tawbah (9): 95, Al-'Araf (7): 70, Yunus (10): 100, Al-Hajj (22): 30, Al-Ahzab (33):33). Some are directly related to pork, alcohol, raffle, gambling, idols, while others are indirectly related to human manners. According to Izutsu *rijs* is used mostly in reference to things that are 'filthy by nature', while *najas* means mostly things that are filthy according to reason or law (T. Izutsu, 1996, 241; al-Tariqi, 1983, 320-1).

With regard to the prohibition of pork, it seems that the well known religions of the world prohibit its consumption. Islam as Judaism prohibits the eating of pork (M. M. Hussaini and A. H. Sakr, 1984, 24; Fazlur Rahman, 1989, 53). Only Allah (s.w.t) knows the exact reason(s) and the real wisdom as to why the pork prohibited. However, we are informed that one of the main reasons for its prohibition is to protect His servants from harm that can befall them, if they eat the meat of this impure animal. Nowadays, many medical researchers are of the opinion that:

Pork may be infested with the round worm *Trichinella Spiralis* (*Trichina*), which are lodged in muscle tissue. The *trichina* may be transferred to humans if raw or inadequately cooked pork is ingested and serious, sometime fatal illnesses may result (*Encyclopedia Americana*, s.v. "Pork", 22: 416).

Trichinosis is more common in Europe and the United States than in other parts of the world. In the United States, the incidence of infection may be as high as 15 to 20 percent. There's no practical method of the large scale detection of trichinous port, and the surest safeguard remains complete cooking of pork (*Encyclopedia Britannica*, s.v. "Trichinosis," 2: 920).

Some people have argued that if the pork was completely cooked, its flesh should be consumable. However, according to Islamic law, that even if the

pork is adequately cooked and feed the pig with clean wholesome foods, its flesh is still prohibited because we still can not change its nature. It is still a pig. Furthermore, there is no real guarantee of safety when eating pork which is not affected *trichina* worms. Hence, to take pork, in this situation, is a gamble with one's health and even one's life is at a risk. That is why many modern doctors advise three prohibitions during illness: no intoxicating drink, no pork and no smoking. To clarify further the hazard of pork, Mahmud Nazim al-Nasimi has listed nine kinds of diseases which have been discovered in pork in modern researches. This has become more serious when he found the number of patients suffering from tapeworm disease is the highest in the world among the pork eating nations (Al-Nasimi, 1991, 2: 276-7). It is equally important to note that Dr. Glen Shepherd, who wrote the dangers of eating pork in *Washington Post* (31st May, 1952), related that one in six of pork eaters in U.S.A. and Canada has germs in their muscles *trichinosis* from eating pork infected with *trichina* worms. Many people so infected have no symptoms. Some of those who do have recover slowly and some others die while some are reduced to permanent invalids (Muhammad Samiullah, 1982, 68).

Prohibition of meat dedicated to anyone other than Allah (s.w.t)

As noted before, the concept of Islam, if properly understood and competently explicated, is briefly summed up in the two short sentence: *la ilaha illa Allah Muhammad Rasul Allah* (There is no God to be worshipped except Allah, and Muhammad is the Messenger of Allah). It is simply by bearing witness to the truth of these two simple presuppositions that a man enters the fold of Islam. This basic principle tells us that the whole life of animal as well as human, belongs to Allah (s.a.w). With regard to animals, Allah (s.w.t) created them for the benefit of man. Thus, man has duties towards them and he is accountable to Allah (s.w.t) for their proper treatment. In reference to the *Qur'anic* injunction concerning the slaughtering of animals, Muslims are to slaughter and sacrifice animals in Allah's name alone. This distinguishes believers from disbelievers who slaughter animals without mentioning Allah's name. This is because, Allah (s.w.t) says in the *al-Qur'an*: "eat not (of meat) on which God's name has not been pronounced." (Al-An'am (6):121). It is thus essential, according to the law of Islam, that animals allowed as food must be slaughtered with the invocation to Allah (s.w.t) alone who created man and gave him control over everything on earth. Accordingly, Muslims have to mention (pronounce) the name of Allah (s.a.w) while slaughtering an animal, seeking permission of Allah

(s.w.t) the Creator of all for taking the life of an animal for the sole purpose of food for eating. In conjunction with this ruling, there is a solitary tradition (*hadith*) which provides that “the believers slaughters in the name of God either he pronounces the name of God or not.” (Al-Bayhaqi, 1994, Kitab al-Sayd wa al-Dhaba’ih, Bab man taraka al-tasmiyyah). According to the majority of Muslim scholars, this tradition specifies the *Qur’anic* verse with the result that the slaughter of a Muslim, even without pronouncing the name of God is lawful for consumption. But to the Hanafi school of thought, it is not lawful as the general (*‘amm*) of the *Qur’an* may not be specified by the solitary tradition (Ibn Qudamah, 1981, 8: 540-541 and 565-566; al-Tariqi, 1983, 223-224).

On the other hand, the Hanbali school of thought interprets the above verse, “Eat not of (meats) on which Allah’s name has not been pronounced,” by its face value. They hold that if one neglects to say “*Bismillah*” intentionally, all meat upon which the name of God has not been recited is prohibited (*haram*); if the omission is unintentional, the meat is lawful (*halal*) (Ibn Qudamah, 1981, 8: 565). However, the Shafi’i school holds that this prohibition cannot be accepted. They argue that basically what has been prohibited is the meat of an animal that has been offered to any other being except God, as has been shown by the *Qur’anic* quotation. They say that when certain butchers in Mecca became Muslim, they were suspected by Muslims of mentioning their former gods names “in their hearts” while slaughtering animals. Muslims therefore stopped buying meat from them. On this occasion, the *Qur’anic* command to recite God’s name while slaughtering animals was revealed, then, as being conditional upon a situation where meat-slaughters might associate the name of someone else with God. But in a situation where there was no such suspicion it was not thought necessary to recite God’s name. In this regard, Imam al-Shaf’i says that whether Muslim neglects to say “*bismillah*” before slaughtering intentionally or unintentionally the meat is lawful so long as the person is competent to perform slaughtering (*dhabh*). This opinion is also based on a report by A’ishah, the wife of the Prophet, who said that some people came to the Prophet and said: “O messenger of Allah, some people have brought us meat and we did not know whether the name of Allah has been mentioned on it or not.” The prophet replied: “Mention the name of Allah on it and eat.” (Bukhari, 1979, Kitab al-Dhaba’ih wa al-Sayd, Bab Dhabihah al-‘Arab wa Nahwihim,). ‘A’ishah (r.a) added that the people concerned were recent converts to Islam (Al-Shafi’i, n.d, 2: 247; Al-Shirazi, 1992, 2: 885).

As far as the concept of oneness of God (*al-*

Tawhid) is concerned, as we mentioned earlier, we found that one of the reasons for this prohibition, although not the only one, as some may suppose, is to safeguard the belief in the Oneness of God. Slaughtering of an animal for anyone else besides Allah (s.w.t) is proof of one’s infidelity to Allah (s.w.t). As we know that Muslim religious consciousness is essentially the consciousness of the Oneness of Allah in every aspects including during slaughtering animals. To mention only God’s name during slaughtering is mainly to affirm the truth that God is the only One to be worshipped and He is One in His Essence, in His Attributes and in His Works. Many Muslim scholars explains that:

This prohibition emphasizes again the religious and sacred nature of taking life for food. This prohibition is meant to protect the principle of *tawhid* or affirmation of the oneness and uniqueness of Allah (s.w.t). It is meant to purify beliefs and combat idolatry and all its manifestations at all time (Ghulam Mustafa Khan, 1982, 15; Qaradawi, 1960 repr. 1989, 58-9).

Necessity dictates exceptions

While the Islamic law forbids the eating and the drinking of many things, which are also forbidden to the Jews and Christians, on the other hand, the above prohibited foods are allowed to be consumed when pressed by necessity. Imam Ahmad b. Hanbal has gone so far as to say of a person who is starving to death and refuses to take forbidden meat that if he insists on refusing until he dies he is a sinner and invokes upon himself the punishment of Hell (Ibn Qudamah, 1981, 8: 596; Jamil Muhammad b. Mubarak, 1988, 189). Some Shafi’i scholars make it compulsory (*wajib*), for the person under compulsion, to eat prohibited things if he felt that such an act would be necessary for his survival. They argue that the sanctity of living is greater than that of the dead (Al-Shirazi, 1992, 2: 877; Abu Suri’ Muhammad ‘Abdul Hadi, 1985, 317-321). However, Shafi’i as Malik, agree that it is not permitted for a person under compulsion to eat carrion if he has undertaken his journey in disobedience. This is because, Allah says: “neither rebellious nor transgression.” (Al-Baqarah (2):173) Other jurists upheld its permissibility (Al-Shafi’i, n.d., 2: 252; Ibn Rushd, 1985, 1: 387).

From the above discussion, we may conclude that permission for the use of unlawful things is given conditionally. The following three conditions should be kept in mind (Abdur Rahman I. Doi, 1984, 412; Sayyed Sabiq, 1985, 3: 291-294).

1. The man who ventures to eat the unlawful must be really in a helpless state and be driven by absolutely necessity to save his life and that of his

dependents.

2. There was absolutely no intention to break the law of Allah (s.w.t) in eating the unlawful food but that he was driven by necessity.

3. If one has to eat the unlawful food out of absolute necessity, it should not be taken more than necessary. Supposing a few morsels of food or a little drink of water can save one's life, it should not be used more than that quantity.

Adab of eating in Islam

It is common knowledge that in order to ensure one's health, one should consume food with full ethics (*adab*) of eating. In Islam, the first and foremost duty of man before eating and drinking is to recite the *basmalah*. In this regard, the Prophet (s.a.w) says: "the devil considers food lawful for him when Allah's name is not mentioned over it." (Al-Qaradawi, 1993). Similarly, it is undesirable to eat with the left hand. Only the right hand should be used for eating and drinking purposes. This is because the left is reserved for unclean duties associated with toilet. It is reported on the authority of Ibn 'Umar (r.a) that the Holy Prophet (s.a.w) said: "None of you must ever eat or drink with his left hand because the devil (*shaytan*) does so." (Ghazali, n.d., 2: 658-9; al-Qaradawi, 1993). In addition to this, the Prophet (s.a.w) also advised Muslims to take food when they feel hungry. This is to ensure easy digestion. Similarly, they must not delay and interrupt the food from one time to other time. Our Prophet (s.a.w) said: "It is not right to eat your food quickly, besides this one should eat from what lies nearest to one." (Bukhari, 1979, kitab al-at'imah, Bab al-tasmiyyah 'ala al-ta'am wa al-akl bi al-yamin)

Furthermore, the Prophet (s.a.w) recommended that one should stop eating while there is little extra room or appetite to have more for the stomach in order that food will be digested easily and comfortably. The Prophet (s.a.w) said: "If you must eat more, be sure that only one third of your stomach is filled with food, one third is left for water and the remaining one third for air." (Al-Baghdadi, 1988, 14; Tifashi, 1988, 70; Yusuf al-Qaradawi, 1993). To prove the importance of the above instructional-relationship, we would like to relate a story, which illustrates the health conditions at the time of the Prophet (s.a.w).

One of the kings of Persia sent to the Muhammad, a learned physician. The physician remained in Arabia for one or two years but no one approached him or sought his treatment. At last he presented himself before the Prophet and complained: "I have been sent to treat your companions but during all this time, no one has asked me to carry out my duties in any respect whatsoever. The Prophet replied to him: "It

is the custom of these people not to eat until hunger overcomes them and to ceases eating while there still remains a desire for food." The physician answered: "This is the reason for their perfect health." (C. Elgood, 1951, repr. 1979, 65-66).

Conclusion

Preservation of health is generally based on the condition of the stomach and its condition is generally based on what was consumed. The evidences used from the various verses of the *Qur'an* and the *Sunnah* clearly show that substances that are hazardous to health have been prohibited or declared unlawful under Islamic law. In this regard, the prohibition of *maytah* (the meat of dead animals or carrion), flowing blood, flesh of swine and meat dedicated to anyone other than Allah (s.w.t) are for preservation of man's health. It is the characteristic of Islamic medical law that gives more emphasis on prevention rather than medical treatment. This indicates that the dictum: "prevention is better than cure" was strictly followed in Islamic law.

References

- 'Abdullah b. Muhammad b. Ahmad al-Tariqi. 1983. Ahkam al-Dhaba'ih wa al-Luhum al-Mustauradah: Dirasah al-Muqaranah. Riyadh: Arabia: Idarah al-Buhuth al-'Ilmiyyah wa al-Irshad.
- Abdul Rahman al-Jaziri. 1972. Kitab al-Fiqh 'ala al-Madhahib al-Arba'at. 5 vols. Beirut: Dar al-Fikr li al-Tiba'ah wa al-Nashr wa al-Tawzi.
- Abu Dawud al-Sijistani, 1984. Sunan Abi Dawud. 4 vols. ed. Muhammad Muhy al-Din 'Abd al-Hamid. Dar al-Fikr li al-Tiba'ah wa al-Nashr wa al-Tawzi', trans. Ahmad Hasan. Lahore: S.H. Muhammad Ashraf.
- Abu Suri' Muhammad 'Abdul Hadi. 1985. Ahkam al-At'imah wa al-Dhaba'ih fi al-Fiqh al-Islami. Cairo: Maktabah al-Turath al-Islami.
- al-Bayhaqi, al-Sunan al-Kubra. 1994. ed. Muhammad 'Abdul Qadir 'Ata. 10 vols. Beirut: Dar al-Kutub al-'Ilmiyyah, 1994.
- al-Baghdadi, Muwaffaq al-Din 'Abd al-Latif. 1988. al-Tibb min al-Kitab wa al-Sunnah. ed. 'Abd al-Mu'ti Amin Qal'aji. Beirut: Dar al-Ma'rifah, 1988.
- al-Bukhari, Muhammad Ibn Isma'il. 1979. Sahih Bukhari. 8 vols. Istanbul: Al-Maktabah al-Islamiyyah. trans. Muhammad Muhsin Khan. Lahore: Kazi Publications.

- Cowie, A.P. ed. 1989. Oxford Advanced Learner's Dictionary. Oxford: Oxford University Press.
- Elgood. C. 1951 repr. 1979. A Medical History of Persia and Eastern Caliphate. Cambridge: Cambridge University Press. repr. Amsterdam: Apa-philos Press.
- Al-Ghazali. n.d. Ihya' 'Ulum al-Din. 6 vols. Beirut: Dar al-Kitab al-'Arabi.
- Ibn Qudamah. 1981. al-Mughni. 9 vols. al-Riyadh: Maktabah al-Riyad al-Hadithah.
- Ibn Majah, Muhammad b. Yazid al-Qazwini. n.d. Sunan Ibn Majah, ed. Muhammad Fu'ad 'Abd al-Baqi. 2 vols. Beirut: al-Maktabah al-'Ilmiyyah.
- Ibn Manzur. n.d. Lisan al-Arab. 6 vols. Cairo: Dar al-Ma'arif.
- Ibn Rushd. 1985. Bidayat al-Mujtahid wa Nihayat al-Muqtasid. 2 vols. Istanbul: Kahraman Yakinklari.
- I. Doi, A. Rahman. 1984. Shari'ah: The Islamic Law. Kuala Lumpur: A.S. Noordeen.
- Irfan Ul Haq. 1996. Economic Doctrines of Islam. Herndon: IIIT.
- Khan, G.M. 1982. Al-Dhabh, Slaying Animals for Food: The Islamic Way. London: Islamic Medical Association & Ta Ha Publishers Ltd.
- Al-Marghinani. 1991. al-Hidayah: Sharh Bidayah al-Mubtada. Istanbul: EDA Nesriyat Hifzullah Kahraman.
- Muhammad Samiullah. 1982. Muslims in Alien Society. Lahore: Islamic Publications Ltd.
- Mukhtar Salim. 1988. al-Tibb al-Islami Bayna al-'Aqidah wa al-Ibda'. Beirut: Mu'ssasah al-Ma'arif.
- Mubarak, Jamil Mubarak. 1988. Nazariyyah al-Darurah al-Shar'iyyah. Cairo: Dar al-Wafa' li al-Tiba'ah wa al-Nashr.
- M. M. Hussaini and A. H. Sakr. 1984. Islamic Dietary Laws and Practices. Chicago: The Islamic Food and Nutrition Council of America.
- Muhammad Ali b. 'Ali b. Muhammad al-Tahanawi. 1988. Kashshaf Istilahat al-Funun, 4 vols. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Muhammad Nazim al-Nasimi. 1991. al-Tibb al-Nabawi wa al-'Ilm al-Hadith. 3 vols. Beirut: Mu'assasah al-Risalah.
- Muslim. Sahih Muslim. 1955. ed. Fu'ad 'Abdul Baqi. 4 vols. Istanbul: al-Maktabah al-Islamiyyah li al-Tiba'ah wa al-Nashr wa al-Tawzi'.
- Al-Nasimi. 1991. al-Tibb al-Nabawi wa al-'Ilm al-Hadith. 3 vols. Beirut: Mu'assasah al-Risalah.
- al-Nawawi, Muhy al-Din. 1978. Riyad al-Salihin. Lahore: Idarat al-Sunnah.
- Al-Qaradawi. Yusuf. 1960 repr. 1989. al-Halal wa al-Haram fi al-Islam. Cairo: Maktabah al-Wahbah, repr., Kuwait: I.I.F.S.O.
- Al-Qaradawi. Yusuf. 1993. al-Muntaqa min Kitab al-Tarhib wa al-Tarhib li al-Mundhiri. 2 vols. al-Mansurah: Dar al-Wafa' li al-Tiba'ah wa al-Nashr wa al-Tawzi'.
- Rahman, F. 1989. Health and Medicine in the Islamic Tradition. New York: Crossroad Publishing Company.
- Robert Roberts. 1925. The Social Laws of the Qoran. London: Curzon Press.
- Sabiq, Sayyid. Fiqh al-Sunnah. 3 vols. Beirut: Dar al-Kitab al-'Arabi, 1985.
- al-San'ani, Muhammad b. Isma'il. 1960. Subul al-Salam, 4 vols. Beirut: Dar Ihya' al-Turath al-'Arabi.
- Shacht. 1986, in Encyclopaedia of Islam, New Edition. Leiden: E.J. Brill, s.v. "Maita"
- Al-Shafi'i. n.d. al-Umm, 8 vols. Beirut: Dar al-Ma'rifah.
- Shirazi. 1992. al-Muhadhdhab fi Fiqh al-Imam al-Shafi'i. 5 vols. (ed). Muhammad al-Zuhayli. Beirut: al-Dar al-Shamiyyah.
- Al-Suyuti. n.d. Al-Ashbah wa al-Naza'ir fi Qawa'id wa Furu' Fiqh al-Shafi'iyyah. (ed). Taha 'Abdul Ra'uf and 'Imad al-Barudi. Cairo: Dar al-Bayan al-'Arabi.
- al-Tahanawi, Muhammad 'Ali b. 'Ali b. Muhammad. *Kashshaf Istilahat al-Funun*. 4 vols. Beirut: Dar al-Kutub al-'Ilmiyyah, 1988.
- al-Tariqi, 'Abdullah B. Muhammad Bin Ahmad. 1983. Ahkam al-Dhaba'ih wa al-Luhum al-Mustauradah: Dirasah al-Muqaranah. Riyadh: Idarah al-Buhuth al-'Ilmiyyah wa al-Irshad.
- al-Tifashi, Ahmad b. Yusuf. 1988. al-Shifa fi al-Tibb al-Musnad 'an al-Sayyid al-Mustafa. ed. 'Abd al-Mu'ti Amin Qal'aji. Beirut: Dar al-Ma'rifah.

- Toshihito Izutsu. 1966. *Ethico-Religious Concepts in the Qur'an*. Montreal: McGill University.
- Vire, F. 1986. in *Encyclopaedia of Islam, New Edition*. Leiden: E.J. Brill, s.v. "khinzir"
- Vardit Rispler-Chaim. 1993. *Islamic Medical Ethics in the Twentieth Century*. Leiden: E.J. Brill.
- Webster's New International Dictionary. 1957. Springfield, Mass: C. Meriam Company Publishers.
- al-Zuhaili, Wahbah. 1989. *al-Fiqh al-Islami wa Adillatuhu*. 8 vols. Damascuss: Dar al-Fikr.