

Memorandum

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Subject: The Religious and Legal Foundations of *Halaal* Meats in Islam; the Methodology of Slaughter (*ad-dhakaat*) and the Differences of Opinions Among the Muslim Scholars Concerning Lawful Meats.

The basis of this memo is the inclusion in the new California Code of Regulations Title 15; Article 4 Food Services; no. 3054 Special Religious Dietary Needs; page 28-29, which was updated in July 31, 1996. The substance of the article is as follows:

"(a) Each facility shall make reasonable efforts, as required by law, to accommodate those inmates who have been verified to require special religious diets.

(1) Any inmate who claims to require a special religious diet shall be responsible for informing their facility's Chaplain or religious representative of their faith. The Chaplain or religious representative shall:

(A) Verify the inmate's special religious dietary needs by contacting the religious organization to which the inmate claims to be an observant member.

(B) Maintain and provide the Food Manager with a list of those inmates who have been verified to require special religious diets and what the special religious diets consists for those inmates.

(2) Any religious organization may contract with the Department to provide their inmates with religious diets provided that such a contract shall not result in any additional costs to the Department.

(b) Inmates with special religious dietary needs may be transferred to another facility that is required to accommodate them.

(c) Inmates with special religious dietary needs that prohibit them from consuming an item(s) from the daily scheduled meal may be

accommodated by being provided another item(s) from that same day's scheduled meal that is consistent with their dietary need."

Pursuant to the above; and due to the fact that the California Department of Corrections is not customarily informed concerning Muslim dietary laws; and due to the fact many among the Muslim chaplaincy lack a comprehensive knowledge of the above - I have initiated this memo in order to explain in detail the legal and religious foundations of the dietary needs of the Muslims regarding *halaal* (lawful) meats called in Islam *dhakaat* (slaughtered meats), based upon the fundamental sources of Islamic jurisprudence and taking into account the differences among the four major jurisprudential schools of thought in Islam. This memo is initiated in order to inform Central Headquarters, Wardens, Muslim Chaplains, Food Managers and Muslim inmates of the CDC system so that a congruous policy can emerge about the dietary accommodations to the Muslim inmate population.

[1] Realize that the fundamental sources of Islamic jurisprudence are the *Qur'an*, the *Sunna* of Prophet Muhammad and the Consensus (*Ijma`*) of the *sunni* scholars.

[a] The Boundary of the *Qur'an*:

The boundary of the *Qur'an* it is as Abdur Rahmaan as-Suyuti said in his *an-Niqaya*, "It is the divine heavenly speech which was revealed to Muhammad, may Allah bless him and grant him peace, in the form of chapters as a wondrous miracle from Allah."

[b] The Boundary of the *Sunna*:

The boundary of the *Sunna* it is as Ahmed ibn Ali ibn Abdur Rahmaan al-Manjuri said in his commentary upon the *Minhaj 'l-Muntakhib*, "The *sunna* linguistically means a way (*at-tariqah*) and a custom (*al-`aadat*). The *sunna* technically is a word which is a combination between a form of worship (*al-`ibaadat*) and a form of proof (*al-adaalat*). The *sunna* with regard to worship are the superogatory acts which the Prophet, may Allah bless him and grant him peace, practiced constantly, or it was understood by it that it was to be done continuously, even when its cause was not recurrent . . . The *sunna* with regard to proof is meant here everything which proceeded from the Prophet, may Allah bless him and grant him peace, (other than the *Qur'an*) pertaining to words, deeds or decisions." In the *Minhaj al-Muntakhib* it says, "That about which Muhammad, the master of mankind, was silent, his words, his deeds which were done always, or that in which he had made a decision - that is the *sunna*."

[c] The Boundary of the Consensus (*al-ijma`*):

The boundary of the consensus, it is as Abdur Rahmaan as-Suyuti said in his *an-Niqaya*, "It is the unanimous agreement of the Muslim jurists (*fuqaha*) of the time. That means its scholars who exercise independent judgement (*mujtahids*) who pass legal judgements upon new occurrences which occur in any time." In the *al-Kawkab as-Saati`* it says, "(Consensus) is the agreement which comes from the *mujtahids* of our *umma* after the death of Ahmed, may Allah bless him peace, who give legal decisions in any time or upon any matter as it occurs."

The above three fundamental sources are what the Muslim community refer to in extracting legal decisions and in making independent judgement in areas which are unprecedented. Thus understanding the legal weight and conclusive precedence which these three fundamental sources have in the religion of Islam is of primary importance.

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The Legal Proofs of the Obligation to Follow the *Qur'an*:

The obligation to follow the *Qur'an* is established in the words of Allah, "*This is a blessed scripture which We have revealed: so follow it.*" Following the *Qur'an* is obligatory in accordance with the *Sunna* by the words of the Messenger of Allah, may Allah bless him and grant him peace, "Verily I have left for you two admonitions. They will never mislead the one who takes hold of them. They are plain speech and silence. For plain speech is the *Qur'an* and silence is death." Following the *Qur'an* is obligatory in accordance with the Consensus because consensus upholds that.

The Legal Proofs of the Obligation of Following the *Sunna*:

Likewise, following the *sunna* is obligatory according to the *Qur'an* by the words of Allah, "*Whatever the Messenger gives you, take it. And whatever he forbids you, abstain from it.*" Following the *sunna* is obligatory in accordance with the *sunna* by the words of the Messenger of Allah, may Allah bless him and grant him peace, "Take hold of my *sunna* and the *sunna* of the Khalifs after me. Hold on to them stubbornly." Following the *sunna* is obligatory in accordance with the Consensus because consensus upholds its obligation.

The Legal Proofs of the Obligation of Following the Consensus (*al-ijma`*):

Likewise, following the Consensus is obligatory in accordance with the *Qur'an* by the words of Allah ta`ala, "*Those who oppose the Messenger after the guidance has been made clear unto him and then follows other than the way of the believers; We shall appoint him to that unto which he himself has turned, and expose him to Hell - an evil destiny.*" Following the consensus is obligatory in accordance with the *sunna* by the words of the Messenger of Allah, may Allah bless him and grant him peace, " My *umma* cannot agree upon an error. Take hold of the great majority. For whoever separates himself from the community even the length of a hands span, then has removed the noose of Islam from his neck."

Thus, the *Qur'an*, the *Sunna* and the Consensus of the *sunni* scholars is the basis of any jurisprudential decision in Islam. Every responsible official in the California Department of Corrections should let the weight of his/her opinion concerning Islam conform with the above three fundamentals. Every Muslim Chaplain should let the weight of his/her beliefs, actions and opinions be in conformity with them in order to effectively inform the CDC and to properly perform the functions of Muslim chaplain. This will help to stave off confusion in accommodating the needs of the Muslim inmate population and it will help preempt or even prevent the multitudinous litigations and legal suits which seem to weigh down the CDC system. It must not be forgotten that the reason for the modification of Article 4 - 3054 was due to Public Law 103-141 (the Religious Freedom Restoration Act) on Oct. 27, 1994. Thus, it is necessary for the CDC system to be well informed of those religious practices which are considered canonical and conventional in Islam in order to preempt any unconventional claims by inmates which may threaten the security of the system and also to accommodate the legitimate religious needs of the Muslim inmate population. Many years ago ignorance of Islamic law was a justifiable excuse for Muslims not practicing their religion and for the CDC not accommodating the needs of the Muslim population. This problem was compounded by the general lack of knowledge which was common place among the Muslim chaplaincy in the CDC. However, Muslims are becoming increasingly informed about their religion and realize the need to practice the religion in order to help in the process of rehabilitation and self transformation.

[2] What are the dietary needs of the Muslim inmate population?

The dietary needs of the Muslims inmate population are the same as the free Muslim population. The sources for these are established in the *Qur'an*, the *Sunna* and the Consensus.

I have synthesized the verses of the *Qur'an*, the proofs from the *sunna* and the opinions of the different Imams where necessary in order to facilitate understanding. The sequential order in which the verses concerning Islamic dietary laws were revealed are in seven stages. I will mention the stages in their sequential order and not the order in which they are placed in the *Qur'an*. I will include in each stage the relevant *sunna* practices and the opinions of the Muslim scholars. This is the only way to understand the sequential development of the legal judgement concerning Muslim dietary laws. This is of primary importance because the verses which were revealed later helps to qualify, clarify and demarcate the legal authority of the earlier verses. The earlier verses were revealed in Mecca when the Muslims were in a state of weakness while the latter verses were revealed at a time when the Muslims had gained political autonomy and independence. There is a distinct difference in the leniency allowed in the Meccan period and the strictness demanded in the Medinan period. This means that Muslims are obligated to act in accordance with legal precedence of the latter verses since they particularize and, in certain cases, repeal what was generalized in the earlier verses.

[a] The First Stage

The first verses to be revealed concerning Muslim dietary laws were the following verses from the sixth chapter called *al-Anaam* (the Cattle). This chapter is among the earliest of the chapters which was revealed in Meccan during the early period of the mission of Muhammad, may Allah bless him and grant him peace. Allah says in the *Qur'an*, "*Say: I do not find in what has been revealed to me anything forbidden to eat by anyone who wishes except if it be carrion, blood which has been shed, or the meat of pigs. For it is an abomination - Or the corruption over which other than the name of Allah has been mentioned. However if a person is in need without disobedience nor excess, then your Lord is Forgiving Merciful.*" [6:146] One of Africa's leading *Qur'anic* exegesis, Abdullahi Dan Fodio said about the meaning of the above verse in his *Diya 't-Ta'weel*, "*Say: I do not find in what has been revealed to me', anything like it or other than it, . . . 'forbidden to eat by anyone who wishes. This includes locusts which used to be considered food or any animal. 'Except if it be carrion or blood which has been shed.'* Ibn al-Arabi says in his *al-Ahkaam*, "*This means fluid blood to be differentiated from blood which is mixed with the meat of the animal. This is permissible because it is not possible to be scrupulous concerning it. 'Or the meat of pigs. For it, i.e. its meat, . . . 'is an abomination, i.e. forbidden. ' Or the corruption.'* This word is connected to the word 'the meat'. '*Over which other than the name of Allah has been mentioned. However if a person is in need', of what has been prohibited can eat of it. 'Without disobedience nor excess, then your Lord is Forgiving', towards him for what he consumes or eats. 'Merciful', towards him since He showed His blessings to him because of it. This verse does not refute or negate any other prohibition which is not mentioned above due to the fact that from the beginning of the divine revelation up to the moment of the revelation of this verse there existed no prohibition besides what was mentioned in the above verse. The first thing to be prohibited after this was wine by the verse which were revealed about it and other prohibitions which were stipulated in the prophetic traditions. In this first revelation Allah has prohibited:*

- [1] carrion or dead animals;
- [2] blood which has been shed;
- [3] pig flesh;
- [4] animals which are killed in other than the name of Allah.
- [5] necessity (which will be explained later) allows the above four prohibited foods to be eaten.

[b] The Second Stage

Later during that same early Meccan period the next series of verses were revealed in the same above chapter further clarifying the legal judgements concerning Muslim dietary laws. Allah says in the *Qur'an*, "*Eat from that over which the name of Allah has been mentioned, if it is His signs you truly believe in. Why is it that you will not eat from that over which the name of Allah has been mentioned, when He has explained for you in detail what is forbidden for you except out of necessity. Truly many lead others astray by their corrupt passions without knowledge. Truly your Lord knows best who exceed the limits. Therefore cast off apparent sins as well as those which are hidden. Truly those who have earned sins will be rewarded exactly what they deserve. Therefore, do not eat from that over which the name of Allah has not been mentioned. This is corruption. Truly Satan incites his friends to argue with you. For if you obey them, then you will be considered among the idolators.*" [6:118-121] Abdullahi Dan Fodio said about the meaning of the above verses in his Diya 't-Ta'weel, '*Eat . . .*, i.e. do not follow those who are astray who make permissible that which is prohibited after clear evidence has been revealed and consume . . . *'from that over which the name of Allah has been mentioned'*, i.e. only that which has been properly sacrificed with Allah's name but not carrion. *'If it is His signs you truly believe in*, i.e. if your belief in Him is absolute; whereas some of your hearts are filled with doubts from resembling the disbelievers and falsely interpolating what should be consumed. *'Why is it that you*, i.e. what has befallen you and what prevents you. *'That you will not eat from that over which the name of Allah has been mentioned, . . . solely.* *'When He has explained*, i.e. Allah has explained in detail . . . , *'for you what is forbidden for you.* That which has been explained in detail has been mentioned in the previous verse. Even though these particular verses were placed before the above verse they were revealed after it. *'Except out of necessity*, from what was mentioned because it too is permissible for you. This means there is nothing wrong with consuming what was mentioned above. *'Truly many lead others astray.* This is an indication that those in error are not idolators and pagans exclusively. *'By their corrupt passions*, i.e. by what their corrupt souls entice them to from making permissible what is prohibited. *'Without knowledge*, which can be relied upon from the divine law (*shari`a*) concerning that. *'Truly your Lord knows best those who exceed the limits.* This means those who overstep the permissible and fall into the prohibited and then make the prohibited permissible. *'Therefore cast off*, i.e. avoid, . . . *'apparent sins as well as those which are hidden*, i.e. those which are open and secret, or those which are manifest from the limbs and those hidden in the heart, or those which are plainly forbidden and those which are doubtful. Sins (*al-'ithmun*) means here every sort of disobedience. *'Truly those who have earned sins*, whether apparent or hidden, . . . *'will be rewarded exactly what they deserve*, i.e. what they have earned. *'Therefore, do not eat from that over which the name of Allah has not been mentioned*, from meats which have been sacrificed or slaughtered. If neglecting to mention Allah's name was done intentionally, it should not be consumed. If it was neglected out of forgetfulness, then it can be consumed. This is in accordance with the schools of thought of Imam Malik and Imam Abu Haneefa. Imam Ahmad says, 'If neglecting to mention the name of Allah was done out of forgetfulness or intentionally, then it is forbidden to eat that sacrificed meat.' . . . *'This*, i.e. failing to mention the name of Allah intentionally, or consuming what has been mentioned previously, . . . *'is corruption*, i.e. withdrawing from obedience. *'Truly Satan incites*, or whispers, . . . *'to his friends*, among the disbelievers. *'To argue with you*, i.e. concerning making carrion or meat which has been improperly slaughtered as permissible. *'For if you obey them*, in making permissible what Allah has prohibited, . . . *'then you will be considered among the idolators.* this is because you will have made partners with Allah in instituting the legal judgements of the divine law (*shari`a*). Ibn al-Arabi said in his al-Ahkaam, 'Truly when a believer obeys an idolator, he is also an idolator especially when he obeys him in convictions which are considered disbelief and belief. However if he obeys him in deeds while his conviction is sound and unbending in the divine unity and acceptance, then he is merely disobedient.'" The above series of verses add four more legal stipulations In addition to the above four prohibitions and one concession:

[6] the obligation of only eating animals which are slaughtered in the name of Allah;

[7] Islamic belief is strengthened by eating properly slaughtered meats;

[8] error, corrupt passions and ignorance is the result of eating prohibited meats without necessity.

[9] sins, corruption and idolatry result is the result of eating prohibited meats without necessity.

[c] The Third Stage

The third phase of verses to be revealed concerning Muslims dietary laws were revealed in the sixteenth chapter called *an-Nahl* (the Bee). This chapter was revealed during the intermediate period during Muhammad mission in Mecca. Legally the two following verses echo the same prohibitions mentioned in the above verses in chapter six, however in addition Allah discusses the prohibition upon Muslims and others of using their own whims as a basis for making food either permissible or forbidden. Allah says, "*Eat the pure and lawful things from what Allah has provided, and be grateful for the blessings of Allah if it is Him that you worship. Truly He has only prohibited you carrion, blood, the meat of pigs and what has been sacrificed to other than Allah. But whoever is in need without desiring disobedience nor to exceed the limits, truly Allah is Forgiving Merciful. And do not speak falsely authorizing with your tongues, 'This is permissible and this is forbidden', devising lies against Allah. Those who devise lies against Allah will not prosper. They will only have a brief enjoyment and for them will be a grievous punishment.*" [16:114-117] Abdullahi Dan Fodio said about the meaning of the above verse in his *Diya 't-Ta'weel*, 'Eat, . . ., O believers, *'the pure and lawful things from what Allah has provided. And be grateful for the blessings of Allah'*. This is by being obedient to Him since He clarified for you what is permissible by what the disbelievers deny, *'if it is Him that you worship.'* Allah then enumerates the prohibitions by His words, *'He has only prohibited you carrion, blood, the meat of pigs and what has been sacrificed to other than Allah. But whoever is in need without desiring disobedience nor to exceed the limits, truly Allah is Forgiving Merciful'*. Do not count as permissible for yourselves what has been prohibited to you. The restriction here is established by the word, *'He has only'*, with reference to what has not been prohibited to you from the fish of the sea. . . For this reason He follows up with His words, *' And do not speak falsely authorizing with your tongues'*, i.e. anything about which your tongues describe as permissible or forbidden without any authoritative evidence. *'This is permissible and this is forbidden'*, since Allah did not make it permissible nor make it prohibited. It means do not speak lies as a result of your tongues incrimination. This is a profound expression indicating that their speech alone indicts them with lying. It is as though the fact of lying is unknown and their tongues incriminates them and makes it known. All this is a confirmation of the prohibition of making things prohibited or permissible based upon impulse and whims. *'Devising lies against Allah'*, by attributing that to Him . . . *'Those who devise lies against Allah will not prosper'*, no matter what happens for them, He will punish them with disaster. He then explains the absolute negation of prosperity for them when He says, *' They will only have a brief enjoyment'*, meaning that it will be what exhaust them, or it means what they possess from enjoyment will slight due to the fact that it will be soon cut off from them. *'And for them will be a grievous punishment'*, in the Hereafter, thus negating all success and prosperity for them." The above verses add two more additional legal stipulations regarding dietary laws:

[10] the prohibition of falsely declaring foods prohibited or permissible without reference to the divine law (*shari`a*);

[11] the prohibition of attributing the above false declaration to Allah and to the religion of Islam

[d] The Fourth Stage

The next phase of verses to be revealed concerning Muslims dietary laws were revealed just after the emigration (*hijra*) from Mecca to Medina. These verses were revealed in the second chapter called *al-Baqara* (the Cow). This chapter was the first chapter to be revealed in Medina. The Medinan chapters and verses are essential because they relate to the establishment of Islamic government and independence from the disbelievers of Mecca. It was during the Medinan period that the majority of the divine obligations and prohibitions were revealed and enacted. Allah says, "*Verily what has been prohibited you are carrion, blood, the meat of pigs, and what is sacrificed for other than Allah. Whoever is in need without desiring disobedience nor excess, then there is no sin against him. Verily Allah is Forgiving Merciful.*"[2:173] Abdullahi Dan Fodio said about the meaning of the above verse in his *Diya 't-Ta'weel*, "*Verily what has been prohibited you . . . to eat, since in this verse and in what comes after it Allah is speaking about what is to be consumed. Carrion (*mayyit*) means that which is not slaughtered according to the divine law (*shari'a*) and includes, based upon the *sunna*, that which is apparently not alive. Fish, however is excluded from this judgement based upon the prophetic tradition, "The dead (of the sea) is permissible." As for locust there is no single prophetic tradition which can be relied upon concerning its legal judgement. Properly sacrificed meats (*dhakaat*) are those animals which die by means of slaughtering in the opinion of Imam Malik but not in the opinion of Imam as-Shaafi`. '*And blood, . . .*', i.e. blood which is shed or spilt from an animal, but not the blood which naturally mixes with the meat. In this case the blood is not forbidden. '*And the meat of the pig. . .*' here the meat is specifically mentioned because it is the meat which is aimed in consumption, while any other part of the animal follows the judgement of the meat. The grease or fat (*shaham*) of the pig is also included in the judgement of the meat, however when the pig is alive it is pure like the rest of the animals in the opinion of Imam Malik. It is impure (*najas*) with the remainder of the four *Imams*. '*And what is sacrificed for other than Allah. . .*', i.e. what is sacrificed or slaughtered in the name of anything or being other than Allah. The word '*to sacrifice*' (*uhilla*) originally comes from the word '*to exalt*' (*al-'ihlaal*) meaning '*to raise one's voice*'. During the times of ignorance the idolators used to raise their voices when they sacrificed animals to their idols. For this reason these types of sacrificed meats is forbidden for the Muslim to consume, even if they were sacrificed by one of the Jews or the Christians. Imam Abd 'l-Baaqi said in his commentary upon the *al-Mukhtasar*, 'The animals of the Jews and the Christians sacrificed to idols are not to be consumed when it has been ascertained that it was sacrificed to other than Allah. This is because it is included among those things which has been sacrificed for other than Allah, since it was said, '*In the name of so-and-so idol.*', in exchange for, '*In the name of Allah.*' '*Whoever is in need . . .*', i.e. if necessity forces him to consume anything from what was mentioned above, then he should eat it. Especially when he fears destruction or taxing hardship. This is not conditioned by him being patient until death is near because eating in this case will bring no benefit. '*Without desiring disobedience. . .*', this means without seeking after corruption and harm for the Muslims. '*Nor excess, . . .*', this means by being excessive in consumption, or pleasure or to exceed the limit of necessity. '*Then there is no sin against him . . .*', for eating it. '*Verily Allah is Forgiving Merciful . . .*', due to the fact that He generously accommodates us during necessities. Ibn Juzziy said in his *al-Qawaaneen*, 'The disobedient has a license to consume carrion during his travels. Although it is said that it is not permissible as long as he persists in disobedience.' I say: The school of thought of Imam Abu Haneefa gives concession for that. This was mentioned by al-Kawaashi in his *Mulakhis*. It is permissible for the one traveling and in need to eat what is prohibited until he becomes full and then gather the remainder as provision during his travel. This is in accordance with Imam Malik although Imam as-Shafi` prohibits this."*

[e] The Fifth Stage

The next series of verses to be revealed concerning Muslim dietary laws are those revealed in the middle period during the Prophets stay in Medina in the twenty-second chapter called *al-Hajj* (the Pilgrimage). Allah says, "*For every community We appointed a ritual that they should mention the name of Allah over every animal of livestock which He has provided them with. Your deity is One God therefore surrender to Him and give good news to the those who are humble. Those who when Allah is mentioned, their hearts tremble. Those who are patient with whatever afflictions befall them, establish the prayer and expend from what We have provided them. And the stout animals, We have made them among the rites of Allah. In them is much good so mention the name of Allah over them when they are standing. When they fall dead on their flanks, then consume of them and feed the abstinent and those dejected. Thus, have We subjected these animal to you so that you may be grateful.*" [22:34-36] Abdullahi Dan Fodio explains the meaning of the verses in his *Diya 't-Ta'weel*, "*For every community*", i.e. every bygone believing nation before you. '*We appointed a ritual*', . . . i.e. of worship, communion, offering and sacrifice; or it means a sacred place where these are done. '*That they should mention the name of Allah over every animal of livestock which He has provided them with*', when they are being slaughtered which is the causative factor for Allah appointing the ritual. This is evidence that the objective in instituting the rituals is for the remembrance and mentioning of Allah with His attributes of perfection, because. . . '*Your deity is One God*'. After you have attained knowledge of His oneness, '*therefore surrender to Him*', i.e. dedicate yourself sincerely to Him in all acts of worship and in properly sacrificing your animals. And do not tarnish your worship with idolatry nor contaminate your animal sacrifices by mentioning the names of false deities. '*And give good news to the those who are humble*', i.e. those who are obedient and meek and sincere. Their attribute of humbleness (*al-'ikhbaat*) comes from the word unpretentious (*khabat*) before Allah which is the refuge of tranquility. '*Those who when Allah is mentioned, their hearts tremble*, i.e. fearfully out of high estimation of Him due to the fact that He caused the beams of His Majesty to radiate their hearts. '*Those who are patient with whatever afflictions befall them*', from misfortune and disasters. '*Establish the prayer*', during their proper times. '*And expend from what We have provided them*', in all varieties of righteousness. '*And the stout animals, We have made them among the ceremonial rites of Allah*'. This verse is literal evidence (*nass*) that sacrificing animals is apart of the ceremonial rites, i.e. the known stamps of the religion which Allah has established. '*In these is much good*', in your worldly affairs and in your religion. Ibn al-Arabi said, 'As for the eternal reward of properly sacrificing animals, then in that is absolute good. As for the other benefits which are corollary to that, in these are good also since the sacrificed animal strengthens the one who consumes it to perform the obedience of Allah. '*So mention the name of Allah over them*', when they are being sacrificed and killed. . . '*When they are standing*', i.e. in line standing still on their feet. This is what is best when slaughtering camels. This is opposite when slaughtering the cow and the sheep which are killed while reclining. '*When they fall dead on their flanks*', i.e. fall upon the earth after being slaughtered. '*Then eat from them*', if you wish except when there is an exception. '*And feed the abstinent*', the one satisfied and content with whatever is given him and does not beg. '*And those dejected*', who are in need of what is given without begging and the one who begs. '*Thus, have We subjected these animal to you*', so that you may subjugate them and mount them and if it were not for Allah's subjecting them you could not control them. '*So that you may be grateful*', for Allah's favors and blessings upon you." These verses stipulate the following in addition to previous verses:

[12] the fact that the proper slaughtering of animals are apart of the known rites of Islam;

[13] submission, humility, tranquility, patience, forbearance, gratitude and generosity are the consequences of eating properly slaughtered meats;

[14] it is highly recommended to feed the destitute and the poor from properly killed animals.

[f] The Sixth Stage

The sixth phase of verses to be revealed concerning Muslim dietary laws were revealed during the final years of Muhammad's mission, may Allah bless him and grant him peace in the fifth chapter called *al-Maa'ida* (the Table Spread). Allah says, "*O you who believe do not prohibit the good and pure things which Allah has made permissible for you. And do not exceed the limits for Allah does not love those who exceed the limits. Eat from the lawful and good things which Allah has provided for you. And have fearful awareness of Allah, the One in which you believe.*" [5:87-88] Shaykh Abdullahi Dan Fodio explained the meaning of these verse in his *Diya 't-Ta'weel*, "*O you who believe do not prohibit the good and pure things which Allah has made permissible for you*, i.e. do not leave them by considering them prohibited as the People of the Book have done. It says in the *al-Lubaab*, 'This means you should believe that these are prohibited, for whoever believes that a thing which Allah has made permissible is prohibited has become a disbeliever. As for leaving the pleasures of this world and its desires, devoting oneself to Allah and exerting oneself to His worship without bringing harm on oneself nor abandoning someone else rights, then this is spiritual bounty and excellence about which there is no rejection.' '*And do not exceed the limits*', i.e. do not overstep the limits by straying towards excess. Or it means by making prohibited the good and pure things. Or it means do not be unjust absolutely. Al-Hasan ibn Abi 'l-Hasan said, 'It means do not be so strict that you make prohibited what has been made permissible. And do not take concessions to the point where you make permissible what has been made prohibited. It is related in the two *Saheeh* collections 'Some people from the Companions of the Messenger of Allah, may Allah bless him and grant him peace came to the house of the wives of the Prophet and asked about the Prophet's secret worship. When they were informed about that, they considered their worship insufficient and said, 'Where are we from one who has his past and future sins forgiven.' Then one of them said, 'I will not marry women.' Another said, 'I will not sleep upon a bed.' When this reached the Messenger of Allah, may Allah bless him and grant him peace, he came to them and said, 'Are you the same people who said so-and-so? By Allah, I am more fearful of Allah than you and I am more knowledgeable of Allah than you, yet I fast and break my fast, I stand the night in prayer and I sleep, I eat meat and I also marry women. So he who dislikes my *sunna*, is not from me (not one of my followers).' In another related tradition the Messenger of Allah, may Allah bless him and grant him peace said, 'He is not apart of my religion, who does not eat meat and does not marry women. The hermetic ascetism of my community is military struggle (*jihad*).' '*For Allah does not love those who exceed the limits*', who overstep the limits of His commands. '*Eat from the lawful and good things which Allah has provided for you. And have fearful awareness of Allah, the One in which you believe.*' It says in the *Futuuh 'l-Ghayb*, 'The meaning of this verse is that it is not meant for the believer to be ascetic from the pleasurable things nor for him to prohibit the good and pure things. What is intended for the believer is to attain true belief and fearful awareness'." The legal stipulations in this verse are:

- [15] the prohibition of making forbidden those meats which Allah have made lawful;
- [16] the prohibition of being over excessive or too lenient regarding Islamic dietary laws.

[g] The Seventh Stage

These final series of verses are the most important because they are the last verse to be revealed concerning Islamic dietary law. Although these verses do not legally abrogate the verses which were revealed before them, however they do clarify the legal injunctions to be drawn out of them. In Islam the latter verses are to be given more legal weight than those revealed first. These verses were placed in the first part of the above mentioned fifth chapter called al-Maa'ida and actually comprise the last divine revelation which was revealed to Prophet Muhammad. Although the verses are included in a Medinan chapter, they were actually revealed on the plain of Arafat in Mecca during the 'farewell pilgrimage'. Allah says, "*Prohibited to you are carrion, blood, the meat of pigs, that over which other than the name of Allah has been mentioned, that which has been killed by strangling, that killed by a violent blow, that killed by a headlong fall, that killed by being gored, that partly eaten by a wild animal except when you are able to slaughter it, that sacrificed on a stone alter, and that which has been divided by raffling with arrows. All this is corruption. This day has those who disbelieve despaired of your religion. So do not fear them but fear Me! This day have I perfected for you your religion and have completed My favor upon you. I have chosen **al-Islam** as a religion for you. Whoever is in need because of hunger without inclining towards sins, then Allah is Forgiving Merciful. They ask you about what is lawful for them. Say: All good and pure things are made lawful for you. And the beasts and birds which you have trained as hounds are trained. You teach them that which Allah has taught you. So eat of that which they catch for you and mention the name of Allah's name upon it, and have fearful awareness of Allah. Truly Allah is swift in taking account. Today all good and pure things have been made lawful to you, and the food of the People of the Book is lawful for you and your food is lawful for them.*" [5:3-5] Shaykh Abdullahi Dan Fodio explained the meaning of the above verse in his Diya 't-Ta'weel, "*Prohibited to you are carrion . . . , i.e. to consume it. Carrion is an animal which has died naturally and every animal which is not slaughtered in accordance with the sacrifice ordained by the divine law (shari`a). 'And blood . . . , i.e. blood which is shed. The pagans used to open a vein of a camel and drink his blood. 'And the meat of pigs and that over which other than the name of Allah has been mentioned . . . , the meaning of this was mentioned previously in the first Qur'anic proof. 'That which has been killed by strangling . . . , i.e. that meat animal which died by strangulation by a rope for example, whether intentional or unintentional. 'That killed by a violent blow . . . , i.e. an animal which was killed by violent strikes like with a piece of wood or the like. The pagans used to violently strike the animal until it died and they would then eat it. 'That killed by a headlong fall . . . , i.e. an animal which fell or was dropped from a high place causing its death. 'That killed by being gored . . . , i.e. an animal which was killed by the gorging of the horn of another animal until it died and then is eaten. 'That partly eaten by a wild animal . . . , i.e. what remains from what has been killed by a predator with fangs, talons, or claws. The pagan Arabs used to eat the above mentioned meats and did not consider that it was dead. On the contrary dead carrion to them was that which died a painful natural death. 'Except when you are able to slaughter it . . . , i.e. the animal in which you find that life still remains. You then slaughter it in the lawful manner . . . In the opinion of Imam Malik it is not correct to sacrifice an animal except by cutting the wind pipe, the esophagus and the jugular vein, while Imam as-Shaafi` said cutting the jugular vein is not a prerequisite. If the animal was killed by cutting the back of the neck, it is not to be consumed with us the Malikis, although with Imam as-Shaafi`, it can be consumed. The legal exception in the above statement, 'except when you are able to slaughter it', has four stipulations:*

- [a] the animal which dies before the actual sacrifice, it is not to be consumed by consensus;
- [b] the animal which has been killed completely, it is not to be eaten by agreement of the Malik school of thought;
- [c] the animal which has not been killed completely, hesitate before slaughtering. It can then be consumed by consensus;
- [d] when the animal remains alive so long that one despairs of it dieing and the sacrifice was not complete, it can be consumed in the opinion of Ibn al-Qaasim in agreement with Imam as-Shaafi` and Imam Abu Haneefa. It is also said that it cannot be eaten.

The wind pipe is the part where the air flows. The esophagus is the part where the food flows. The jugular vein is the two veins which lies near the surface of the neck. These should be cut during the sacrifice. *'That sacrificed on a stone alter . . .*, i.e. used for idols. *'And that which has been divided by raffling with arrows . . .*, i.e. to seek by that the appearance of the desired answer and judgement. . . *'All this is corruption . . .*, i.e. the raffling of arrows and all of the above is departure from the divine law (*shari`a*) because it is a means to arriving at the knowledge of the unseen other than Allah. This is pure disobedience and error, especially when it is believed that this is a path to Allah. It is imputing lies to Allah if He is what is intended in the raffling of arrows. It is associating partners with Allah is idols are what is intended in the raffling. It is not permissible to seek after knowledge of the unseen by means of magic or the opinions of the astrologers. *This day'*, i.e. the day of Arafat during the year of the Farewell Pilgrimage of the Prophet, may Allah bless him and grant his peace. It was on this day these verses were revealed. Or what is meant here, 'now' and not 'this day' literally. *'Has those who disbelieve despaired of your religion'*, i.e. they despair of frustrating or neutralizing your religion. Or it means they despair of you apostatizing over to their religion by your making lawful the above mentioned prohibited foods. Or it means they despair of conquering you. *'So do not fear them'*, after Allah has manifested your religion. *'But fear Me!'*, i.e. be sincere in your fear of Me and have dread of going against My commands. *'This day have I perfected for you your religion'*. It is related in the Saheeh of al-Bukhari, 'This verse was revealed while the Prophet, may Allah bless him and grant him peace had stopped on his she-camel at the plain of Arafat on a Friday.' It says in the Ghaayat 'l-Amaani, 'What is meant here by 'perfection' (*al-'ikmaal*) is that the pilgrimage is the last of the five pillars of Islam according to consensus'. Imam al-Baydawi says, 'I have perfected for you your religion by means of victory and having it proclaimed over all other religions. Or it means by defining in detail the principles of belief (*`aqeeda*), by designating the legal foundations of the divine law (*shari`a*) and the rudiments of independent judgement (*ijtihaad*).' Imam al-Khaazin says in his Lubaab 't-Ta'weel, 'It means by means of the obligations (*faraa'id*), the prophetic practices (*sunan*), the punitive punishments (*huduud*), the legal injunctions (*ahkaam*), the lawful (*halaal*) and the prohibited (*haraam*). After this verse no verses concerning the lawful and the prohibited were revealed, nor anything from among the obligations.' Ibn Jareer relates, 'When this verse was revealed Umar ibn al-Khataab began to weep. The Prophet, upon him be peace said, 'What causes you to weep?' He said, 'We used to always expect increase in our religion and now it has been perfected. For there is nothing which reaches its perfection except that there emerges a void.' He said, upon him be peace, 'You have spoken truthfully.' After that he, upon him be peace, lived for eighty-one days. He died on a Monday after the sun had departed from the sky and twelve nights had elapsed from the month of *Rabee`u'l-Awwal*.' Imam al-Khaazin said, 'It happened in eleven years after the emigration.' *'And have completed My favor upon you'*, by perfecting the religion, reentering Mecca safely, purifying the House of Allah from idols, preventing the ignorant idolators from entering the sacred place of Mecca after that year and the destruction of pagan ignorance. *'I have chosen'*, i.e. selected, ***al-Islam*** as a religion for you', from among all the religions. However this religion cannot be corrected or ameliorated except by means of generosity (*sakhaa'*) and excellent character (*husun 'l-khalq*) as it has been related in the prophetic traditions. Perfection (*kamaal*) removes deficiencies from the outward attributes of a thing. Completion (*tamaam*) is in the essence of a thing. It is for this reason that Allah used the expression of perfection regarding the religion because there was no deficiency in the essence of the religion from the very beginning of Islam. However it becomes perfected by outwardly manifesting it over the remainder of the religions. This is apart of its outward attributes and by means of this the essence of the favor of Allah becomes complete. The word religion (*deen*) is a condition noun (*haal*) of the word *al-Islam* in the verse because Allah has chosen it as your condition now that it has reached its perfection this day. This is the fullest expression of perfection. therefore adhere to it and do not separate from it. *'Whoever is in need'*. This is connected to the prohibited things mentioned before the above. That which is between them acts as a response to confirm the meaning of the prohibitions in order to ward off corruption and to disallow from the whole of the perfected religion, the completed favor and the chosen *al-Islam*. Therefore whoever is in need, *'because of hunger'*, i.e. because of extreme hunger to eat from these prohibited things. *'Without inclining'*, i.e., tendency and intention, *'towards*

sins, then Allah is Forgiving', to him and, *'Merciful'*, to him by making it lawful for him to eat them. After relating what has been prohibited, the people asked about what is lawful for them. Then Allah revealed, *'They ask you, 'O Muhammad, 'about what is lawful for them', from foods. 'Say: All good and pure things are made lawful for you'*, i.e. those things which are delicious and pleasurable which neither religious texts or reasoned analogy proves to be unlawful. *'And'*, game animals, *'which are caught by hunting beast which you have trained'*, i.e. those animals which have the ability to acquire training among the dogs, lions, and predatory birds. Or this is a response to what is permitted to utilize among the dogs, *'to hunt'*. . . The condition is that the person doing the hunting with these hunting animals must be a rational Muslim who first sees the hunted prey, then makes intention to hunt it and then mentions the name of Allah when he dispatches the animal or shoots his weapon. If he neglects mentioning the name, i.e. saying **Bismillahi wa Allahu akbar** (In the name of Allah and Allah is the greatest) - then it is unlawful. The hunting beasts chase the prey after being released or the prey is pursued after shooting it. When the hunting animal returns and it is discovered that the prey has not been completely killed, then he should properly sacrifice it. If the prey is completely killed by the beast then it should not be consumed. (Although Imam Malik gave a contrary opinion; see below). *'You teach them that which Allah has taught you'*, from hunting maneuvers and the ways of breeding by means of their instinctive natures or through discipline. *'So eat of that which they catch for you'*, even if the animal is killed and has been partly eaten in the schools of thought of Imam Malik. His opinion is based upon the prophetic tradition related by Abu Dawud, *'When you dispatch your trained dog and have mentioned the name of Allah, then consume it even if the dog has eaten from it.'* This is contrary to the opinion of Imam as-Shaafi` and others who rely upon the prophetic tradition related in the two Saheeh collections, *'If the hunting animal has eaten from it, do not consume it'*. It is not lawful to hunt with an animal which is not trained. The sign of a trained animal is that it has been transformed from its original nature until it becomes under the complete control of the hunter like any instrument which submits to being carried when being carried, is restrained when restrained and comes when it is summoned. Imam as-Shaafi` makes as an absolute prerequisite that the hunting animal not eat the prey. Imam Malik does not make as an absolute prerequisite that the hunting animal not eat the prey. Imam Abu Haneefa makes that as a prerequisite in lions and canines but not birds of prey. It is related in the two Saheeh collections, *'Hunting with weapons by shooting and mentioning the name of Allah is like hunting with trained animal.'* However, if the arrows are poisoned then the prey should not be consumed if the sacrifice could not be made before it died. If the sacrifice could be made before it dies, it can be consumed as long as the meat is unharmed by the poison. *'And mention the name of Allah's name upon it'*, i.e. over the trained animal when you dispatch it. *'And have fearful awareness of Allah'*, i.e. beware of contravening Him in what He has made lawful for you or in what He has made prohibited for you. *'Trully Allah is swift in taking account'*. He can seize you for momentous wrong deeds and insignificant ones. This is a threat to those who consider contravening Allah ta`ala. *'This day are all good and pure things made lawful to you . . . ,* i.e. those things which are delicious which evidence drawn from the text nor evidence drawn from analogy proves that it is forbidden. *'And the food of the People of the Book . . . ,* i.e. animals which have been properly sacrificed and other types of food. This includes the original People of the Book and the converts among them, like the Arab Christians among the Banu Taghalib and others. However, Imam as-Shaafi` disagreed with this opinion and said the sacrificed meats of the Christians converts is not permissible. *'Have been made lawful to you . . . ,* i.e. to consume due to their prudence in avoiding impure things and filth in their religion, contrary to the sacrificed meats of the pagans and those who worship idols. Ibn al-Arabi said in his al-Ahkaam, *'The pagans whose sacrificed meats should not be consumed, their foods should also not be consumed, due to the fact that in most cases their food is unclean. Legally a Muslim is obligated to clean the utensils of the pagan when he wants to use them, while there is only merit in cleaning the utensils of the People of the Book (Jews and Christians).'* It is mentioned in the Lubaab 't-Ta'weel, *'There is unanimous consensus concerning the food of the People of the Book to specifically mean their sacrificed meats because there is no disagreement concerning the remainder of their foods.'* For this reason Ibn al-Arabi designated that the food of disbelievers who are not among the People of the Book to be impure. *'Your food . . . ,* i.e. the foods

which you feed them. *'Is permissible for them . . .*, i.e. even if they are open disbelievers there is no harm in serving them your food."

[3] What is the true meaning of the words, "*The food of the People of the Book is permissible to you . . .*"[5:5]?

I say: in the above statement of Allah, "*And the food of the People of the Book is permissible for you.*" In this verse there is disagreement among the scholars. Some of the scholars condition the permissibility of the *'food the People of the Book'* on the animal being killed in conformity with what is obligatory in Islam. The proof for this is what Imam al-Qurtubi related in his al-Jaami`u 'l-Ahkaam 'l-Qur'an, "A group among the Companions like Ali, `A'isha and Ibn Umar said, 'If you see the People of the Book mentioning a name other than the name of Allah `izza wa jalla, while killing their animals, then it is not to be consumed.' They take as their proof in that the saying of Allah in one of the earlier mentioned verses, '*Do not eat from what the name of Allah has not been mentioned over. This is corruption*'. [6:121]" Some of the scholars consider the animals which are prohibited to the Muslims is not be included in the foods that are addressed in the above statement. Their proof being what Ibn Abass said, "Allah ta`ala says, '*Do not eat from what the name of Allah has not been mentioned over.*' Then Allah makes an exception and says, '*The food of the People of the Book is permissible for you.*' This means that the sacrificed meats of the Jews and the Christians, even if the Christian says while sacrificing, 'In the name of the Messiah'. Or the Jew says, 'In the name of `Uzair.' This is because they kill their animals in accordance with their own religions."

The meaning the verse is that the sacrificed meats of the Jews and Christians is permissible in some scholars opinion regardless if they mention the name of Allah or other than Allah. While other scholars say that eating their meats is conditioned by mentioning the deity which is worshipped by Muslim, Jews and Christians - Allah ta`ala. However, both opinions agree that the meat spoken of in both cases are those meats which are considered sacrificed meats (*ad-dhakaat*). These words mean that those meats which the Jews and Christians slaughter in a lawful manner which does not contradict nor contravene what Allah has prohibited in the verses which preceded it is permissible for every Muslim. In fact these verses which precede this verse helps to clarify and demarcate exactly which foods of the People of the Book Muslims are allowed to eat. Allah says in the previous verse, "*Prohibited to you are carrion, blood, the meat of pigs, that over which other than the name of Allah has been mentioned, that which has been killed by strangling, that killed by a violent blow, that killed by a headlong fall, that killed by being gored, that partly eaten by a wild animal except when you are able to slaughter it, that sacrificed on a stone alter, and that which has been divided by raffling with arrows. All this is corruption*". [5:3] Thus, the meat of the Jews and Christians which excludes all meats killed in the above fashion is permissible. However, there is disagreement concerning whether the meat over which the Jews and Christians mention the names of other than Allah is lawful or not. Imam Malik says it is lawful, while Imam as-Shaafi` says it is not lawful. Each Imam has his appropriate proof from the *Qur'an* and the *sunna*, as I have cited above. Although there is disagreement concerning the mentioning of the name of Allah and others names over the slaughter meats; there is no disagreement concerning the methodology of killing. The Jews and Christians must kill the animal in the same manner which is lawful for Muslims to kill the animal if the meat is to be considered lawful. Otherwise, there would be a clear contradiction in the commands of Allah. The word food (*ta'aam*) used in the above verse means all edibles and drinks. However, it is known that Allah has prohibited the Muslim from drinking wine even though it is permissible for the People of the Book. Should we interpret the above verse to mean that wine is permissible? There will be Muslims who will make wine and intoxicants lawful as it was related in the Saheeh of al-Bukhari on the authority of Abu 'Amir or Abu Malik Al-Ash'ari who heard the Prophet, may Allah bless him and grant him peace say, "From among my followers there will be some people who will consider illegal sexual intercourse lawful; the wearing of silk lawful; the drinking of alcoholic drinks lawful; and the use of musical instruments lawful . . .". Thus, it is not surprising to see Muslims and Muslims "*imams*" making those meats which are unlawfully killed by the People of the Book as lawful although these have been clearly prohibited by Allah. The meats of the People of the Book which are not killed in accordance with what is lawful is considered carrion (*maysit*) not sacrificed meats (*ad-dhakaat*).

[4] If you were to say: "What is the meaning of the prophetic tradition related in the al-Muwatta of Imam Malik on the authority of Arwa from his father that he asked the Messenger of Allah, may Allah bless him and grant him peace, 'O Messenger of Allah, there are some people from among the bedouin Arabs who bring us meats. We do not know if they recite the name of Allah over it or not.' He said, 'Recite the name of Allah over it and eat it.' Is this not a proof for Muslims to eat the slaughter meats of the People of the Book?"

The answer is that this prophetic tradition was not related concerning the People of the Book. The bedouin Arabs referred to in the tradition were Muslims. The legal precedence which this tradition responds to is if it is unknown whether a Muslim has recited the name of Allah over the slaughtered meats is it lawful or not. The proof for this is in what Shaykh Muhammad az-Zurqaani said in his commentary of the al-Muwatta, "Ibn Abd 'l-Barr says about that, "That which a Muslims slaughters and it is not known whether he recited the name of Allah over it or not; it is permissible to eat it on the assumption that he did recite the name of Allah over it. This is because one is only suppose to have a good opinion of a Muslim. Thus, his sacrificed meats and the animals which he has hunted is to always be judged lawful on the assumption that it is safe and sound to consume them; until it is clearly verified that he intentionally neglected to recite the name of Allah." Further, great African Muslim reformer Shaykh Uthman Dan Fodio said in his Ihya 's-Sunna wa 'Ikhmad 'l-Bid'a, "From the path of the *sunna* of the Prophet, may Allah bless him and grant him peace concerning slaughtered meats (*ad-dhakaat*) is the eating what the bedouin Arabs slaughter even if they are recent converts. . ." He then went on to narrate the above mentioned prophetic tradition as a proof for the permissibility of Muslims eating the meat of bedouin Arab Muslims. For this reason the above tradition can not be used to justify eating the meats of the People of the Book by reciting the name of Allah upon it because this was not the causative factor for the tradition (*sabab 'l-hadith*). It is not lawful to take a prophetic tradition limited to a particular issue and judgement and utilize it for a completely different issue and judgement.

[5] What is meant by necessity are need (*al-mudtar*)?

Allah says, "*He has only prohibited for you carrion, blood, the meat of pigs and that which has been sacrificed for other than Allah. However if a person is in need without disobedience nor excess, then your Lord is Forgiving Merciful.*" This means whoever out of necessity of extreme hunger (*mukhamasa*) and can only find what is prohibited, then he can consume what is enough to keep himself alive (*sadda ramquhu*) and save him from death. This is in accordance with the consensus. The above mentioned verse gives proof of the prohibition of carrion then makes an exception for the one who is in need. If the necessity has been removed by eating some of the prohibited foods, then there is no compelling legal reason for him to continue eating because he has removed the reason for the concession which his need. This is because after he has preserved his life and does not fear wasting away, then it is not lawful for him to eat prohibited foods. He in this case becomes like one who is not in need. Therefore sound need or necessity which is spoken of in all the verses is when one fears destruction by not eating. Imam Ahmad ibn Hanbal says, "Sound necessity is when a person fears for himself that he will waste away, regardless if is from starvation or he fears by neglecting to eat he will be unable to walk, or be cut off from the caravan or unable to mount his riding animal - which will result in his destruction." Based upon this, necessity means hunger from which it is feared that sickness or death may result and there is no other foodstuffs available except that which is prohibited. It in no way means that a Muslim can eat prohibited meats when there exists other foodstuffs. The scholars have stipulated that when a Muslims has a choice between some worldly benefit and religious benefit, then he is obligated to choose the religious benefit over the worldly one. According to the Muslims scholars there are six universal rights which the divine law (*shari`a*) protects:

- [1] the religion (*deen*)
- [2] the soul or life (*nafs*)
- [3] the intellect (*`aql*)

[4] reputation (*`ird*)

[5] lineage (*nasab*) and

[6] wealth or property (*maal*).

A Muslim is obligated when there is a choice between preserving his religion or preserving the remainder of the universals - to preserve and chose his religion above all else. Allah says, "*Trully Allah has purchased from those who believe their souls and their wealth because for them is the Paradise*" [9:111]. And again Allah says, "*And among men are those who sell their own souls for the pleasure of Allah. Trully Allah is compassionate to His slaves*". [2:207]. After the religion when there is a choice between preserving one's life or soul and preserving one's sanity, reputation, lineage and property - it is obligatory to preserve one's life or soul. The next in importance in one's intellect, reason and sanity. A Muslim is obligated to preserve his reason because by means of his reason he able to maintain his reputation, bring honor to his lineage and protect and increase his wealth. When a person loses his intellect or reason, he will eventually lose the remaining universals. Next A Muslims is obligated to preserve and protect his reputation because by means of a good and honorable name he will be able to gain the remaining universals: lineage and wealth. A Muslim is obligated to work and earn money, wealth and property to take care of the needs of his immediate and distant relatives which comprise his lineage. Thus, the preservation of lineage is above the preservation of wealth since the wealth must be expended in order to maintain it. All the above means that a Muslim must chose to obey Allah in all of His commands and prohibitions, regardless if these commands and prohibitions may be the cause of the lose of some worldly necessity. As for eating prohibited foods out of necessity, Allah permits this because consumption is originally for the preservation of the soul. Therefore, if there is nothing to eat except that which is prohibited a Muslim is permitted to eat what is sufficient enough to preserve his soul or life. However, the consumption of the prohibited is a limited concession utilized to preserve a determinate threat to life. It is not a concession to consume what Allah has prohibited as a custom.

[6] What is considered sacrificed meats (*ad-dhakaat*) according to the divine law (*shari`a*)?

Shaykh Abu Muhammad `Abd'r-Rahman ibn Ibrahim said in his *al-'Udda Sharhu 'l-'Umda*, "The animals of dry land are not permissible to eat until they have been properly slaughtered. This is in accordance with Allah's words, '*Carrion is prohibited to you . . . except if you are able to properly sacrifice it*'. This verse is evidence that the sacrifice itself is the prerequisite for making it permissible and because that which is not sacrificed is called carrion or dead meat (*mayyit*). And carrion or dead meat is prohibited. When the Prophet, may Allah bless him and grant him peace, permitted the dead animals of the sea it became a proof of the prohibition of other dead animals and that the act of sacrificing the animal of dry land is a prerequisite for its permissibility."

What are the conditions of sacrificed meats (*ad-dhakaat*)?

They are eighteen conditions which the consensus of the Muslim scholars are agreed upon: That the person performing the sacrifice be:

[1] sane

[2] able to do it

[3] Muslim, or

[4] one of the People of the Book (as long as he does not kill the animal in a manner which the *shari`a* prohibits

These above mentioned people must

[5] mention the name of Allah at the time of killing or

[6] at the time of dispatching the hunting animal or firing the weapon

[7] not intentionally neglect mentioning the name of Allah - in that case it is unlawful

[8] if neglecting to mention the name of Allah is done from forgetfulness - it is lawful

[9] if neglecting to mention the name of Allah is done while hunting whether intentionally

or otherwise - it is unlawful

- [10] the one slaughtering must lay the animal on its side facing the direction of Mecca
- [11] the sacrifice must be done with a very sharp instrument; whether it is iron, stone, cane or the like - as long as it is not done with a tooth or a claw.
- [12] the cut must be made on the neck of the animal, cutting the jugular vein, the esophagus and the wind pipe
- [13] it must be done in a single stroke of the blade without lifting the blade from the neck
- [14] if the blade is lifted from the animals neck before the cutting of the above three cavities - then it is unlawful
- [15] the one slaughtering must say '**Bismillahi wa Allahu Akbar**' (in the name of Allah, Allah is the greatest' - in Arabic)
- [16] there should be enough life in the animal to where the sacrificing is the causative factor in its death
- [17] if the animals dies before the cutting or of natural causes before the sacrifice - then it is considered carrion or dead meat and is unlawful.
- [18] meat which has been killed by strangling, being dropped from a high place, being struck, by ramming, stabbing or eaten by a predator is considered carrion or dead meat and is unlawful.

[7] The opinion of modern experts in the field of Muslims dietary laws should also be cited. These experts are those who have taken upon themselves the responsibility of providing the Muslims population of California with properly slaughter meats which conform to the standards of Islamic law and the standards of the USDA (United States Department of Agriculture). In the November, 1996 issue of The Halal Gazette, Vol. 1, Issue # 1; which is a certified publication of Halal Meat Butchers, Wholesalers and Producers, it states the following:

"*Halal* (lawful) is when a Muslim person slaughters the animal by means of a sharp knife cutting through the neck and severing the trachea and the jugular veins thus resulting in the animals death by loss of blood. No stunning is permitted whatsoever during this process. This is the only method termed *halal* according to the *shari`a* (Islamic law) and with the *sunna*. Now to explain the non-*halal* way: Non-*Halal* meat is the meat that is killed with a .22, .33 bullet or a stunner hole puncher in their head. This is the rule by the USDA required as a precaution against the animal injuring the butcher performing the slaughter. Most of the time the animal dies instantly prior to the butcher cutting through the neck."

On page 2 of the same publication it states:

"The only prescribed way of killing animals is *dhabhi*. The animal dies because of loss of blood from the body, meaning that the mode of death is cardio-vascular failure due to loss of blood. Other ways of killing - respiratory (strangulation) cardiac failure, cardio-respiratory failure, brain death, hepatic and renal failure are **NOT ACCEPTED BY ISLAM**. . .All the methods of killing in the west are contradictory to Islam."

The citation above by modern experts in the field of Islamic meat preparation declare categorically that the meats which are killed in the average meat packing and slaughter house is diametrically opposed to what has been ordained as lawful in the *Qur'an*, the *sunna* and the *Ijma`* (consensus) of the Muslim scholars. Therefore, Muslims, whether free or incarcerated, are not permitted to eat the meats which come from these meat packing houses due to the fact that this meat is unlawful.

Conclusion

California Code of Regulations Title 15; Article 4 Food Services; no. 3054 Special Religious Dietary Needs is quite clear and unambiguous. However, there may arise some problematic issues based upon "interpretation" or "intent". Realizing this I have spoken at length with S&I officers at both facilities to inquire about any security issues which might arise from the immediate implementation of the Muslim dietary laws. They unanimously agreed that there were no security issues involved at all in whether the state can implement the dietary resolution. I then consulted the Food Managers at both facilities and the question of "interpretation" of the resolution arose. Here I will try to address some of the questions in order to demonstrate that there are no reasonable hindrances which would prevent both facilities from implementing the said resolution.

CCR Sec. 3054 (a) (2) specifies that:

"Any religious organization may contract with the Department to provide their inmates with religious diets provided that such a contract shall not result in any additional costs to the Department."

[a] Critical interpretation of this section can render that the legislative intent means that any new contract which develops between a religious organization and the CDC system cannot exceed the costs of the previous or existing contracts. Otherwise the directive would be contradictory since the allowance of special diets entails separate food preparation. So naturally additional preparation costs would automatically incur with a separate dietary need. One solution could be to interpret "any additional costs" to mean any additional costs in the contract and not costs incurred in the food preparations.

[b] If the above referenced section is rendered to include costs incurred after the closing of the contract, then there would be no additional costs because both meats would be prepared by the same individuals and supervised by the same individuals, simultaneously.

[c] Due to the fact that the meats from non-Muslim vendors are not lawful for Muslims to eat, as I clearly demonstrated above [sec.2 g]; and that the meat sacrificed by Muslims is lawful for non-Muslims [sec.2 g.] - then both facilities can contract with vendors who can provide the special religious diets of the Muslims, who would provide meat for the entire inmate population at no additional costs. This includes costs both before and after the closing of the contract to purchase.

[d] In the alternative of purchasing meats for the entire inmate population for each meal wherein meat has been scheduled, properly slaughtered meats can be purchased at least two to three times out of the week for the entire inmate population from vendors at no extra costs. This will allow the Muslim population to have meat at least two or three times a week, and the remainder of the week they can eat in accordance with CCR Sec. 3054 (c).

There are many other solutions which could be developed to resolve any and all problems which could emerge from implementing the referenced resolution without incurring any additional costs to either facilities. All it takes is the will and creativity to do so. Islamic law demands for Muslims to adhere to a strict code of dietary laws. The only thing which would allow a Muslim to willingly abandon eating what Allah has ordained would be a compelling need resulting from the absence of any food except prohibited food [sec. 5] . However this is not the case since the state has legislated to take care of their dietary needs as long as the costs does not exceed existing costs. I have demonstrated in detail the religious importance of Muslims eating meats which are killed according to Islamic standards. The fact that from the earliest period of Islam until last year of the Prophet life, laws were enacted to regulate what Muslims should and should not eat. This alone is glaring proof that proper dietary laws are a considerable part of the Islamic religion. Furthermore, the providing of the religious dietary needs of the Muslim inmates will not in any way threaten institutional maintenance or security based upon my previous conversations with S&I in both facilities. Although administrative costs and inconvenience should not be a compelling reason to deny Muslims their dietary needs due to the contradiction which would arise from legislating Sec. 3054 (a) (2) in the first place. However, vendors can and will provide these special religious diet requirements at no extra costs to the Department. This will be done mainly out of their desire to see that the Muslim population has the necessary dietary needs met, which would help them fulfill their religion.

I have offered at least four suggestions which could be utilized to preempt any management problems which could transpire. The immediate implementation of CCR Sec. 3054 (a) (2) would go a long way in helping to improve the present restrictions which Muslims must endure in their dietary practices. I believe that the morale of the entire facilities will be improved substantially by Muslims being accommodated in their religious dietary practices.

As Muslim Chaplain of the California Medical Facility - Vacaville and the California State Prison - Solano, I am charged based upon California Code of Regulations Title 15; Article 4 Food Services; no. 3054 Special Religious Dietary Needs; page 28-29; to provide the CDC system with what the special religious diets consists for those inmates who adhere to the Islamic religion. I am further obligated by my religion to provide you with the same. Prophet Muhammad is reported to have said, "Whoever is asked about some level of knowledge and he conceals it, then Allah will bridle him with a bridle of fire on the Day of Judgement." Thus, endeavoring to remain consistent with my duties as Muslim Chaplain in the CDC system and more so trying to keep my soul safe on the Day of Judgement - I have generated this memorandum for every responsible official and Muslim Chaplain in CDC, along with every inmate who adheres to the religion of Islam. Too many years have passed with the CDC being thoroughly uninformed concerning the religion of Islam. The fault is not entirely with the CDC, but the greater fault has been the ignorance of both the Muslim Chaplaincy and the Muslim inmate population. It is related in the Saheeh al-Bukhari on the authority of Abdallah ibn Umar, that the Messenger of Allah, may Allah bless him and grant him peace said:

"Allah will never take away knowledge completely, snatching it away from his servants. However, He will take away knowledge by the seizing of the religious scholars, until no single scholar shall remain. Then the people will take as their *Imams* ignorant ones. They will then be questioned and they will give legal decisions without sound knowledge. Thus, they will go astray and lead others astray."

With the help of Allah, this memorandum will go far in informing the Administration concerning the essential elements of Islamic dietary laws so that they can make an informed decision and implement a congruous policy concerning CCR Sec. 3054 (a) (2).

Muhammad Shareef

Muslim Chaplain
California Medical Facility - Vacaville
California State Prison - Solano

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Khulaasat 'l-Usuul (the Synopsis of the Legal Foundations)

Miftaah 't-Tafseer (the Keys to Qur'anic Exegesis)

Muhammad Bello ibn Uthman (all manuscripts in possession of author)

Fat'hu 'l-Aglaaq Fi Ma`ana Hadeeth Bu`ithtu Li Mutama Mukaarim 'l-Akhlaaq (the Opening of Locks Concerning the Meaning of the Tradition 'I Was Sent to Perfect Good Character')

Fat'hu 'l-Mu`alaq Fi `Uluum 'l-Mantaq (the Opening of Elucidation Concerning the Sciences of Logic)

Kifaaya 'l-Muhtadeen `Ala Ahkaam 'l-Mukhtalifeen (What is Sufficient for Those Guided Concerning the Legal Judgements of Differences of Opinion)

Masuug 'l-Lajeen Fi Tibb 'l-Ayn (Jewels of Silver Concerning Physical Medicine)

al-Mawaaridu 'n-Nabawwiya Fi 'l-Masaa'il 't-Tibbiyya (Prophetic Springs Concerning Medicinal Questions)

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Qat` 'l-Khisaam (The Prevention of Disputes)

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MUSLIM CHAPLAIN

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