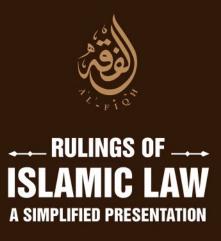


A SIMPLIFIED PRESENTATION W W W . I S L A M I C F I Q H . N E T







Translated by

Adil Salahi

Edited by

Dr. Assim Lugman Alhakeem

Dr. Ali Bahaaeldin Shehata



RULINGS OF LAW

A SIMPLIFIED PRESENTATION

CHAPTER 15: 🤇

FOOD, ANIMAL SLAUGHTER AND HUNTING



www.islamicfiqh.net



Chapter 15

Food, Animal Slaughter and Hunting

The basic rule that defines what is permissible or forbidden to eat is the Qur'anic verse that says: 'Say: "In all that has been revealed to me, I do not find anything forbidden to eat, if one wishes to eat thereof, unless it be carrion, or blood poured forth, or the flesh of swine – for all that is unclean – or a sinful offering over which any name other than Allah's has been invoked. But if one is driven by necessity, neither intending disobedience nor exceeding his bare need, then know that your Lord is Much-Forgiving, Ever-Merciful" (6: 145). Allah also says: 'He makes lawful to them the good things of life and forbids them all that is foul' (7: 157). 'Say, "Who is there to forbid the beauty which Allah has produced for His servants, and the wholesome means of sustenance?" Say: "They are [lawful] in the life of this world, to all who believe" (7: 32).

The second of these verses mentions the 'good things of life' and pronounces them as lawful. This occurs in the context of eating and refers to whatever is wholesome and useful for man to eat. Allah forbids only what has a bad effect on man's health or what is sinful. This means that all food is lawful to eat except what Allah, in His infinite wisdom, has made forbidden. Allah says: 'He has clearly spelled out to you what He has forbidden you [to eat] unless you are driven to do so by sheer necessity' (6: 119). The 'spelling out' takes three forms: 1) a clear



statement of permission; 2) a clear statement of prohibition; and 3) giving no verdict of either. The Prophet (peace be upon him) refers to this as he says: 'Allah has made certain things obligatory, so do not neglect these; and He has made others forbidden, so do not approach them; and He has set certain limits, so do not transgress these; and He has left things unspecified, without forgetting them, so do not search after these.' 541

What is stated as permissible to eat:

The principal rule is that every type of food that is clean and harmless is permissible. Permissible food is either vegetarian produce, such as grains, nuts and fruits, or animal meat. Animals are divided into water animals and land animals.

1. Water animals are those which live only in water, such as all varieties of fish. These are permissible to eat, except for poisonous water animals which are harmful. Also, forbidden to eat are aquatic or amphibious animals that are considered dirty or foul, such as crocodiles because they have sharp teeth and they kill their prey.

Al Qurtubi related from Ibn Al Arabi that he said: 'The meat of the amphibious predators is unlawful because it embodies two conflicting rules: one that it is lawful [sea creatures] and the other that it is

⁵⁴¹ Related by al-Daraqutni, hadith No. 4,396; al-Hakim, vol. 4, p. 129; al-Bayhaqi, vol. 10, p. 22.



unlawful [land predators]. Now the ruling of unlawfulness is given priority to that of lawfulness. So, it is unlawful to eat the meat of crocodile or alligator.

Furthermore, it is forbidden to eat frogs because the Prophet (peace be upon him) prohibited their killing.

It is permissible for Muslims to eat water animals whether they have been caught by a Muslim or a non-Muslim, and whether there are similar land animals that are permissible to eat or not. There is no need to slaughter water animals before eating them. Allah says: 'Lawful to you is all watergame, and whatever food the sea brings forth, as a provision for you and for travellers' (5: 96). Explaining this verse, Ibn [Abbas said: 'Water-game refers to what is fished, and the "food" refers to what the sea washes off.'542 Abu Hurayrah reports: 'A man said: "O Messenger of Allah, we travel by sea and we carry with us some water. If we are to use it for ablution we will be thirsty and without water to drink. Can we do our ablution with sea water?" The Prophet (peace be upon him) said: "The sea water is pure, and its dead animals are lawful to eat."'543

- 2. Land animals. What is stated to be lawful to eat of land animals may be summarized as follows:
 - Cattle, i.e. camels, bovine animals and sheep: Allah says: 'He creates cattle which give you warmth and

⁵⁴² Related by al-Daraqutni, hadith No. 4,728; Ibn Kathir, Tafsir al-Qur'a, vol. 3, p. 189.

⁵⁴³ Related by Ahmad, hadith No. 8,735; Abu Dawud, hadith No. 5,116; al-Tirmidhi, hadith No. 3,956; al-Nassa'i, hadith No. 59.



other benefits; and from them you obtain food' (16: 5). 'Lawful for you are the animals of grazing livestock except for that which is recited to you [in this Qur'an]' (5: 1).

- Horse meat: Jabir ibn [Abdullah said: 'On the day of the Battle of Khaybar, the Prophet (peace be upon him) prohibited eating the flesh of donkeys and permitted horse meat.'544
- The desert lizard: Ibn [Abbas reported: 'a desert lizard was eaten at Allah's messenger's home.' The Prophet (peace be upon him) said: 'Eat it, as it is permissible, but I do not like it.'
- The zebra: Abu Qatadah reported that he 'saw a zebra and slaughtered it. The Prophet (peace be upon him) asked: "Do you have any of it left?" Abu Qatadah answered: "We have a leg of it." The Prophet (peace be upon him) took it and ate of it.'547
- Rabbits: Anas reports that he took a rabbit and Abu Talhah (his stepfather) slaughtered it and sent its leg to the Prophet (peace be upon him) who accepted it.⁵⁴⁸
- The hyena: Jabir reports: 'I asked the Prophet (peace be upon him) about the hyena, and he said: "It is game. If it is hunted by a person when he is in the state of consecration (i.e. *ihram*), he should atone for it by

⁵⁴⁴ Related by al-Bukhari, hadith No. 5,520; Muslim, hadith No. 1,941.

⁵⁴⁵ Related by al-Bukhari, hadith No. 2,575; Muslim, hadith No. 1,947.

⁵⁴⁶ Related by al-Bukhari, hadith No. 7,267; Muslim, hadith No. 1,944.

⁵⁴⁷ Related by al-Bukhari, hadith No. 2,845; Muslim, hadith No. 1,196.

⁵⁴⁸ Related by al-Bukhari, hadith No. 2,572; Muslim, hadith No. 1,953.



slaughtering a horned sheep."⁵⁴⁹ Ibn Hajar mentions that several *hadiths* confirm that the hyena is lawful to eat. ⁵⁵⁰

- Poultry, including ducks and geese: Abu Musa reports: 'I saw Allah's messenger eating poultry.'551
- Locusts: [Abdullah ibn Abi Awfa reports: 'We joined the Prophet (peace be upon him) on six or seven military expeditions and we ate locusts with him.'552

What is specifically forbidden to eat:

The basic rule about forbidden food is that whatever is unclean, unwholesome or harmful must not be eaten. These may be summarized as follows:

1. There are 10 forbidden types of food mentioned in Allah's book. Allah says: 'Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars,' (5: 3).

⁵⁴⁹ Related by Ahmad, *hadith* No. 14,425; Abu Dawud, *hadith* No. 3,801; al-Tirmidhi, *hadith* No. 851; Ibn Majah, *hadith* No. 3,236; al-Nassa'i, *hadith* No. 2,836.

⁵⁵⁰ Ibn Hajar, Fath al-Bari, vol. 9, p. 574.

⁵⁵¹ Related by al-Bukhari, hadith No. 5,517; Muslim, hadith No. 1,649.

⁵⁵² Related by al-Bukhari, hadith No. 5,495; Muslim, hadith No. 1,952.



- 'Carrion' refers to any animal that dies without being properly slaughtered. This is forbidden because as its blood is not spilled, it is likely to be harmful to eat. However, when there is no other food available, and one is about to die out of starvation, small quantities may be eaten only to sustain life. Excluded are fish and locusts, which can be eaten without the requirement of being slaughtered.
- 'Blood' refers to spilled blood, as Allah says in another verse: 'I do not find anything forbidden to eat [...] unless it be carrion, or blood poured forth...' (6: 145). The blood left over in the flesh and the veins after slaughter is permissible as this is impossible to fully drain. Also, it is excludes what is specifically mentioned as permissible, such as the liver and the spleen.
- The 'flesh of swine' is forbidden. Allah has combined all these three in the verse that says: 'In all that has been revealed to me, I do not find anything forbidden to eat, if one wishes to eat thereof, unless it be carrion, or blood poured forth, or the flesh of swine for all that is unclean' (6: 145).
- That 'which has been dedicated to other than Allah' refers to the flesh of any animal slaughtered in the name of anyone other than Allah, because this implies associating partners with Allah. The slaughter of animals for food is an act of worship, and it cannot be addressed to anyone other than Allah. He says: 'Pray to your Lord and sacrifice to Him alone' (108: 2).



- The 'animal that has been strangled', is forbidden to eat whether through natural causes or deliberately (by suffocation).
- 'Or by a violent blow (beaten to death)', by a staff or a hammer or some heavy article.
- 'Or killed by a fall', from a high place and dies.
- 'Or gored to death' by another animal and dies.
- 'Or those from which a wild animal has eaten (savaged by a beast of prey),' such as a lion, tiger, wolf, dog, etc. The beast may eat a part of it and leave the remainder.

However, in each of the last five cases, if the animal is caught before it dies and is slaughtered properly, it thus becomes lawful to eat, as Allah says in the same verse: 'except that which you may have slaughtered when it is still alive.'

- 'And those which are sacrificed on stone altars'. These refer to the altars that were erected around the Ka [bah where animals were sacrificed in pre-Islamic days. Again, this is an idolatrous act, and therefore, it is forbidden to eat the animals slaughtered on these altars. Needless to say, this is a general statement and it applies to all animals slaughtered on altars, statues or other structures that are associated with worship of any kind. Such slaughtered animals are unlawful to eat.
- 2. Also forbidden is all food and drink that is harmful, such as poison, wine and all intoxicants and narcotic drugs. Allah says: 'Do not, with your own hands, throw



- yourselves to ruin' (2: 195). 'Do not kill yourselves' (4: 29).
- 3. It is forbidden to eat any part cut from a living animal, as the Prophet (peace be upon him) says: 'Whatever is cut off when the animal is alive is forbidden.'553
- 4. Predators, such as lions, tigers, leopards, wolves, etc. Abu Tha [labah reports that 'Allah's messenger prohibited eating the flesh of any beast with canine teeth.'554 The Prophet (peace be upon him) said: 'Any beast with canine teeth is forbidden to eat.'555
- 5. Birds which catch their prey with their claws, such as eagles, falcons, kites and owls. Ibn [Abbas reports: 'Allah's messenger has forbidden eating the flesh of any beast with canine teeth and any bird of prey with claws '556
- 6. Scavenger birds such as vultures, ravens and crows, because they feed on what is unwholesome.
- 7. Any animal we are recommended to kill, such as snakes, scorpions, mice and kite. [A'ishah reports that the Prophet (peace be upon him) said: 'Five harmful animals may be killed even in the Haram: the crow, kite, scorpion, mouse and the predatory dog.'557
- 8. Domestic donkeys. Jabir reports: 'On the day of the Battle of Khaybar, the Prophet (peace be upon him) forbade eating domestic donkeys but permitted horse meat.'558

⁵⁵³ Related by Ahmad, hadith No. 21,903; Abu Dawud, hadith No. 2,858; al-Tirmidhi, hadith No. 1,480.

⁵⁵⁴ Related by al-Bukhari, hadith No. 5,780; Muslim, hadith No. 1,932.

⁵⁵⁵ Related by Muslim, hadith No. 1,933.

⁵⁵⁶ Related by Muslim, hadith No. 1,934.

⁵⁵⁷ Related by al-Bukhari, hadith No. 1,829; Muslim, hadith No. 1,198.

⁵⁵⁸ Related by al-Bukhari, hadith No. 4,219; Muslim, hadith, No. 1,941.



- 9. What is disgusting to eat, such as mice, snakes, wasps and bees. Allah says: 'He forbids them all that is foul_' (7: 157).
- 10. Any animal that feeds mostly on impurities, whether it be a camel, an ox, a sheep, chicken, or any other. However, if the animal is confined and given wholesome food for several days until it becomes clean, then it becomes permissible to eat. Ibn [Umar reported: 'Allah's messenger prohibited eating animals that feed on impurities.' 559 Ibn [Umar used to confine such animals for three days before slaughtering, but other scholars say that they should be confined for longer.

When no ruling is given

It is permissible to eat anything to which no ruling of prohibition applies, since all things are originally permissible. This is indicated by the Qur'anic statement: 'It is He who created for you all that is on earth' (2: 29). Abu al-Darda' reports that the Prophet (peace be upon him) said: 'Whatever Allah has permitted in His book (i.e. the Qur'an) is lawful, and whatever He has prohibited is forbidden. What He has not mentioned is left to you, so accept from Allah what He has given you, for Allah would not forget anything. He then recited the verse that says: "Never does your Lord forget anything" (19: 64).'

⁵⁵⁹ Related by Abu Dawud, hadith No. 3,785; al-Tirmidhi, hadith No. 1,824; Ibn Majah, hadith No. 3,189.



It is also discouraged to eat uncooked onions, garlic and similar plants that give a bad breath, such as leeks and radishes, just before going to mosques and places of collective worship.

Animal slaughter

Slaughter should be in accordance with the way recommended by Islam, which is to cut the throat and oesophagus of the animal that is under control, or to stab an animal that cannot be controlled.⁵⁶⁰

Slaughter may be in one of three ways: 1) to cut the throat of the animal under certain conditions; 2) to cut the lowest part of the neck, which is the recommended way of slaughtering a camel; and 3) inflicting a wound in any other part of the animal's body, as in hunting or killing uncontrolled animals. Rafi [ibn Khadij reported: 'A camel went wild, but a man hit him with an arrow which restricted his movement. The Prophet (peace be upon him) said: "Some of these domestic animals run wild like beasts. If any of yours gets wild, do the same as you have seen." '561

To slaughter an animal under control in the proper way is obligatory, without it the animal is not permissible to eat. There are no differing views over this matter among scholars because what is not properly slaughtered is considered carrion, and it is

⁵⁶⁰ Al-Bahuti, Kashshaf al-Qina [, vol. 3, p. 201.

⁵⁶¹ Related by al-Bukhari, hadith No. 5,509; Muslim, hadith No. 1,968.



forbidden to eat carrion, apart from fish, water animals and locusts.

Conditions for proper slaughter

Different conditions apply to the slaughterer, the animal being slaughtered and the tool used for slaughter.

One: Conditions applicable to the slaughterer

- 1. The slaughterer, whether man or woman, Muslim or a follower of another divine religion, must be a sane person of sound judgement. Regarding Muslims, Allah says after mentioning the animals that are forbidden to eat: 'except that which you may have slaughtered when it is still alive' (5: 3). In respect of non-Muslims, He says: 'The food of those who were given the Scriptures before you is lawful to you' (5: 5). Ibn [Abbas said: 'The food to which the verse refers is their slaughtered animals.' It is not permissible to eat of the animals slaughtered by other unbelievers, or by a mad or drunk person, or by a child.
- 2. The slaughterer must not dedicate his slaughtered animal to anyone other than Allah, or in the name of anyone else. If the slaughterer dedicates it to an idol, or a Muslim or non-Muslim person, or to a Prophet (peace be upon him), it becomes forbidden to eat. In giving the details of what is forbidden, Allah includes the animal 'and that which has been dedicated to other than Allah.' (16: 115).



When these two conditions are met, the slaughtered animal is lawful to eat, and it does not matter if the slaughterer is a man, a woman, old, young, or free.

Two: Conditions applicable to the slaughtered animal

- 1. To cut the animal's throat, oesophagus, trachea, and the two jugular veins. Rafi[ibn Khadij reports that the Prophet (peace be upon him) said: 'When the animal's blood has been profusely shed and Allah's name is mentioned at the time of slaughter, then eat of it, but do not use teeth and claws.'562
- 2. Allah's name must be mentioned when the slaughter is about to be made. Allah says: 'And do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience.' (6: 121). It is recommended also to glorify Allah, saying *Allah-u akbar*, as the Prophet (peace be upon him) is reported to have done so. ⁵⁶³

Three: The condition applicable to the tool

When slaughtering an animal, a blade of iron or brass or sharp stone should be used, provided that it is sharp enough to cut the throat and the jugular veins swiftly to let the blood pour out. It should not be a blade made of a bone like an animal's teeth, or of claws like those of birds.

⁵⁶² Related by al-Bukhari, hadith No. 2,488; Muslim, hadith No. 1,968.

⁵⁶³ Related by al-Bukhari, hadith No. 5,565; Muslim, hadith No. 1,966.



Things to avoid

- 1. It is reprehensible to slaughter the animal with a blunt blade, because this tortures the animal. Ibn [Umar reports: 'Allah's messenger commanded that blades should be sharpened and kept unseen by the animals.'564
- 2. It is also reprehensible to break the animal's neck or to start to skin it before it is dead. Shaddad ibn Aws quotes the Prophet (peace be upon him) as saying: 'When you slaughter, slaughter well.' [Umar said: 'Do not be hasty before the slaughtered animal has died.' 566
- 3. The slaughterer should not sharpen his blade with the animal looking at what he is doing, nor slaughter an animal while the other animal is watching.

Slaughter by followers of other religions

The animals slaughtered by Jews and Christians are lawful for Muslims to eat, as Allah says: 'The food of those who were given the Scriptures before you is lawful to you' (5: 5). All Muslim scholars are in agreement with this. This is due to the fact that like Muslims, Jews and Christians believe that it is forbidden to dedicate their slaughtered animals to anyone other than Allah or to eat carrion. In this, they are unlike idolaters, atheists, Majians, etc. whose slaughtered animals are forbidden

⁵⁶⁴ Related by Ahmad, hadith No. 5,864; Ibn Majah, hadith No. 3,172.

⁵⁶⁵ Related by Muslim.

⁵⁶⁶ Related by al-Bayhaqi in Al-Sunan al-Kubra, vol. 9, p. 278.



for Muslims to eat. The same applies to those who ascribe partners to Allah or who worship graves and shrines.

Hunting

This refers to the killing of an animal in the wild, which is lawful to eat, has no owner and cannot be brought under human control.

To hunt is perfectly permissible. Allah says: 'Lawful for you are the animals of grazing livestock except for that which is recited to you [in this Qur'an] - hunting not being permitted while you are in the state of ihram.' (5: 1). 'Only when you are clear of the Sacred Precincts and released from the state of consecration may you hunt.' (5: 2) [Adiy ibn Hatim reports that the Prophet (peace be upon him) said: 'If you let your trained dog loose [to pick up your game] and mention Allah's name on it, you may eat of it.'567

All this applies if hunting is needed for food. However, if it is merely for fun it is prohibited because it becomes an idle game. The Prophet (peace be upon him) prohibited making animals mere targets for shooting.⁵⁶⁸

⁵⁶⁷ Related by al-Bukhari, hadith No. 5,483; Muslim, hadith No. 1,929.

⁵⁶⁸ Related by al-Bukhari, hadith No. 5,513; Muslim, hadith No. 1,956.



Permissible and prohibited hunting

All hunting and fishing is permissible except in specific conditions:

- 1. It is forbidden to do any hunting in the Sacred Precincts around the Ka [bah, which is known as the Haram area. The prohibition applies to everyone, whether they are in the state of consecration (*Ihram*) or not. This rule is universally agreed by Muslim scholars, as the Prophet (peace be upon him) said on the Day when Makkah fell to Islam: 'This city has been consecrated by Allah ever since He created the heavens and earth [...] its plants must not be pulled out and its game must not be frightened.' 569 Ibn Hajar explains that 'the Prophet's (peace be upon him) phrase, "its game must not be frightened" refers to hunting, as scholars say that the prohibition to frightening game applies even more emphatically to killing it.' 570
- 2. It is forbidden for anyone who is in the state of consecration (*ihram*) to hunt or to help anyone in hunting, whether by action or pointing it out or in any other way. Allah says: 'O you who have believed, do not kill game while you are in the state of *ihram*.' (5: 95). It is also forbidden for a person in *Ihram* to eat of anything he has wrongfully hunted, or was hunted for him, or he helped to be hunted. Allah says: 'but forbidden to you is game from the land as long as you are in the state of *ihram*' (5: 96). When he was on his way to Makkah for his pilgrimage,

⁵⁶⁹ Related by al-Bukhari, hadith No. 3,189; Muslim, hadith No. 1,353.

⁵⁷⁰ Ibn Hajar, Fath al-Bari, vol. 4, pp. 55-6.



the Prophet (peace be upon him) was brought a zebra as a gift by al-Sa [b ibn Jaththamah, but he could not accept it. He said to al-Sa [b: 'It is only because we are in consecration that we have to return it.'571

Conditions for the permissibility of game

Certain conditions apply to the hunter and the tool used for hunting in order to make game lawful to eat.

The same conditions that apply to the slaughterer of animals for food also apply to the hunter: he must be a Muslim, Christian or a Jew and to be sane. Game killed by a madman, a drunken person, a Majian, an idolater or an apostate is unlawful to eat because the hunter is considered in the same position as the slaughterer. Animals that do not need to be slaughtered, such as all types of water animals and locusts, are also permissible to eat if they are fished or hunted by a person whose meat is forbidden to eat. Moreover, the hunter must intend to hunt, because shooting is treated in the same way as killing animals for food; the right intention is necessary.

Tools used in hunting are of two types. The first has a blade, like a sword or a knife or an arrow. It is necessary that such tools should spill the blood of the hunted animal, and are not made of bones or claws. The tool used in hunting must wound the animal with its blade, not with its weight. The Prophet

⁵⁷¹ Related by al-Bukhari, hadith No. 1,825; Muslim, hadith No. 1,193.



(peace be upon him) says: 'When the blood has been spilled and Allah's name is mentioned, you may eat.' The Prophet (peace be upon him) was asked about the use of arrows that have no sharp edge. He said: 'If it pierces the flesh, eat of it, but if it kills with its width, do not eat of it.' This ruling equally applies to the use of stones, sticks, traps and metals, and other tools without a blade. However, shooting with bullets makes game permissible to eat because bullets go deep into the body and shed the animal's blood.

The other type is using animals and birds of prey to kill game with their teeth or claws, such as dogs and falcons. It is perfectly permissible to eat game hunted in this way. Allah says: 'Say, "Lawful for you are [all] good foods and [game caught by] what you have trained of hunting animals which you train as Allah has taught you. So eat of what they catch for you, and mention the name of Allah upon it, and fear Allah.' (5: 4).

A further condition is that the animals and birds of prey used for hunting must be trained how to take away game. When released, trained animals go for the game itself, and do not chase anything else, and they should stop when they are told to stop. These conditions apply particularly to hunting dogs. Wilder beasts, such as the leopard, hardly ever respond and as such it is not permissible to eat the killed animal. Properly trained birds of prey chase game when sent and come back when called. Furthermore, hunting animals must not eat of the killed animal before they bring it to the hunter.

⁵⁷² Related by al-Bukhari, hadith No. 5,477; Muslim, hadith No. 1,929.



These conditions are based on the Qur'anic verse that says: 'They ask you, [O Muhammad], what has been made lawful for them. Say, "Lawful for you are [all] good foods and [game caught by] what you have trained of hunting animals which you train as Allah has taught you. So eat of what they catch for you, and mention the name of Allah upon it, and fear Allah."' (5: 4). Moreover, [Adiy ibn Hatim reports that the Prophet (peace be upon him) said: 'If you sent your dog and mentioned Allah's name and he catches and kills the game, you may eat. If the dog eats of it, do not eat, because he only kills for himself.' 573

Another condition is that when the hunter sends his animal or bird of prey, he must mention Allah's name. This is clear in the above-quoted *hadith* and the Qur'anic verse: 'You may eat of what they catch for you. But mention Allah's name over it and have fear of Allah' (5: 4). If the hunter forgets to mention Allah's name, the game is still lawful to eat.

If the hunter has wounded his game and finds it still alive as he gets to it, he must slaughter it in the normal way. It is unlawful to eat unless it is so slaughtered after catching it alive. If he finds it dead, it need not be slaughtered.

⁵⁷³ Related by al-Bukhari, hadith No. 5,484; Muslim, hadith No. 1,929.



RULINGS OF — ISLAMIC LAW A SIMPLIFIED PRESENTATION

Translated by

Adil Salahi

Edited by

Dr. Assim Lugman Alhakeem Dr. Ali Bahaaeldin Shehata