

CHAPTER II

THE RULINGS (*AHKAM*) OF ANIMAL SLAUGHTERING IN ISLAM

2.1 INTRODUCTION

Since the beginning of time, it was the nature of man that meat formed part of the diet. And prior to the advent of Islam, there were several strange ways or manners by which people use in consumption of meat. Meat was consumed without caring about its cleanliness and hygiene. The meat of carrion and portions of meat from live animals was consumed. There was no thought or rulings in the killing of animal for consumption, animals were hunted and killed by armed groups with spears and clubs (Yusuf, 2010). The rise of Islamic law decreed that consumption of carrion is prohibited and slaughtering is mandatory. Through the light of Sharia it becomes a well-known fact that the meat of dead animals and other form of prohibited meat as mentioned in the Quran is detrimental to health and spiritual wellbeing of a person. Islam prohibits the consumption of those animals which adversely affect the characteristics of a person; for example: pigs, dogs, cats and predatory carnivores.

Likewise Islam permitted the consumption of certain animals with conditions established by Sharia at the time of slaughter. These conditions were revealed to ensure the cleanliness of meat for consumption; for example: the blood of animal should be drained out as much as possible at the time of slaughter; the minimal amount of distress should be felt by the animal. The conditions and advices of the Islamic rulings and principles of slaughter are beneficial for both the animals and the consumers. These benefits have been well documented in the scientific and Sharia rulings research papers in recent times. Islam does not prohibit vegetable foods e.g. grapes, dates, barley, or any other substances, as long as it remains in its original state. However, Islam has not granted mankind complete freedom in the consumption of

meat, in the manner that fruits or vegetables can be cut and eaten from the tree; thus the same manner cannot be applied in meat consumption.

Since the industrialization of meat and poultry products due to emerging Muslim population and high demand for halal meat and poultry, man was compelled to find ways to speed up the slaughtering and packaging process etc. Thus, new technology and idea were introduced which has put the Muslim public in a controversial state in determining halal from haram. The concept of halal derives its meaning from the basic word Halal meaning lawful and the opposite is haram which means unlawful or forbidden. Commonly when people talk about halal or haram, the animal kingdom dominate the discussion, for its involvement in the lawful and unlawful issues. However the realm of halal extends beyond, it includes general human life as a whole. Hence it should be noted that halal connotes the whole life of a Muslim whereby the concept of halal is applied in every aspect of life.

The principle established by Islam is that the things which Allah has created, and the benefits derived from them are essential for man use, and hence are permissible (halal). In general every food is considered lawful in Islam unless it is specifically prohibited by the Quran or *sunnah* (Qardawi, 2005). The Islamic scholars have derived this principle of the natural permissibility of things from the verse of the Quran:

"هو الذي خلق لكم ما في الأرض جميعاً"

"It is He who created for you all that is on the earth" (Al-Quran. Al-Baqarah 2:29)

"يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ"

"O you who believe Eat of the good things that we have provided for you, and be grateful to Allah, if it is Him you worship" (Al-Quran. Al-Baqarah 2:172)

"The Prophet (pbuh) had said; Allah the almighty is good and accepts only that is good. Allah has commanded the faithful to do that which he commanded the messengers, and Almighty has said: "O ye messengers! Eat of the good things and do righteous". And Allah the Almighty has said: "O ye who believe! Eat of the good things that we have provided you" then he mentioned about a man who set on a

journey disheveled and dusty, spreading his hands to the sky saying: “O Lord “while his food is unlawful, his drink unlawful, his clothing unlawful, and he is nourished unlawfully, so how can he be answered” (Hadith. Muslim. vol.3: 85-86).

The issue of halal slaughter is one of importance in Islam, but with the rise in modern technology of the present days, some contentious issue need to be resolved regarding slaughtering procedures. This has caused confusion and controversy with differing opinion among the jurists as to what is considered halal meat. Islamic belief emphasis is placed on cleanliness, both spiritually and in the context of food and drink. For a meat to be accepted for consumption it must conform to the Islamic dietary law specified in the Quran or *sunnah*. The Quran has numerous injunctions instructing Muslim to choose and consume good food and wholesome foodstuff. In the selection of meat or food, Islam has described three very important guidelines (Abdul Hamid, 1991)

1. If the consumption of the food/meat is prohibited or allowed by Allah.
2. If the food/meat is obtained through halal means or otherwise and
3. If the food is harmful to health or not.

There are other several factors that determined the halal or haram status of a meat. Amongst them is it's dependant on its nature, how it was processed and the origin of the meat. For example any pig product or its derivatives is considered unlawful because the animal itself is forbidden. Consequently beef from an animal that has not been slaughtered according to Islamic rites would still be considered unlawful, likewise a stolen meat or food and that which had been acquired through unethical method. Islam also prohibits the usage of any materials that are detrimental to the spiritual or mental well-being of a person, such as alcoholic drinks and drugs.

The understanding that the prohibition of things is due to their impurity and harmfulness should be established. It is the right of Allah to legalize or prohibit as He deems proper, and to place obligations and responsibilities upon them as He wish. He makes things halal and haram for a reason, with people's wellbeing in view (Qardawi, 1985).

Halal meat and the industry in general is estimated to be worth over US\$600 billion, with the number of producers, certification bodies and consumers growing rapidly every year due to increasing population of Muslims around the world estimated to be around 1.8 billion. The broadest focus within the halal landscape however remains the meat industry-both with regards to the kinds of meat that are halal as well as the way in which animals are slaughtered. Modern technology has brought both benefit and bane to the lives of these animals. On one hand the growth of farming and mechanized methods of animal rearing and slaughter have made the excessive blood industry due to cutting more brutal. On the other-side using technology, such as stunning animals before slaughtering are widely encouraged to minimize pain and suffering. Hence, religious considerations in order to be aware of various sharia rulings and principles which are necessary in halal slaughtering procedures and consumption of its meat are more than necessary.

2.2 SLAUGHTERING FROM THE ISLAMIC PERSPECTIVES

Allah has perfected the religion of Islam, and its method of animal slaughtering. The Prophet (PBUH) through his teachings practically demonstrated how to slaughter animal for food;

“When you kill, kill with perfection, when you slaughter (an animal), slaughter it with perfection, you should sharpen your knife and you should give relief to the animal” (Hadith: Al-Nawawiy. 16).

The Islamic method of slaughtering has many advantages. To begin with, the speed of the incision made with the recommended sharp knife is a relatively painless process and it allows a rapid and efficient bleeding of the animal. On the other hand, the presence of blood in meat influences its putrefaction. Moreover basic principles of the Islamic laws remain definite and unaltered, although its interpretation and application may change according to the time, place, and circumstances, as far it does not go against the principles and rules emphasized by the Quran and *sunnah*. Slaughtering according to Islamic rituals is a divine order by Allah and the practice of the holy prophet (may Allah have mercy on him), thus it would not be appropriate to change the conditions laid by the shariah. The Quran says:

"فكلوا مما ذكر اسم الله عليه ان كنتم بآياته مؤمنين"

"So eat of (meat) on which Allah's name has been pronounced if ye have faith in His signs" (Al-Quran. Al-Anaam 6:181)

And the prophet may peace be on him said:

"ان الله طيب ولا يقبل الا طيبا"

"Allah is pure and only accepts that which is pure" (Hadith. Muslim: 2393).

The issue of halal slaughter industry together with the innovative technology of stunning and mechanical slaughtering etc. has put the Muslims in a controversial state compare to the traditional method of slaughtering. Thus, this resulted into differing opinion among the scholars on the issue of halal meat. According to Burj (2004), the slaughtering in Islam has got its special philosophy which differ it from other religions or systems, hence it does not mean just passing the knife through the animal's neck in order to cut the specified veins for the blood to be drained off and render the animal dead. However, slaughtering in Islam has to do with fulfilling one's obligations towards Allah by completing the required rites at the time of slaughter.

Slaughtering or as it's called in Arabic *dhabh* could be defined as the method for killing an animal for the sole purpose of making its meat fit for human consumption. The word *dhabh* in Arabic literally means purification or rendering something good or wholesome. As said by Zaharaan (2002) it's also called *zakat* as stated by Quran;

"الا ما ذكيتم"

"Except that you hath purify" (Al-Quran. Al-Maidah 5: 3)

Slaughtering or slaying of animals according Islamic rituals is much needed milestone towards understanding the criteria of Islamic principles of slaughtering for human consumption. Basically this action is required by a sane practicing Muslim adult, whereby he recites the *tasmiyyah* (invocation of Allah's name) at the time of

slaughtering on live animal. And upon slaughter it should be ensured that all flowing blood is drained out of the carcass.

2. 3 DEFINITION OF ISLAMIC SLAUGHTERING

Slaughtering could be termed *dhabh* (Burj, 2004) or *zakar* (Tariqi, 1983). Both word has been used in the Quran and could be defined as a method of killing permitted animal in Islamic way for the sole purpose of making its meat fit for Muslim consumption. The word *dhabh* in Arabic means to kill or to slaughter or butcher, thus it is the cutting of the throat or slitting it opened. And *zakar* on the other hand simply means to purify, making it clean by removing dirty or harmful substances from it. And the origin of the two words is from the glorious Quran;

"ان الله يأمركم أن تذبحوا بقرة.."

'Allah commands you to slaughter a cow' (Al-Quran. Al-Baqarah 2:67)

"الا ما ذكيتم.."

'Unless purified (slaughtered)' (Al-Quran. Al-Maidah 5: 3)

However not all animals are required to be slaughtered before they can be consumed by Muslims. Marine animals such as fishes and crabs, bloodless animals and locusts for instance need not to be slaughtered. In whatever the way this species of animals are obtained Allah has made them *halal* for human consumption without the requirements of bleeding; Allah says:

"أحل لكم صيد البحر وطعامه متاعا لكم وللسيارة.."

'Lawful to you is the game of the sea and what the sea brings forth as food, as a provision for you as food as well as for the travellers (Al-Quran. Al-Maidah 5:96)

The Islamic method of bleeding the animal is to slit the throat. A'ta Ibn Abi Rabah explains that the correct procedure for making the blood drain is to cut the vessels of the throat. "Abdullah Ibn Abas says, "Eat an animal whose vessels are cut "(Imam Malik. 489).

There are for major vessels found in the throat of animal. The vessels are the trachea, oesophagus, and the two jugular veins. The trachea is the passage for air, and the oesophagus is the passageway for food. The Islamic scholars (the four schools of law) are unanimous that it is best to cut all four. However there is a difference of opinion regarding the permissibility of cutting less than four as mentioned previously (Tafsir Qurtubi.vol.6:51). Al-Tareeqi (1983) added, according to shariah the slaughter act is to sever the trachea (*hulqum*), oesophagus (*mar'i*) and both jugular veins (*wajadain*) to hasten the bleeding and death of the animals.

2.4 CONDITIONS THAT VALIDATES ISLAMIC SLAUGHTER

The rulings of Sharia regarding slaughtering, stipulated by the Prophet is solely to differentiate between the good and bad of meat meant for consumption. Dead animals were declared *haram*, and *halal* animal were subjected to certain rules and regulation, which would ensure its lawfulness and wholesomeness. As said by the consensus of the scholar, Burj (2004), Tareeqi (1983), Zahraan (2002), Qardawi (1985) and Khan (2006) that the *fiqh* have laid down some basic conditions for the slaughter to be valid in Islamic perspective;

2.4.1 Condition regarding the method used to kill the animal;

Every Muslim should be aware that for the flesh of any animal, with the exception of fish and locusts, to become *halal*, it must pass through the proper method of Islamic slaughtering procedures, as defined by the Sharia. Hence, sharia has prescribed two methods of slaughtering for two different categories of *halal* animals (Ikramul-Haq, 2012)

1. Those *halal* animals that can be subdued either because they are domesticated or wild animal which human can overpower, then it is necessary to make the blood flow by cutting the blood vessels. These are known as الذكاة الاختيارية otherwise termed; optional or voluntary slaughtering.

2. The second method of slaughtering is for those animals which cannot be subdued either because it is a wild animal or a domesticated animal which runs wild or fly high. It is sufficient to cause a wound on such animal with a sharp, piercing object which causes its blood to flow until it dies. However, if the animal injured by any sharp weapon or a hunting animal, and such animal came within the control and possession of the hunter, then until and unless it is slaughtered in the method of normal animal it won't be regarded halal. This type of slaughter is regarded as الذكاة الاضطرارية otherwise termed; forced or emergency slaughtering.

However if the animal can be subdued, either because it is domesticated or wild animal which one can overpower- then it is necessary to make the blood flow by cutting the vessels. This is supported by the hadith;

“Raafi’h Ibn Khadij reported that his grandfather asked the Prophet (pbuh); can we slaughter using a bamboo? The Prophet replied ‘Eat from those animals whose blood was drained and upon which the name of Allah was read’ (Hadith. Al-Bukhariyy: 5497).”

Another hadith says; “Adiy Ibn Hatim narrates; ‘I said, oh *Rasulullah* I send my dog and it attacks animal. And I do not find a knife to slaughter the animal; therefore I slaughter it using a flint or a piece of stick. The Prophet said, make the blood flow with the instrument of your choice and recite the name of Allah” (Hadith, Al-Nasai. 4401).

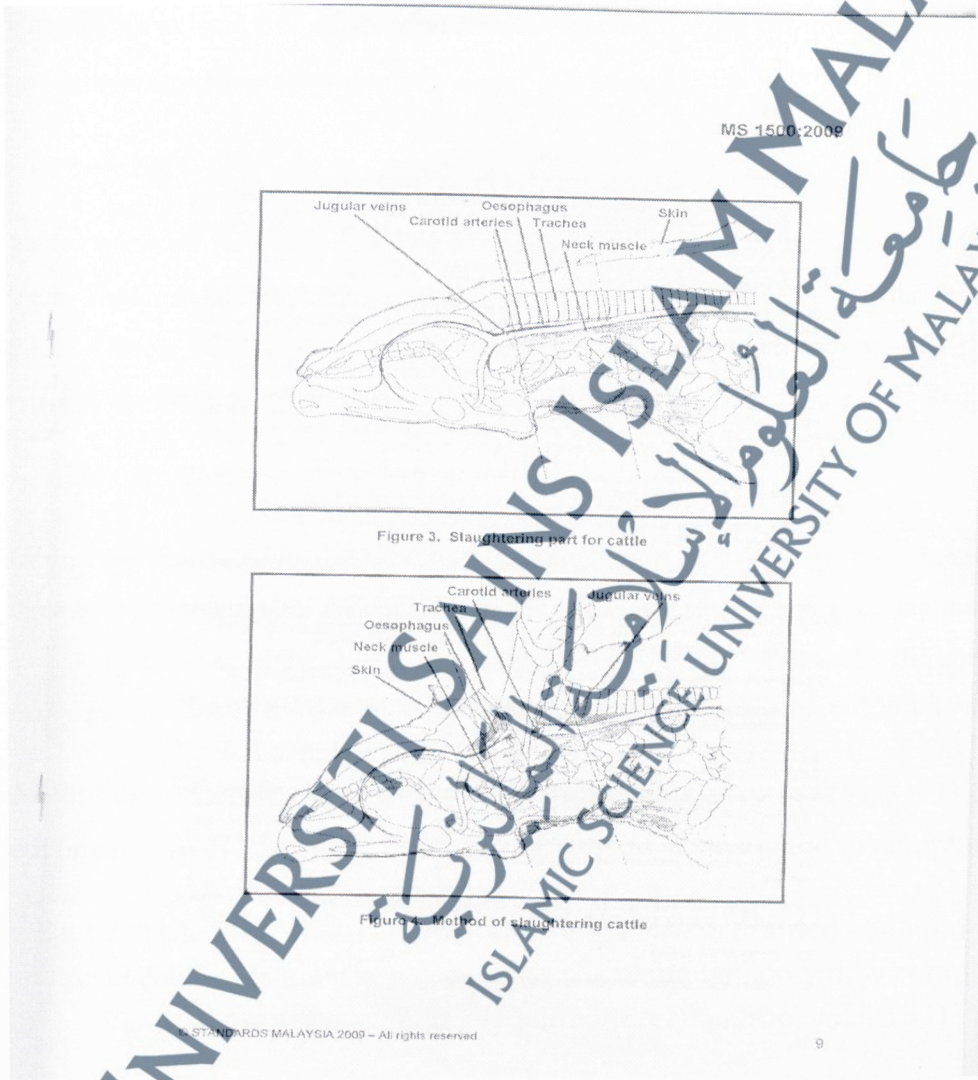
“And in another hadith of Abdullah bin Abbas; The Prophet says; Eat an animal whose (Blood) vessels are cut” (Hadith. Muatta Imam Malik. vol.2 :489).

The slaughtering of animal as described by the Sharia is the cutting of the throat or slitting the hollow of the throat, which eventually cause its death. Thus, the best way is to sever the trachea (*hulqum*), esophagus (*mari’i*), and both jugular veins (*wajadain*) to hasten the bleeding and death of the animals (Zahraan; 2002 & Khan; 2006). However the four schools of thoughts have differed slightly in their opinion;

Shafi's opinion;

Imam Shafi'i requires that the esophagus and the windpipe of the animal be cut as described in figure 1:1. Thus, the slaughter will be valid when these two are cut, even if the two jugular veins are not cut. (Hadith. Fathul Bari. vol.9. 64, Kitabul-umm. vol.2: 256I).

Figure 1:1 Islamic slaughtering method



Maliki's opinion;

There numbers of narrations by Imam Malik and the preferred view according to his followers is that the windpipe and two jugular veins must be cut, that is, not necessary to cut the esophagus. (Hadith. Adh-Dhakhirah. vol.4:133)

No doubts the scholars of *fiqh* have differed with regards to the method of slaughter, however they all agreed that the place of slaughter under normal circumstances apart from hunting should be the upper part of the chest and throat. It is also unanimously agreed that at least two of the four blood vessels must be cut in order for the animal to become lawful for consumption.

Hambali's opinion;

As for Imam Ahmad various views were also narrated. One of his narrations is the same as Imam *Shafi'i*. And in another he says; it is necessary to cut the two jugular veins along with the esophagus and the windpipe. In other words, it refers to all four vessels should be cut. (Hadith. Al- Mugni. vol.11:44-45)

Hanafi's opinion;

Imam Abu Hanifa holds the view that the animal will be lawful for consumption when any three of the blood vessels are cut. Abu Yusuf requires that the esophagus and the windpipe be cut, along with one of the jugular veins. And Imam Muhammad stand by the opinion that, the major part of each of the four must be cut. (Hadith. Badai' As-sanai. Al-Kasani. vol.5:41).

According to Qarafiyy in Adh-Dhakhirah, he said; the view that says it is necessary to cut one or two of the jugular veins is supported by the hadith of the Prophet;

“Eat from the meat those animals whose blood was drained and upon whom the name of Allah was mentioned, because the blood will only flow completely from these jugular veins”. (Hadith. Adh-Dhakhirah. vol.4:133)

The logic behind Imam Abu Hanifa's opinion that cutting three of the blood vessels is equivalent to cutting all, because “the majority suffices for the whole” in those matters of Islamic law which are based on the principle of leniency. Slaughtering of animals is based on leniency because the scholars have unanimously agreed that all four do not

have to be cut. Their differences are only in regards to particular combination of the four.

2.4.2 Condition regarding invoking the name of Allah (*Tasmiyyah*) at the time of slaughter;

According to Imam A. Hanifa, Imam Malik, Imam Shafii and Ahmad Ibn Hanbal, and majority of the scholar of *fiqh* hold the view that animal would be unlawful to consume if the slaughterer purposely does not recite the *tasmiyyah*. But at the state of forgetfulness to invoke the name of Allah at the time of slaughter remains lawful according to the Hanafites and Malikis (Usman, 2005). The followers of Imam Ahmad also support the view of forgetfulness of reciting the *tasmiyyah* under normal circumstances, but hold the view of the hunted animal as unlawful if the slaughterer does not read the name of Allah when he shoots the arrow or releases the hunting dog irrespective whether he does it intentionally or forgetfully. (Usman: 2005).

“Ibn Abbas reported that the Prophet peace be on him said; there is no harm in forgetfully leaving out the name of Allah (at the time of slaughter)” (Imam Shawkani, 2002).

However;” Imam Shafii stood by the view that it is not obligatory to recite the name of Allah at the time of slaughter, but it is *Sunnah*”. (Hadith. Qalyubi wa-Umayrah. vol.:245). Hence according to him, meat consumption would be halal if the slaughterer intentionally omits the recitation of *Tasmiyyah*. Though he explicitly stated that it is lawful to consume an animal upon which the name of Allah was intentionally not mentioned. Quoting his words in *Kitab Al-umm*;

“I would like that a Muslim recite the name of Allah when he sends his trained bird or dog to hunt. If he forgets to recites the name of Allah and the bird or dog kills an animal, then it will be lawful to consume. This is because the slaughter which takes place using a trained dog or bird is just like a normal slaughter. In a normal slaughter, an animal is lawful to consume when the slaughterer forgetfully leaves out the name of Allah. The reason for that is, a Muslim slaughters in the name of Allah which is in his heart, even if he forgets” (Al- Umm. vol.2:227).

Another hadith from *Kitabul-Umm* also states;

“An animal is lawful if a Muslim forgets to recites the name of Allah at the time of slaughter. But if he considers recitation of Allah’s name it not important, The animal is unlawful” (Al- Umm. vol. 2 :7131).

Many scholars and followers of Imam *Shafii madhab* have also stated that it is *makruh* (discourage) to intentionally leave out the name of Allah at the time of slaughter and that the slaughter will be sinful for doing so (Rawdhautu At-Talibin. vol.3: 205 & Rahmatu Al-ummah. 118). The Quran quotes in support and necessity of reciting the name of Allah at the time of slaughter:

"فَكُلُوا مِمَّا ذَكَرَ اسْمَ اللَّهِ عَلَيْهِ إِنْ كُنْتُمْ بِآيَاتِهِ مُؤْمِنِينَ... وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذَكَرَ اسْمَ اللَّهِ عَلَيْهِ"

“Why should you not eat of (meats) on which Allah’s name has been pronounced- so eat of (meats) on which Allah’s name has been pronounced, if you have faith in His signs” (Al-Quran. Al-Anaam. 6:118-119)

"وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكُرْ اسْمَ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ..."

“And do not eat of (meats) on which Allah’s name has not been pronounced: that would be impiety” (Al-Quran. Al-Anaam. 6:121)

"وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا لِيَذْكُرُوا اللَّهَ عَلَىٰ مَا رَزَقَهُمْ مِنْ بَهِيمَةِ الْأَنْعَامِ"

“For every nation, We have appointed a rite of sacrifice that they may mention the name of Allah over the beast of cattle that He has given them for food” (Al-Quran 5:4).

"وَأَنعَمَ لَا يَذْكُرُونَ اللَّهَ عَلَيْهَا اقْتِرَاءَ عَلَيْهِ"

“And the cattle on which the name of Allah is not mentioned (at the time of slaughter) –inventions against Allah, soon He would punish them for their own invention” (Al-Quran. Al-Anaam 6:138)

As said by Yusuf Ali (1934), since the Sharia has explained what is lawful and unlawful in food, it will be wrong to raise scruples and mislead the ignorant. Burj (2004) also emphasized in (*Ahkaam al-dhabh*) that what is meant by the invocation or reading of *tasmiyyah* at the time of slaughtering is warning and an awakening for the heart. Moreover in the mentioned verses of the Quran, it has been emphasized that recitation of the name of Allah is an important requirements for the validity of the slaughter. It has also been mentioned in many Hadith:

“Raafi’h Ibn Khadij reported that the Prophet peace be on said: ‘Eat from those animals whose blood was drained and upon which the name of Allah was read’ (Hadith. Al-Bukhariyy: 5498).

“Abu Thalabah Al-Khushaniyy narrates that he asked the Prophet peace be on him some question regarding animal hunting. The Prophet said in reply to his question, recites the name of Allah on the animal which you have hunted with your bow and eat from it. Recite the name of Allah on that animal which you hunted using your trained dog and eat from it” (Hadith. Al-Bukhariyy: 5496)

A’bayah Ibn Rifa’h narrates from his grandfather that the Prophet peace be on him said; “Eat from that animal whose blood has been made to flow and upon which the name of Allah was mentioned” (Hadith. Al-Bukhariyy: 5503).

The need of mentioning numbers of text from the Quran and Hadith is to prove the authenticity of incision of Allah’s name as an important condition. Hence, for the validity of slaughtering, incision of Allah’s name is an absolute essential condition in Islamic law. With the exemption of the state of forgetfulness, as one is not obliged to do that in that situation, thus it is halal if slaughter is carried out since that has been forgiven by Allah the hadith;

Al-Awza’iy reported from Ata Ibn Abi Rabah who narrates from Abdullah Ibn Abbas that the Prophet said, “Allah has pardoned the mistakes and forgetfulness of my *Ummah* (nation), and He has pardoned those actions which they did under compulsion” (Hadith. Ibn Majah. 2043, An-Nawawiyy: 39).

The followers of Imam Shafii have proved their view with this hadith; “as long as he does not intentionally leave it out”. The hadith reads:

Aisha reported that a group of people said to the Prophet (pbuh); “Some people bring us meat and we do not know if they recite the name of Allah upon it (during slaughtering). The Prophet answered, ‘You should recite the name of Allah upon the meat and eat from it. Aisha thereafter comments that these people (who came with the meat) were new Muslims” (Hadith. Al- Bukhariyy; 5507).

Other names besides Allah’s should not be mentioned over the animal at the time of slaughter and should not be omitted intentionally except at the state of forgetfulness. The Arabs during the days of ignorance sought to propitiate their idols by sacrificing animals to them, either by the invocation of their names while slaughtering or by immolating them on altars specified for them. Islam forbids all this as the majority of scholars of *fiqh* as mentioned above hold the view that the slaughterer must recite the name of Allah at the time of slaughter except in the state of forgetfulness. The *tasmiyyah* distinguish the Islamic slaughter from other methods of slaughtering.

2.4.3 Condition relating to the slaughterer;

Slaughtering must be performed by a Muslim who is of sound mind, mature, and fully understands the Islamic rights and conditions of animals slaughtering. The person must be of clear mind and not under the influence of any intoxicants, well trained in the job, with awareness and knowledge of what he is doing. The Quran as well made lawful the animal slaughtered by the Christians and the Jews and the prophet supported that in his sayings as they are the people of the book. It simply means only animal slaughtered by a Muslim or a person from among the people of book is allowed for consumption.

For animal slaughtered by an idol worshipper is not lawful. The scholars of the four schools of law unanimously agreed to this condition, and according to Usman (2005) the consensus of the opinion has been recorded in (Mawduat Al-Ijmaa. vol. 2. :912, 948).

"It has also been reported; Al-Jassas says; we know that the meat of animals slaughtered by the idol worshiper will not be lawful even if they recite the name of Allah" (*Ahkam Al- Quran. vol.3:6*)

The following paragraph clarifies it further, who really are the people of the book in order to grab better understanding of their identity.

2.4.3.1 Slaughter of the people of book;

The people of the book here refer to the Jews and the Christians as both communities were sent heavenly books through their Prophets, Moses and Jesus Christ respectively, peace be upon both of them. The Quran says;

"اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم....."

"This day (all) good and pure things are made lawful for you. The food of the people of the book is lawful for you and yours lawful for them" (Al-Quran. Al-Maidah 5:5).

It is said in a hadith that; Anas may Allah have mercy on him said that a Jew invited the Prophet to a meal and he accepted the invitation (Hadith. Al-Bukhari vol.3:124, Zahraan, 2002, Tareeqi, 1983). The Islamic scholars and jurist agreed on the permissibility of the slaughter by the two communities with proofs from the Quran and *Sunnah*. In this context it is understood that action of the Prophet accepting the invitation of a Jew to partake in his meal, thus establishes a social context where Muslims, Jews and Christians could interact with each other and live together.

The scholars of *fiqh* (Four schools of law) also agreed on the fact that the word "food" in this verse refers to slaughtered animals (Usmani, 2005). Since it has not been prohibited by Allah, the food of the Jews and Christians is permitted to the Muslim on the basis of the original permissibility of good things (*Al-tayyibat*) in the first part of the verse as long as it does not violate the text.

However there are opinion which suggested that not all food of Jews and Christians is absolutely and unconditional lawful for Muslims. These include companions of the Prophet like Ali, Aisha and Ibn Umar, Khan (1982). In addition to that Sheikh Ibn Baz had said: "it is permissible to eat their slaughtered animals as long as it is not known

that they were slaughtered by a method other than the Islamic method (Fatawa Islamiyyah. vol.6:248).

Majority of the Islamic jurist are of the opinion that the food of the Jews and Christians must meet the criteria established for halal and wholesome food (*al-tayibaat*), including proper slaughter of animals. Referring to the context in the verse:

"ولا تأكلوا مما لم يذكر اسم الله عليه وانه لفسق"

"And eat not of that whereupon Allah's name has not been mentioned, for lo! It is abomination" (Al-Quran. Al-Anaam 6:121)

Regenstein and Chaudry (2003) also analyzed the understanding of modern slaughtering of the people of the book and the followings were noted:

1. Christians do not follow a strict food code.
2. Jews are divided into 3 major groups:
 - I. Orthodox Jews slaughter animals in their prescribed manner and prepare all "kosher" meat accordingly.
 - II. Conservative Jews who follow the kosher guidelines based on Jewish law, but who tend to be more lenient than orthodox Jews.
 - III. Modern Jews do not generally consider kosher laws as an essentials issue for modern Jewish practices.
3. Orthodox Jewish slaughterers say a blessing at the beginning of slaughter session for numbers of animals, but do not pronounce the name of God at the actual time of slaying of each animal.

Looking into the analysis above it may be said that for Muslim who want to follow and upheld the requirements in the verse of the Quran;

"ولا تأكلوا مما لم يذكر اسم الله عليه وانه لفسق"

"And eat not of that whereupon Allah's name has not been mentioned, for lo! It is abomination" (Al-Quran. Al-Anaam 6:121).

The meat of the people of book here may not met and fulfill the halal standard. And in addition to that, dairy and cooked kosher products may contain alcohol e.g. in flavors, and some lenient *kosher* supervision as defined will permit products that contain animal-based ingredient that may also be unacceptable to the halal observing consumers.

2.4.3.2 *Kosher* of the Jews;

Kosher is a Hebrew word which literarily means honest or legal, or could be termed fit or proper and its opposite is *Trefah* (Hussaini, 1983 and Zahoor, 2004). When applied to food, the term indicates that an item is fit for consumption according to Jewish law just as the Muslim use the term *halal*. And the word *kosher* is an extract from the word *kashrut* meaning the body of Jewish law dealing with what can be eaten or otherwise, and how those foods must be prepared and eaten. The *kosher* manner of slaughtering and processing animal is very similar to the Islamic method of slaughtering. For this reason the slaughter of the Jewish is permitted and allowed to be consumed by the Muslim referring to the verse of the Quran;

"اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم....."

"This day (all) good and pure things are made lawful for you. The food of the people of the book is lawful for you and yours lawful for them" (Al-Quran. Al-Maidah 5:5).

Kosher are foods or any products allowed for consumption in the Jewish faith. And usually in *kosher* slaughterhouses and abattoirs, even restaurants and eateries, a qualified person in the field is legally bound to be kept to ensure the meats been produced or meals prepared there are in conformity with *kosher* food laws. However it must be noted that if a product is *kosher* certified, it does not mean that the product is automatically *halal*. There are *kosher* certification firms that certify products which are not really considered *kosher* by many Jews.

2.4.4 Condition relating to the animal meant for slaughter;

Qardawi (2005) had said, all animals on land are permissible, until evidence is established claiming its prohibition or the slaughtering process has not gone out of text. The Quran says;

"اليوم أحل لكم الطيبات وطعام الذين أوتوا الكتاب حل لكم وطعامكم حل لهم....."

"This day (all) good and pure things are made lawful for you. The food of the people of the book is lawful for you and yours lawful for them" (Al-Quran. Al-Maidah 5:5).

The Quran further elaborates;

"فكلوا مما رزقكم الله حلالا طيبا واشكروا نعمت الله ان كنتم ايها تعبدون"

"so eat of the lawful and good food for which Allah has provided, and be grateful for the graces of Allah, if it is He whom you worship (Al-Quran. Al-Nahl 16: 114).

Animal should not be subjected to cruelties in their breeding, transporting and slaughtering or in their general welfare. As agreed by the four schools of law flesh of animals killed by cruel methods is considered carrion. Even if these animals were slaughtered in the strictest manner, if cruelties were inflicted on them otherwise, the flesh is still forbidden (Tariqi, 1984).

The animals to be slaughtered must be from the permitted species and not forbidden as stated in the verse of the Quran.

"حرمت عليكم الميتة والدم ولحم الخنزير وما أهل لغير الله به والمنخنقة والموقوذة والمتردية والنطيحة وما أكل السبع الا ما ذكيتم وما ذبح علي النصب وأن تستقسموا بالأزلام ذالكم فسق"

"Forbidden to you are: dead meat, blood, the flesh of swine, and that on which other name than Allah's has mentioned, that which has been killed by choking, or by violent blow, or by headlong fall, or by being stabbed to death; or that which has been partly eaten by a wild animal, unless you are able to slaughter it, and that which is sacrificed on stones, also is the division of meats that was torn apart by arrow; that is impiety" (Al-Quran. Al-Maidah 5:3).

Humane treatment should be given to the animals as the Quran and the saying of the Prophet supported the fact that the care and welfare of the animals before they are killed are just as important as the way in which they are killed. The holy Quran does not view animals as mere resources but as individuals and communities of its own. The Quran says;

"وما من دابة في الارض ولا طائر يجناحيه الا امة امثلكم.."

"There is no beast that moves on the earth, no bird that flies with its two wings, but they are communities like your own" (Al-Quran, Al-Anaam 6: 38).

2.4.5 Condition relating to the tools used in slaughter;

The consensus of the scholar of *fiqh* (Imam Malik, Imam Ahmad Bin Hanbal, Imam Shafii and Imam Abu-Hanifah) have agreed that animal could be slaughtered or killed with any sharp objects that can put an end to the animal's life or drain its blood e.g. knife or sword, and any other sharp object that could swiftly cut the throat instantaneously (Tariqi, 1984 & Zahraan, 2002).

Usmani (2005) has also quoted; it is not necessary that the tool should be a knife; the slaughter would be valid using any sharp instrument, irrespective of whether it is made of iron, rock or wood. The proof is in *Sahih Al-Bukhariyy* and Muslim and it reads;

Raafi Ibn Khadij narrates that he said, On Prophet of Allah, we will confront the enemy tomorrow, whereas we do not have any swords. Can we slaughter using a bamboo, the Prophet of Allah replied, "Eat from that animal whose blood was made to flow and upon whom the name of Allah was recited, (on condition that the instrument used) is not a tooth or claw" (Jami'l Usul. vol.4:489).

It is unacceptable and disapproved to use blunt object as that increases the pain the animal has to go through, on this behalf the prophet (PBUH) had advised us with;

"To sharpen the blade meant for slaughtering and relieving the animal from its pain" (Hadith. Muslim. vol.2:72).

2.5 HALAL SLAUGHTERING REGULATIONS

Allah blessed humanity with the Prophet (PBUH) as a light and guidance to the universe by giving him the sacred law of sharia. The sharia consequently differentiates between the pure and the impure. Certain animals that were harmful and unhealthy to the wellbeing of humans were prohibited. Animals that were declared halal were subjected to certain rules and regulations at the time of its slaughter. In order to ensure that the blood and the impure elements come out from their body and slaughter carried out in a way that was least painful, humane and merciful. According to consensus of the scholar (Zahraan, 2002, Qardawi, 1985, Tareeqi, 1983, Burj, 2004, Hussein, 1984 & Usman, 2005) the regulations are;

Rules to be observed prior to the slaughtering;

- The animals should be treated humanely, fed with proper halal certified feeds.
- Animals, should it be the cattle, goat or poultry must be healthy, free from serious wounds and no sign of any sort of diseases.
- Proper transportation of animals must be encouraged, humane loading and unloading avoiding the animals injuring their horns and necks, goring their companions, and suffocating from heat and lack of air.

Rules to be observed at the time of slaughter;

- The act of slaughtering can only be performed by a Muslim who is of sound mind, mature and fully understand the fundamentals, rules and conditions of slaughtering animals in Islam. Slaughtering by the Christians and the Jews is also accepted; however there are differences opinions among the jurist to this fact.
- The animals meant for slaughtering must be of halal (permitted) species that could be consumed by Muslim.
- The slaughtering should begin with the incision (بِسْمِ اللَّهِ أَكْبَرُ) *Bismillah-Allahu-Akbar* (In the name of Allah, Allah is the greatest) at the time of slaughter when the knife has been placed on the neck,

facing the Kiblah (Makah) and the phrase is encouraged to be invoked immediately before the slaughter of each animal.

- The animal must be 100% alive (حياة مستقرة) at the time of slaughter.
- Slaughtering must be done only once. Lifting of the knife is considered one act of slaughter. Therefore multiple act of slaughtering is discouraged (*makruh*).
- The slaughtering should in accordance with the shariah sever the trachea (*hulqum*), oesophagus (*mar'i*) and both jugular veins (*wajadain*) to hasten the bleeding and death of the animals (al-Tareeqi 1983). The spinal cord should not be cut and the head is not to be severed completely.
- Bleeding must be spontaneous and complete.
- Processing of the animal carcasses can only be done or should commence after the assurance that the animal is completely dead.
- Slaughtering tools and utensils for halal meat must be used only for halal animals and the knife used during the act should be sharpened at all time as that reduces the pain gone through by the animal.
- The objectives and intention of slaughtering should be only for the sake of Allah and to please Him, or fulfilling His permission for allowing the human being to slaughter and eat the animal. There should be no other motives or purpose for carrying out the slaughtering.

2.6 ISLAMIC PRINCIPLES REGARDING HALAL SLAUGHTERING

As the awareness and research is increasing on Halal meat and the slaughtering procedures, the concept and wisdom of halal slaughtering or what is halal is been giving attention. The Islamic principles which constitute a solid base for differentiating between the halal and haram could be summarised as follows;

2.6.1 The original Rulings is permissibility

As the first principle when discussing about rules or regulations issues in sharia, these relies on its origin or fundamentals in other words. That is the Quran and practice of the Prophet as the main references that determines permissibility and prohibition of

things to eat or not, as well as other obligations. Nothing is haram except when there is prohibition by sound and explicit evidence. When the evidence is disputable and there are differences of opinion among the jurists, no jurist or scholar can claim or prove his opinion right. All opinion could be accepted as long as the opinions have been supported with clear evidence from the Quran or *Sunnah* or if it has been further cleared by a qualified jurist whose rulings were made following the right methodology of *Usul-fiqh*. It was in support of that the Quran says;

"هو الذي خلق لكم ما في الارض جميعا ثم استوى الى السماء فسواهن سبع سماوات وهو بكل شيء عليم"

"It is Him (Allah) who has created you all that earth contains, then turned to the heaven with His will and fashioned it into seven skies. And He is the knowing of all things" (Al-Quran. Al-Baqarah 2:29)

In Islam, the spheres of prohibited things are very limited, while that Allah permits and made lawful are extremely vast. There are only a small number of sound and explicit texts concerning prohibitions, and whatever is not mentioned therein as being lawful or unlawful falls under the general principles of permissibility of things and within the domain of Allah's favour. In this regard the Prophet said:

"What Allah has made lawful in His Book is halal and what He has forbidden is haram, and that concerning which He is silent is allowed as His favour. Therefore accept from Allah His favour, for Allah is not forgetful of anything" (Hadith. Al-Bayhaqi, al-sunan al-kubra.10:12).

He then recited the verse of Quran;

"وما كان ربك نسيا"

"And thy Lord is not forgetful" (Al-Quran. Maryam 19:64).

Thus, the right ruling in shariah relating to non-worshipping issues, as said by Imam al-Juwaini is:

'Anything that is not known to be haram should be considered halal, because that is the original ruling in sharia'(Al-Juwaini.490).

“Salman Al-Farsi reported that, the Prophet was asked about animal fat, cheese, and fur; He replied ‘the Halal are those made lawful in His Book and the Haram are the prohibited ones, and concerning which He is silent He has permitted as favour to you’ (Hadith. Ibn-Majah.vol.10:271).

Furthermore the following three principles could be termed as subdivision of the first principle mentioned above for better understanding, and they are:

I. The decree to make things lawful and unlawful is the right of Allah alone:

The authority to legislate the halal and haram is in the sovereignty of Allah only, regardless of any worldly position. It is the sole right of Allah, reserved solely to Him alone. The jurist’s role is to exert their total effort in finding the right opinion of Allah in a particular given issue. Yet, they possess no right to claim their opinion as the best or right unless it is based on clear text explicit from the Quran or *Sunnah*. The Quran says:

"أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ لَمَّا يَأْذُنُ بِهِ اللَّهُ وَلَوْ لَكَلِمَةُ الْفَصْلِ لَقُضِيَ بَيْنَهُمْ وَإِنَّ الظَّالِمِينَ لَهُمْ عَذَابٌ أَلِيمٌ"

“What! Have they partners who have established for them religion without permission from Allah? If it had not been for the word of judgment, the matter would have been decided between them. But surely the wrong-doers will have a grievous penalty” (Al-Quran. Al-Shurah 42:21)

II. Prohibiting the halal and permitting the haram is similar to committing shirk:

To prohibit the halal and permitting the haram is similar to ascribing partner with Allah, because when a person does that, he has abuse the right which belongs to Allah only. In *surah al-A'raf*, Allah rejects the claims of all those who prohibit, laying down the final criteria governing prohibitions:

"قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ.....وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ"

“Say; who has prohibits the beautiful (gift) of Allah, which He has made for His servants, And (those) clean and pure things of His provided for living? Say; “In the life of this world, they are for those who believe, (and only) purely for them on the Day of Judgment: Thus we explain the signs in detail for those who

understand.” The things that my Lord has indeed prohibited are shameful deeds, in open or secret; Sins and lies against the truth or reason; rebellion Associating partner to Allah, for which He has given no authority, and saying things concerning Allah which you do not know” (Al-Quran. Al-a’Raaf 7:32-33)

III. Good intentions do not make the haram acceptable:

In Islam any permissible action of the believer accompanied with good intention, that action becomes an act of worship, but the case is entirely different in the case of haram. The haram will remain haram no matter how good the intention, how honorable the purpose, or how noble the aim may be. Islam never consents to employing a haram means to achieve a praiseworthy end. Indeed, it insists that not only the aim must be honorable but also the means chosen to attain it shall also be pure. Islam emphasized seriously on the nobility of feelings, loftiness of aims, and purity of intentions in all actions. The Prophet (peace be on him) said;

“Action shall be judge according to the intentions, and everyone will be recompensed according to what he intends” (Hadith. Al-Bukhariyy. 1:1)

In this manner, whenever any good action of a believer is accompanied by a good intention, his action becomes an act of worship. However in the case of unlawful action either good or bad, it remains haram no matter how good the intention or how honourable the purpose, or how noble the aim may be. For instance if a person accumulate wealth through usury, forgery, gambling, or through any other unlawful means in order to build a mosque, establish a charitable foundation or any other good work, the guilt of having done what is haram will not be lifted from him because of the goodness of his objective. In Islam good aims and intentions have no effect in lessening the sinfulness of what is haram. And in this regard it is learned from the Prophet peace be on him when he said:

“Allah almighty is good and accept only which is good, and Allah has commended the believers to do that which He commanded the messengers, saying ‘o ye messengers! Eat of good things and do righteous. And Allah almighty has said o ye who believe! Eat of the good we have provided you, then he mention the case of a man who having journeyed far, is dishevelled and dusty spreading out his hands to the sky saying, ‘o Lord! O Lord! ; while his food is unlawful, his drink

unlawful, his clothing unlawful, and he is nourished unlawfully, so how can he be answered".(Hadith. Muslim. vol.3: 85-86).

The prophet also said in another hadith: if a person earn property through haram means and then gives charity, it will not be accepted by Allah; if he spends it, there will be no blessing on it and if he leaves it behind at his death it will be his provision in the fire. Indeed, Allah almighty does not obliterate on bad deed by another bad deed. An unclean thing does not wipe away another unclean thing (Musnad Ahmad, Sharh As-sunnah; Mishkaatul Masaabih pg. 242, Qadeemi).

2.6.2 The Basic Ruling in anything Beneficial is permissible and in anything Harmful if Prohibited

This principle is an extension of the previous subheading principle. It affirms the very basic principle of non-worshipping acts which emphasizes on the legal reasoning and human understanding on the nature of lawfulness and prohibition. This principle establishes that the reason for any prohibition in non-worshipping acts is because of their harmful nature. If this harmfulness is not found and there is no clear evidence in the Quran or *Sunnah* confirming its prohibition, that thing should be considered halal. As remarked by *Al-Qarafī*: "Principally, in anything beneficial, the ruling is permissible, and in anything harmful, the ruling is prohibition. This is by virtue of evidence from the sharia" (Al-zakhira. Juz 1:151)

The same remark have been made by Al-Asnawī in (Al-Tamhid-fi-Takhrif Al-furu'ala al-usul. 487), Al-Zarqani in (Sharh al-Zarqani ala al-Muwatta. vol.4:32), Al-shawkani in (Irshad al-fuhul, vol.2:409), Al-Juwaini in (Ghiyat.502), and Ibn Abd al-Salam (al-Imam fi bayan adillat al-ahkam.86 & 173).

This idea would aid in launching a new development in the halal issues. Moreover the principle is accepted by majority of the jurists of the four school of law as mentioned, however its application differs widely when it comes to details rulings of the shariah.

2.6.3 The Adoption of Custom in determining Halal and Haram

As said by al-Shatibi (Al-Muwafaqat. vol.2:209-210, 2012), the recognition of essential role played by custom is in fact part of the approaches taken by the sharia in preserving the interest of mankind in this world and the hereafter. Similarly, al-Dahlawi also said; ‘the only purpose of the sending of the Prophets was to reform some distortion that were occurring amongst people in their time in order to bring good welfare to them in both lives. The changes of practices due to the changes in situations of time as far as Sharia rulings remains are into something new. As this would demonstrate how flexible is sharia, in its application and how the scholars have been very accommodative in responding to those changes.

Animal slaughtering procedures in the slaughterhouses and abattoirs, for instance have been significantly evolved. Though previously, the slaughtering of animals was done manually only, this shall not compel people of other time to remain with the same process since sharia rulings is been fulfilled. No doubt, challenges would be encountered especially in large scale poultry production to meet up with high demand. The understanding of sharia requirements in animal slaughtering is very important in determining what can be altered and what need to be maintained in these process and procedures. For example it is necessary that the manual process of slaughtering be maintained, and the use of equipment or machine in its process rather than its slaughtering is acceptable as long as various necessary sharia requirements are fulfilled.

2.6.4 Doubtful Things Are To Be Avoided

Doubtful things are known as *shubhat* or *Mashbuh*. Imam Nawawi defined *shubhat* as something which its status is religiously unclear, whether it is halal or haram (Hadith. Al-Nawawiyy, vol.7:4333).

And the Prophet has said;

“Leave what you doubt, for what you do not doubt” (Hadith. Al-Tirmiziyy. 2518, Al-Nasa’i. 5711).

From the definition forwarded by Imam Nawawi and the saying of the Prophet that follows, the difference between what is unclear and that which is clear would be realized. A Muslim would prevent himself from consuming doubtful things. Meat is the strictest regulated of the food group at the time of slaughter, just like blood, pork, and meat of dead animals or those immolated to other than Allah are strongly prohibited. It highly required that the halal animals be slaughtered while pronouncing the name of Allah at the time of slaughter (Qardawi, 1985 & Husseini, 1984). The Quran says;

"فكلوا مما ذكر اسم الله عليه ان كنتم بآياته مؤمنين"

"So eat the (meat) on which Allah's name has been said, if you have faith in His signs" (Al-Quran. Al-Anaam 6: 118)

"ولا تأكلوا مما لم يذكر اسم الله عليه وانه لفسisque وان الشياطين ليحون الى أوليآتهم ليجادلوكم وان أطعمتمهم انكم لمشركون"

"Do not eat from the (meats) on which Allah's name has not been mentioned; This is ungodliness, but the evil ones always inspire their friends to argue with you, if you were to obey them, you would be truly be an idolator" (Al-Quran. Al-Anaam 6:121).

2.6.5 Necessity Dictates Exception

In case of constraint, consumption of haram is permissible within certain limits and from the mercy of Allah and the uniqueness of Islam as a religion, despite all the mentioned principles 'necessity dictates exceptions'. Even though the range of the prohibited has been narrowed and its observation been advised. Islam is not oblivious to the exigencies of life, to their magnitude, nor human weakness and capacity to face them. It permits the Muslim, under the compulsion of necessity to eat a prohibited food in quantities sufficient to remove the necessity and save him-self from death. At this juncture, after enumerating the prohibited meats in the form of dead animals, blood and pork Allah then says:

"فمن اضطر غير باغ ولاعاد فلا اثم عليه ان الله غفور رحيم..."

“Whoever (is compelled to eat any of the mentioned prohibited food) because of absolute necessity, without wilful disobedience or transgressing due limits (in the amount taken) it is no sin for him. Allah is Most forgiving, Most merciful” (Al-Quran. Al-Baqarah 2:173).

This is repeated at four different places in the Quran after each mention of the prohibited meats. Based on this the Islamic jurist and scholars arrived at the principles that ‘necessity removes restriction’. It should be noted at this point of time that the person neither craves for it neither transgressing. From this emphasis Islamic scholars derived another principle, that the quantity permitted is determined by the magnitude of the necessity.

The reason for Islam to allow consumption of the haram under necessity is clear and understandable from the Quran quotations and *Sunnah*. The aim here is to make life easy and less oppressive for human beings, and to lift the burden and yokes imposed by earlier systems and religion. Allah said in the Quran:

"يريد الله بكم اليسر ولا يريد بكم العسر..."

“Allah desires ease for you, and He does not desire hardship for you” (Al-Quran. Al-Baqarah 2:185).

"ما يريد الله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون..."

“it is not Allah ‘s desire to place a burden upon you, but He desire to purify you and perfect His favor on you in order that you may be thankful” (Al-Quran. Al-Maidah 5:6)

"يريد الله أن يخفف عنكم وخلق الإنسان ضعيفا..."

“Allah desires to lighten your burden, for human being was created weak” (Al-Quran. Al-Nasaai 4:28).

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"Allah desires to lighten your burden, for human being was created weak" (Al-Quran. Al-Nasaai 4:28).

2.7 REASON FOR HALAL SLAUGHTER

During the period of ignorance the people of Mecca used to slaughter their animals on the idols they worshiped placed in the Ka'aba, and then sprinkle the blood on it Zaharaan (2002). These were done in fulfillment of their obligations to their gods. However with the rise of Islam this act was made unlawful even if the slaughtering were to be done reciting *tasmiyyah* since it was done on the idol or otherwise. The Quran says:

"حرمت عليكم الميتة والدم ولحم الخنزير وما أهل لغير الله به والمنخنقة والموقوذة والمتردية والنطيحة وما أكل السبع الا ما ذكيتم وما ذبح علي النصب"

"Forbidden to you are; dead animals, blood, the flesh of swine, and the meat of that which has been slaughtered as a sacrifice for other than Allah, or that which has been killed by choking, or by a violent blow, or by headlong fall, or by being repeatedly stabbed; or that which has been partly eaten by a wild animal" (Al-Quran. Al-Maidah 5:3).

According to Qardawi (1995), Usmani (2005), Zaharaan (2002), and Hussaini (1984) and many other notable Islamic scholars and jurists, the wisdom behind the Islamic rulings of slaughtering in the traditional manner as described by the Quran and *Sunnah* is to take the life of the animal in the quickest and least painful way. Thus the main intent here is to be kind to the animal and spare it unnecessary suffering.

Amongst the wisdom in the Islamic slaughter with the condition of cutting the animal from its neck and draining of its blood is a gesture to differentiate the lawful meats and from the unlawful. Furthermore it is a reproach and a warning against the remainder of the animal blood in the carcass which renders it dangerous for consumption due to bacteria's and micro-organism. As noted by Khan (1982), blood carries organism responsible for various diseases and these organism circulate in the blood without the body manifesting any symptoms of the disease. It is therefore essential to eat genuine halal slaughtered meat, whereby the method employed in killing the animal ensures the maximum extraction of blood. It is pertinent to state here that meat without blood tastes better and preserves longer. On the other hand, the presence of blood in meat influences its putrefaction and result in none completeness of the halal concept.

2.8 HALAL SLAUGHTER CONCEPT AND ITS WISDOM

Islam is a comprehensive religion guiding the lives of the followers through the revealed rules in the Quran and *sunnah* which governs the personal, social, public and economic aspects of life. And since consuming of meat and its products is an important part of daily life, thus halal slaughtering laws carry a special significance. The life of Muslim is guided by Islamic law or Sharia and the latter have given clear guidance in the aspect of halal and haram. These laws are very simple and clear, and its primary objectives are for the good of mankind. Sharia regarding slaughtering removes from human beings, burdensome customs and superstitions, aiming to simplify and ease the day-to-day activities of humanity (Usmani, 2005 and Khan, 1982).

As stated by Burj (2004) in his book *Ahkaam Al-zabih*, for any individual who anticipated the Islamic jurisprudence of slaughtering to be the means of making the permitted animals halal, it would be observed that there are numbers of hidden wisdom in the Islamic way of slaughtering which could be summarized in three ways. The first wisdom about Islamic slaughtering as an obligation reveals it as a benefit to the human beings in the matter of health; whereby one is saved from the micro-organism and bacteria in the blood which may result in a serious disease or illness. Secondly as a kindness to the animal for slaughter whereby the life of the animal is taken in a quickest way to reduce the pains it undergoes during slaughtering. Thirdly, the ability to differentiate the permitted meat for consumption from the forbidden, which consequently makes one realize the boundary of halal food and avoidance of the haram.

Consuming haram develops in one, bad behavior, evil soul, darkness of heart and all kinds of bad actions. It also gets one astray and miserable and the fire of hell shall be the abode of the body nourished with haram in the next world (Burj, 2004). On this behalf the Prophet peace be on him said to Ka'ab; 'Oh Ka'ab; he would not enter paradise, flesh and blood nourished with haram (Hadith. Al-targhib wal-tarhib. vol.3:15). Paradoxically Muslims around the globe agreed that Islamic principles revealed by the Quran and *Sunnah* govern the lives of every Muslims, also influence

the trends and their beliefs towards issue like the consumption of halal meat or avoiding unlawful stuffs.

The life of Muslim revolves around the concept of halal. Hence every Muslim must consume halal food. The concept of halal in Islam has the following significant motives;

1. To preserve the purity of religion.
2. To safeguard the Islamic morale.
3. To preserve life.
4. To safeguard property.
5. To safeguard future generations
6. To maintain self-respect and integrity (HDC, 2010).

2.9 DISCOURAGE PRACTICES IN HALAL SLAUGHTER

Since the beginning of the human race, eating of meat and meat product has been part of daily life, as meats were consumed from the early times. Before Islam during the days of ignorance (*Jahiliyyah*) every possible means were used by the Arabs and non-Arabs to acquire the meat of animals for consumption (Qardawi 1985). Fleshes of dead animals were consumed, sometime parts of a living animal's body would be cut and eaten, animals were strangled to death, gored, killed by violent and people would drink blood and use it as food. Nothing was considered to prevent the pain and suffering to the defenceless and innocent creature.

The issue of slaughtering animals is not an ordinary and mundane issue, in which an individual may act as desire without being restricted of some practices which is highly discouraged in the slaughtering of animals and among the practices are;

1. Sharpening of the tools meant for slaughtering in front of the animal should be condemned, as this inflicts more pain and punishment on the animal before the actual slaughtering. The Prophet said to a man sharpening the knife in front of animal intended for slaughter after

making it lie on its side that; you could have sharpen your knife before making it lie on its side, do you wish to kill it twice (Al-Haakim. vol. 3: 233)

2. Slaughtering of animal in front of another should be avoided as this also increases the pain that it has to go through. It was said by Ibn Umar that the Prophet commanded the sharpening of the tool (e.g. knife) and to keep animal for slaughter away from others at the time of slaughter (Hadith. Ibn Majah. vol.2:1059).
3. It is highly discouraged to do the processing or skinning of the animal while it is convulsing. The Prophet has said: "do not deal hastily with the souls of animals before the life departs" (Al-Dharqutni, vol.4: 283).
4. It is abominable to let the knife reach the spinal cord or to cut off the head of the animal, as all this inflicts more pain on the animal (Qardawi, 1985).

From the foregoing description, it should be noted that belief and a precise method are conditions for the validity of halal slaughtering. The insistence on pronouncing the name of Allah before slaying an animal is meant to emphasize the sanctity of life and that all life belongs to Him. Pronouncing the *tasmiiyyah*, abiding by the rules and regulations of proper Islamic slaughtering and noting the mentioned discouraged acts induces feelings of tenderness and compassion and serves to prevent cruelty (Khan, 1982).

2.10 STUNNING AND HALAL MEAT INDUSTRY

At the tenth session of the Islamic Council of Jurisprudence of the world Islamic league held in Mecca between 17th and 21st October 1987, the issue of the use of electric discharges (electro-narcosis) during the slaughter of animals was discussed. The council issued a fatwa that tolerates electro-narcosis or stunning under very strictly controlled condition; animal electrocuted or stunned, should not die before the

actual slaughtering, neither should the animal suffered any pain during application of such an electrical current (Usman, 2006 & Asidcom, 2008).

Stunning the animal before slaughtering is a common practice in the meat industry. It is assumed to be more comforting and causing less pain to the animal. A considerable number of animal rights activist hold the view that stunning prior to slaughter is the only humane method of slaughtering. They maintain that stunning is the act of rendering the animal unconscious before a physical cut is made to the neck with the belief that it will eliminate pain, discomfort and stress. On the other hand another group of vegan activist (e.g. Brahmins & Hindus) believes that both the act of stunning and slaughtering are cruel. Calling for the ban on animal products altogether, though this idea had less significant impact on government policies, but the stunning incumbent group has been relatively influential (Shazana & Agha, 2006).

Pre-slaughter stunning was originally introduced to protect abattoir personnel, rather than the animals themselves. The idea was to immobilize the animal to facilitate killing procedures (El-Awady, 2003). But today, the principle of stunning has now evolved to encompass the idea that animals should be rendered unconscious before they are slaughtered. A great number of scientific studies and observations of devoted and concerned Muslim, scholars, and Jurist from the Sharia panel or committee in halal slaughter industry or otherwise, have argued that stunning or electro-narcosis of any form does no benefit to either humans or animals (Khan, 1982, Katme, 1986,). The study shows that religious slaughter by direct cutting of the animals by its neck without stunning is the most beneficial method for the animal welfare, the meat quality, and environmental safety, as well as people's health.

Mazeedi (2006), argue that stunning is not allowed as an Islamic method of slaughtering as it causes harm to the animal as well restricts spilling of the blood from the animal. Once the blade is applied to it blood vessels, as that causes atrocious suffering, death of animals before the slaughtering, residual blood in the carcass, explosion of the blood vessels, and dispersion of the brain in the meat. In 1991, the European Council of Fatwa and research made it unlawful for Muslims to eat meat coming from poultry and cattle stunned prior the actual slaughtering (Khan, 1982).

Undisputedly many Islamic groups and communities around the world, even Malaysian consumer, as well as the Jewish equally opposes stunning with the conviction that the traditional halal and kosher respectively, remain the most compassionate and humane method of taking animal's life. The range of religious opinions and interpretations, and the increasing potential for globalization of the halal food industry, with the market booming, the most essential stakeholder the consumer has been sidelined. Indeed the Muslim consumer knows little or absolutely nothing about the use of stunning in the preparation of halal meat. From observation it was learned that most of the Muslim consumer are uncomfortably astonished when he learnt of the use of stunning process for halal slaughter.

Islam is a way of life, controlled by what is prescribed in the Glorious Quran and the traditions of the Prophet (PBUH). The rules and regulations in Islam are well defined and cleared. While the consumption of meat is allowed, this concession is not without responsibilities. The classification of animals according to their characters as well as the permission and prohibition of its consumption, are clearly stated in the Quran. The permission to kill or slaughter animals, quoted in the religious texts is accompanied with rules concerning their food and good treatment of animals during their rearing and of their ritual killings. Having pronounced the name of Allah, the simple and extremely humane system of slaughtering in Islam consists of, cutting of the trachea, two carotids arteries, the esophagus and the two jugular veins of the animal at the same time with a very fast cut using a very sharp knife (Zahraan, 2002, Tariqi, 1983, Burj 2004, Qardawi, 1985)

In a study conducted by Katme (2004) he said; "Contemplating on the issue of stunning prior the animal slaughter and mechanical slaughtering, one really need a second thought and deep look into the introduction of this technology and the reason behind its approval by some scholars. Since the animals also suffer as man does, killing or slaughtering them for the purpose of food, can only be justified due to an exemption granted by Allah to man, by carrying out the killing in a proper way as explained by the Quran and *sunnah*. In every Muslim community today a debate concerning permissibility or otherwise of stunning animals prior its slaughter as

become a big controversy, hence details of these innovation requires more explanation for who does not know in order to grasp what is it all about.

There are three main types of stunning or electrical technologies available that is been used in the mutilations of animals before the actual slaughtering in the halal industry;

- I. Captive Bolt pistol stunning
- II. Electrical stunning
- III. Electrified Water-bath stunning
- IV. Carbon dioxide Gas stunning
- V. The pictures illustrated in figure 1.2 to 1.9 shows the different types of stunning and some of the assessment of skull damages, cracking and displacement of bone due to stunning if not properly applied



Figure 1.2 **Captive Bolt Pistol** stunning

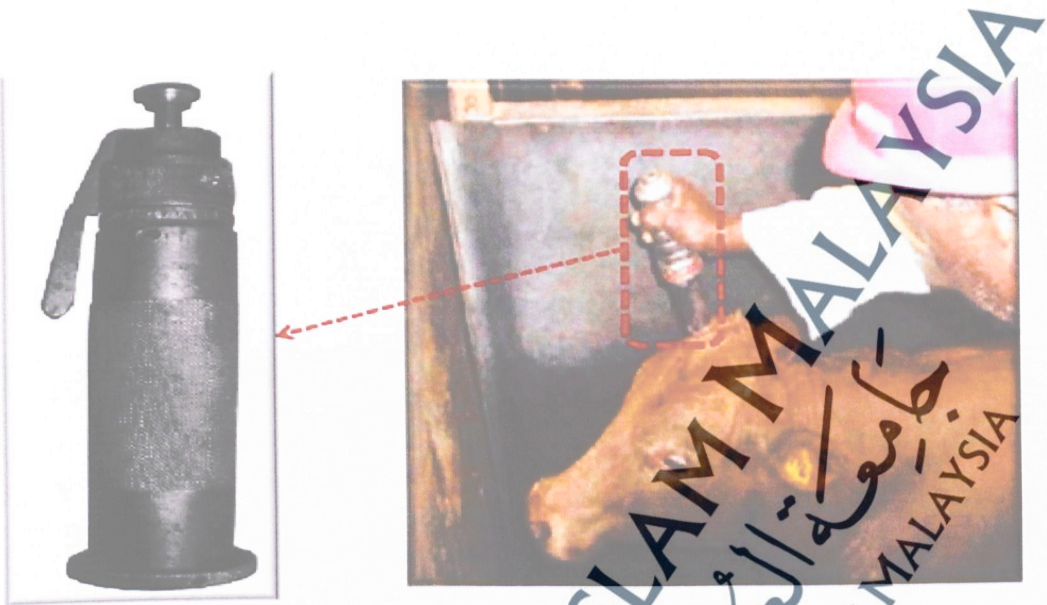


Figure 1.3 Mushroom stunning



k

Figure 1.4 Electrical stunning (head-only)



Figure 1.5 Electrified Water-Bath stunning



Figure 1.6 Electric-Shock (Restraint box)

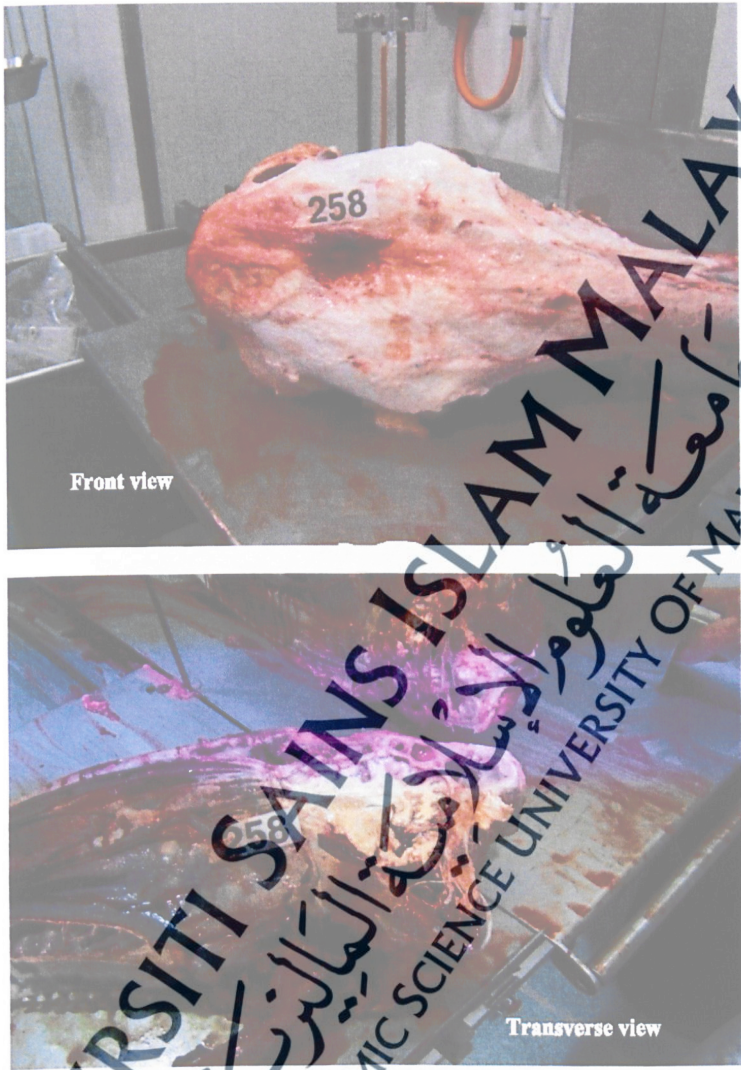


Figure 1.7 Indentation at the skull due to stunning



Figure 1.8 Indentation with cracking and displacement due to stunning



Figure 1.9 Indentation with cracking and displacement due to stunning

2.10.1 Captive bolt pistol stunning

This was the first mechanical stunner introduced mainly for cattle, calves and goats. It is of two types; penetrative and non-penetrative as showed in (figure: 1.2 and 1.3). The penetrative stunners drive a bolt into the skull and cause unconsciousness both through physical brain damage and the concussive blow to the skull which breaks the skull, shatters and destroy the brain (figure: 1.7, 1.8, & 1.9). The bolt on a non-penetrative stunner is 'mushroom headed' and impacts on the brain without entering the skull. Unconsciousness is caused by the concussive blow. The bolt is described as 'captive' because it flies out of the barrel but remains attached to the pistol. The pistol is placed on the centre of the animal forehead and is either trigger-fired or fire automatically on the contact with the animal's head. As said by Khan (1982), the captive bolt pistol was even named "Humane Killer" in a way of appealing to the emotions of laymen who generally assumed that shooting was much more humane than cutting the neck which let out blood from the animal. The entire mention act happens before the actual slaughtering cut is done.

2.10.2 Electrical stunning

Electrical stunning is achieved by inducing an epileptic state of the brain (figure: 1.4). This stunning method is well-suited for sheep or goats and ostrich widely used in many animal slaughtering industries worldwide. Commonly used is the electric (head-only) stunner, which involves placing a pair of electric tongs on either side of the animal's head. The passing of electricity or electrocuting the brain is said to produce instantaneous insensibility on the head. This system of stunning is of low and high voltage electrical stunner, commonly used for pigs and sheep. It is said that if not properly applied it may result in excessive hemorrhage in the muscles or spinal fractures (Ikramu-Haq, 2012).

2.10.3 Electrified water-bath stunning

The electric water-bath is widely used to stun chickens, turkeys, ducks and geese (figure 1:5). Birds are shackled upside down on a moving conveyor which carries them to an electrified water-bath into which their heads are supposed to be immersed

resulting in electrocution prior the slaughtering. The strength of the electrical current has risen in recent years with the aim of ensuring that birds suffer a cardiac arrest.

2.10.4 Carbon dioxide gas stunning

Alternatively animal are stunned by exposing the animal to various concentration of carbon dioxide in the air which causes the animal to lose its consciousness (Shazana & Agha, 2006). Basically, animals are stunned using various concentrations of carbon dioxide in air, after which is slaughtered. However, the acceptability of this method on welfare grounds has been questioned.

2.10.5 Restraint box stunning

In the conventional slaughtering procedures the method used to slaughter large animals safely, especially cattle, is to restrain their movements in order to ease the head stunning prior to slaughter. A stunning box is the most commonly method of restraining cattle (figure: 1.6), the size of the box is just wide enough to prevent the animal from turning around. There is a similarity between this stunning method and the electric tongs stunning for the sheep and goat. The only difference e is that restrain box is specially built for the large animal while that of pairs of electrocuted tongs is for small animals like sheep and goat. If not properly monitored it may result in excessive hemorrhage in the muscles or spinal fractures as well as indentation and cracks as shown in (figure: 1:7, 1:8 & 1:9).

2.11 SCHOLARS OPINION ON MODERN SLAUGHTER METHOD

Scholars and Jurists as well as fatwa bodies around the world, who understand and interpret the sharia, have divided opinions regarding stunned animal for consumption. Hence, controversy remains answer to the lawfulness or unlawfulness of meat and poultry got from stunned animals. Inability to reach a consensus halal slaughtering standard also stands another reason. However all have their evidence and support for declaring the animal stunned lawful or unlawful. The following are some of many fatwa stating the permissibility or non-permissibility of animal stunning;

Here are the fatwa regarding permission for stunning;

2.11.1 Decisions of the fatwa committee of the national council for Islamic religious affairs Malaysia (JAKIM)

The use of Electrical stunning in the slaughtering of cattle;

The 22nd *Muzakarah* (Conference) of the fatwa committee of the national council for Islamic religious affairs Malaysia held on 24th November 1988 has discussed the use of electrical stunning in the slaughterhouse of cattle. The conference decided that the use of electrical stunning in the slaughtering of cattle is permitted.

The slaughtering of the chicken using the water stunner;

The 22nd *Muzakarah* (Conference) of the fatwa committee of the national council for Islamic religious affairs Malaysia held on 24th November 1988 has discussed the slaughtering of chicken using the water stunner. The conference decided that the use of water stunner in the process of slaughtering chicken is permitted.

The ruling on the stunning of animals;

The 70th *Muzakarah* (Conference) of the fatwa committee of the national council for Islamic religious affairs Malaysia held on 29th September 2005 has discussed the ruling on the stunning of animals. The conference decided:

1. The method of stunning of animals using penetrative captive bolt and non-penetrative captive bolt (Mushroom Head Gun) is unlawful (Haram) and not permitted as it can cause the death of an animal.
2. Only the electrical stunning method is allowed with the following conditions:

The type of stunner to be used should be the (Head Only) Stunner.

The velocity of the electrical-current must be controlled (not to exceed the specified limits) that is around 0.75 ampere for goats, 2.0 amperes for cow and the duration of the electrical current is between 3 to 6 seconds.

Procedures must be supervised by accredited Muslim personnel.

3. The water-bath stunning method for poultries (chicken and duck) is permitted with the following conditions:

The velocity of the electrical current must be controlled so as not to kill the animals.

4. The use of drugs and carbon dioxide in the slaughtering procedures is permitted with the condition that it does not torture or kill the animal.

The ruling on thoracic sticking method in the slaughtering of animal;

The 70th *Muzakarah* (Conference) of the fatwa committee of the national council for Islamic religious affairs Malaysia held on 29th September 2005 has discussed the thoracic sticking method in the slaughterhouse of animals. The conference decided that the thoracic sticking method, an additional procedure after slaughtering an animal is permitted and its meat is lawful (halal).

The use of the Pneumatic Percussive stunning from the Islamic perspectives;

The special *Muzakarah* (Conference) of the fatwa committee of the national council for Islamic religious affairs Malaysia held on 13th march 2006 has discussed the use of the pneumatic percussive stunning from the Islamic perspectives. The conference decided that the use of pneumatic percussive stunning in slaughtering of cows and other lawful animal is permitted with the condition that the skull of the animal stunned must not crack and its death is caused by the slaughtering.

2.11.2 Decisions of the Council for legal Verdicts at Dar al-Mustafa Yemen

The verdicts was issued on the 11th *Dhul-Qaida* 1427 (7th December 2006) and it reads; Exposing the animal to an electric shock is unlawful in itself. As for the legality of the meat if the animal recover and return to its natural state twenty seconds after been stunned, then it is lawful (halal) even if the animal is in a lifeless state at the time of slaughter (such that it cannot see or hear and is unable to move). This is because the shock in itself is not a cause of the animal's death.

However if the animal does not return to its natural state after been stunned then the meat is unlawful unless one is reasonably certain that the animal is alive at the time of

slaughter. The evidence of which would be things such as violent movement, the gushing or spurting of blood or a sound coming from the throat or any other signs. The verdict further says it is not necessary to be absolutely certain that the animal is still alive because what is required by the sacred law in this instance is that there be some signs of life in the animal at the time of slaughter. However, if one is not sure whether the animal is alive or not at the time of slaughter the meat would then be unlawful.

2.11.3 Decisions of the Egyptian fatwa committee

On the 18th of December 1978, the Egyptian fatwa committee decided regarding permissibility of animal stunning as thus; “If the electro-narcosis (a process of rendering one unconscious through the application of an electric current) of the animal or any other anaesthetic (substance that induces insensitivity to pain) procedure helps in slaughtering of the animal and weakens its resistance during the slaughter. Moreover the animal comes back to normal life before the actual slaughter took place. Then it is allowed to use the electro-narcosis procedure (e.g. stunning) or any other similar type of anaesthetic procedures before the slaughtering. The meat of the animal bleed in that way is lawful”.

Below are the non-permissibility of stunning;

2.11.4 Resolution of the International Islamic Fiqh Academy Jeddah

The academy decision numbered (HFA No.: 95-3/10) on application of stunning pre-slaughter reads; “The true method of Islamic slaughtering is that the animal is slaughtered without being stunned because the Islamic method of slaughtering is the ideal method with its conditions and etiquettes. In the Islamic method of slaughtering, minimum pain is caused to the animal due to mercy and adherence to the guidelines of sharia. It further says; if the animals are slaughtered after stunning then the meat will become halal only if it is assured through technical means that the animal did not die before the slaughter. The academy also says; according to the experts, the electrocution should be given towards the forehead or the sides of the head. The voltage should be between 100 to 400 volts. It is not permissible to cause electric

shocks to the chickens because it has been proven through experience that a large number of chicken die in the process before the actual slaughter.

2.11.5 The Decision of Makkah *Fiqh* Academy on stunning

Fiqh Academy of Makkah a part of the Muslim World league issued a resolution (Resolution of *Fiqh* Academy: 191) and its reads; “Inflicting electric shocks on the animal before slaughtering causes unnecessary pain to the animal which is not allowed in Islam”. If the electric shocks are light and brief which cause less pain to the animal and the purpose of this shock is to reduce the pain of slaughtering for the animal and to reduce the resistance then there is no harm in using this method for slaughtering.

2.11.6 The European Council of Fatwa Research Sarajevo Bosnia Hersek

On the 25th to 26th June 2013 the council issued a resolution; “the fundamental basis of slaughter in Islam is to do the slaughtering without stunning the animal, because this kind of slaughter is the best for the mercy of the animal and for the health of human consumers. For large size animals modern slaughter-houses are requested to improve their means of slaughter to fulfil this fundamental basis. However, under situation where it is difficult to fulfil this fundamental basis it is a condition that when stunning is used it should not lead to death of the animal before its slaughter.

Since the meat of an animal will only become lawful if its slaughter according to Islamic law, hence to uphold the tradition is crucial. High demand of halal meat and its industrialization should not take Muslims away from carrying out the slaughtering tradition according the sharia. Moreover Sharia scholars of halal knowledge based on personal visits to slaughter-houses should evaluate current slaughter-houses practices. Sharia experts should not ignore issues like feeding the Muslim generation with genuine halal meat or poultry and saving them of being cheated by buying non-halal foods. Based on this challenge more awareness should be established on what is really halal and fatwas that’s was previously approved for the conventional slaughtering procedures need to be reviewed.

2.11.7 Fatwa of Darul ifta, Darul uloom Karachi Pakistan

On the 9th of April 2005 (30th of Safar 1426 AH), Mufti Taqiu Usmani issue a fatwa regarding stunned meat thus; If the act of stunning makes the animal weak (compared to its normal and natural condition) and at the time of slaughter the animal is not at its full physical strength, then there is a risk that the procedure of the electrical current will cause a reduction in the amount of blood that is to be drained from it at the time of slaughter compared to what might have been drained in the case of the animal being fully conscious and in full possession of its sense and physical strength, and to undertake such a course of action deliberately is to oppose and dispute the Sharia requirement of slaughter.

The Mufti further says; as for the rulings regarding the meat of animal slaughtered this way, if the animal was definitely alive at the time of slaughter and was slaughtered correctly, it would be considered Halal. However, due to the reasons outline above, and the many types of doubts that arise, it is appropriate for Muslims to avoid such meat as far as possible, because staying away from doubtful things is part of faith.

2.12 OPINION SUPPORTING STUNNING

It was argued by Abdul Samad (2003), that stunning is used to lessen the pain the animal feels at the time of slaughter. He further says that stunning does not kill, and if performed using the correct method, it should not lead to death of animal. The claim is that, stunning is simply to make the animal immobile or unconscious prior the actual slaughtering for the purpose of reducing or removing the pain animal feels at the time of slaughter. It is assumed that the claim generally that animal die from stunning is incorrect. A significant number of Islamic organizations and government around the world recommend stunning for the sake of lessening the pain of the animal during slaughter. Halal food authority of the U.K claimed; "the allegation that many animals die from stunning on many occasions due to stunning, is a complaint with no reliable evidence. Besides, the research that was claimed by Halal monitoring committee of United Kingdom that verified stunning or non-stunning was neither quoted nor referred to. HFA further explain, if stunning were to be unhealthy and really inhumane, government of various countries including even the Muslim countries

would not have recommended the method; the decision was taken after thorough research.

The eminent scholar Al-Qardawi (1985) stated; “though stunning of animal by electric shock, and other ways of captivating the animal, rendering it unconscious using electro-narcosis prior the slaughter might not be Islamic way of slaughtering. But Islam has not stated any condition forbidden stunning in regards to the slaughter of the people of the book (Christians and the Jews) since its practiced mainly by them. Likewise other things in their religion, how then does it make a sense to say that their stunned animal is not halal? Therefore in the light of the rulings in the Quranic verse; “this day all things good and pure made lawful unto you and the food of the people of book is lawful unto you and yours is lawful unto them, lawful unto you in marriage are chaste women who are believers and women among the people of Book” (Al-Quran 5:5), therefore stunned animals such as chickens and canned beef, originating from the people of book are halal for Muslims. As long as it is considered lawful in their religion (Qaradawi, 1985).

However it was argued by Zahraan (2002) that the opinion of Qardawi requires more elaboration. Reason for that is despite Allah permits us the consumption of the food of people of the book, with the condition that it should comply with the Islamic rituals. Numbers of halal slaughter firms and meat exporter nations have expressed their views, that stunning is not forbidden in any text of the Quran. It was argued that stunning does not make any difference between the meat being halal or haram. It was declared that what matters is, if the slaughter-man follows the rules which are required by sharia and avoids the acts that are prohibited in Islam at the time of slaughter.

Furthermore, the animal welfare (An independent advisory body established by the government of Great Britain in 1979 that see to the well-being of animals) believe that stunning is necessary for animal welfare since it only renders the animal insensitive to pain. And that non-stunning causes the animal unnecessary pain because it can take some time for an animal to die after its throat has been cut and it suffers throughout that time if it has not been stunned beforehand. They also claimed that stunning makes the animal easier for slaughter-man to handle, and as a result facilitate efficient and

safer slaughter process. It is also said that stunning is also more efficient as a business process, because since non-stunned animals are not supposed to be moved 20 seconds after slaughter, it means that non-stun abattoirs are limited to a maximum slaughter rate of 180 animals an hour per line.

2.13 EXPERIMENTS ON ANIMAL STUNNING

Stunning in the *halal* slaughter industry has been a major focus of controversy since its introduction, the scientist along with the Islamic scholars and Jurisprudents left no stone unturned clarifying the arguments behind this technology. The Islamic method of slaughtering animals using knife or sharps object as described by the Islamic teachings has frequently been criticized by the animal right activist mostly in the west. And the claim is its painfulness and inhumane method of killing animals.

Based on this argument, the stunning of animals was introduced in Europe by law to stun the animals with electro-narcosis to the head before the slaughter, supposedly to render the animal unconscious and to prevent it from gaining consciousness before it is killed. As well to avoid injury to all concerned and to reduce the feeling of pains before it dies.

However this was proved wrong by the study carried out by Schulze and Hazem at the school of veterinary medicine, Hannover University in Germany 1977. The study attempts to objectify pain and consciousness in conventional captive bolt pistol stunning and ritual Islamic method of slaughtering sheep and carves. The experiments concludes that Islamic slaughtering is the most humane method of slaughter, and that captive bolt stunning, practiced mostly in the west and many of the *halal* slaughter industry today causes severe pain to the animal.

In the study several electrodes were surgically implanted at various points of the skull of all animals, touching the surface of the brain. The animals were allowed to recover for several weeks. Some animals were then slaughtered by making a swift, deep incision with a sharp knife on the neck cutting the jugular veins and the carotid arteries as well as the trachea and esophagus (Islamic method). Other animals were stunned using captive bolt pistol. During experiments the electroencephalograph

(EEG) and electrocardiogram (ECG) recorded the condition of the brain and the heart of all animals during the course of slaughter and stunning.

And the results were as follows;

I. Islamic method

1. The first three seconds from the time of Islamic slaughter as recorded on the EEG did not indicate any change from the graph before slaughter, thus indicating that the animal did not feel any pain during or immediately after the incision.
2. For the following 3seconds, the EEG recorded to condition of deep sleep-unconsciousness. This is due to the large quantity of blood gushing out from the animal body.
3. After the above mentioned 6seconds, the EEG recorded zero level, showing no feeling of pain at all.
4. As the brain message EEG dropped to zero level, the heart was till pounding and the body convulsion vigorously, driving maximum amount of blood from the body, ultimately result in hygienic meat for the consumer.

II. Stunning method by captive bolt pistol

1. The animals were apparently unconscious soon after stunning.
2. EEG showed severe pain immediately after stunning.
3. The heart of animals stunned by captive bolt pistol stopped beating earlier as compared to those of the animals slaughtered according to the Islamic method resulting in the retention of more blood in the meat. This in turn is unhygienic for the consumer.

2.14 HALAL MEAT HISTORY IN MALAYSIA

Malaysia with its diverse culture and multiracial background offer unique challenges and opportunities to import and export meat and it products from and to abroad. The

country with its around 60% Muslims, mostly Malays, Chinese 30% who may be Buddhist, Taoist or Christians and the remaining 10% consisting of large numbers of Indians, Pakistanis, Europeans and others. And this nation of about 28million is considered one of the fastest growing economies in the world Maryam (2005), most especially among the Muslim dominated countries. Hence religious affiliations of the country have an important impact on food consumption as the majority are Muslim.

The rapid growth of halal food industry in Malaysia began sometimes in 1974 (JAKIM, 2003 and Maryam, 2004), when the department of Islamic development of Malaysia widely known as JAKIM introduced the Malaysia halal logo and implemented the halal certification system (Sadek, 1999). JAKIM which supervises halal certification is entrusted with monitoring operations relating to halal production such as handling and packaging and many more.

According to Maryam (2004), a brief chronological review of some of the highlights related to halal meat/food in Malaysia from 1974 to 2002 is mention below;

Table 1.1

1974	Formation of Islamic affairs division (BAHEIS) under the Prime Minister Department as a decision made by the council of Sultans (JAKIM, 2003)
1975	Ministry of Domestic trade and consumer affairs made two orders under the trade description act 1972; expression use of Halal order and marking of food order (KPDN, 1975)
1982	Government of Malaysia made policy that all meat imported into Malaysia must be Halal (JAKIM, 2003)

1994	Malaysia Government introduced voluntary Halal certification and Halal logo of food/meat products. And the responsible agency was BAHEIS. Proposed draft guidelines for use of the term Halal at the 9th session of codex coordinating committee for Asia in Beijing.
1996	Malaysia delegation to the 24th session of the codex committee on food/meat labeling defended the food act standard for use of term Halal at Ottawa, Canada (Othman, 1996)
1998	Development of Halal food act was proposed by KPDN (Berita Harian 1998).
2000	Malaysia is developing and exploiting her potential as an international Halal food hub. Capability for inspection, monitoring, standardization and certification for Malaysia. Halal standard to be strengthened and the standard to be internationally promoted.
2001	A general guideline on the slaughtering of animals and the preparations and handling of Halal meat/food was documented by JAKIM. Halal certifications were issued to companies (JAKIM, 2002). Ministry of Agriculture with cooperation of its Department of Veterinary services developed sites for Halal food processing, especially for meat based products, the areas are located at; 1. Gambang, Pahang 2. Labu , Negeri Sembilan 3. Serkam, Melaka

	4. Pantai Remis, Perak 5. Batang benguntai, Selangor.
2002	JAKIM took over Halal certification from private companies due to complaints about its high charges, and a budget was set up by the Government for re-investment in the production activities. Under budget 2002, the government facilitates the supply of chickens and duck meat for the dwellers of Sabah and Sarawak by given them • pioneer status with 85% tax exemption • investment tax allowance for the period of 5 years Steps were taken to consolidate HACCP, HALAL and ISO 9000 That reduces the cost involved and minimize bureaucracy Standard practices in the processing , preparing and handling of food have been prepared by SIRIM for use by the industries in fulfilling various product certification requirements (Matrade 2002)
2003	JAKIM introduce the Islamic food and consumer Goods Research Division to handle activities related to Halal Certification.

2.15 MALAYSIA STANDARD REGARDING HALAL MEAT

Malaysia Muslims started the importation of general food products in the year 1970s, when the international food firms commenced opening of restaurants in the country (Riaz, 2003). The Muslims mostly Malays, who are the main consumers, has displayed their urge and interest in knowing the authenticity that the cooked foods sold to them in the restaurants and the uncooked meats and chickens at the stores was

indeed halal. This motivated the Malaysian government to enact laws as well as devise procedures and guideline with regards to halal meat and foods in general, locally and from abroad. The passage of the trade description that use of expression 'halal' order of 1975 made it an offense to falsely label food as halal when it's otherwise. And the trade description Act (halal sign marking) of 1975 made it an offense to falsely claim the food to be halal on other signs, logos and markings. Punishments were introduced under both acts for the offenders, and penalties and fines were established.

Consequently over the years, compliance and halal certifications started to take shape. The Malaysian government established a committee on the evaluation of foods, drinks, and goods utilized by Muslims under the Islamic Affairs Division in the Prime Minister's Department in 1982. This committee is mainly responsible for checking and instilling halal awareness amongst food and meat producers, distributors, and importers. Likewise in 1982, the Malaysian government issued regulations making it mandatory for all meat products, be it beef, mutton or poultry imported to Malaysia to be halal certified and such meat to originate only from meat plants approved by the Islamic affairs Division of the Prime Minister's Department and Department of Veterinary Services, Malaysia.

The Islamic Affairs Division was later promoted to the status of department, called the Islamic Affairs Department, separate from the prime Minister's Department. This new entity responsible for monitoring halal matters is called *Jabatan Kemajuan Islam Malaysia* (JAKIM) otherwise known as Department of Islamic Development Malaysia. However another body named Halal Industry Development Corporation (HDC) was established in 2006 under the auspices of JAKIM to coordinates the overall development of halal industry in Malaysia. And also to focus on the development of halal standards, audit and certification, plus capacity building for halal products and services, HDC promotes and facilitates growth of Malaysia companies in the global halal markets, as well offers a wide training in the field.

2.16 HALAL MEAT MANAGEMENT SYSTEM IN MALAYSIA

Many countries do not have well integrated or a national coordinated halal meat control system, especially where functions, activities and consultative of government

agencies are ambiguously defined in the legislation. This could result in bad management and conflicts in the official food control activities and a waste of limited national resources. It may also lead to confusion in the halal meat industry when enforcement procedures lead to unequal consumer protection, discrimination of certain sectors and national trade being jeopardized. Inexistence of the national halal meat slaughtering and the slaughterhouses management system and lack of interagency cooperation will also impact negatively on the local and international trade where the confidence and credibility of halal meat management and control services will be questioned.

Halal meat management must verify that all meat slaughtered, processed, prepared, packed, stored and distributed are in compliant with the legislation, rules, regulations and principles of the halal food as described by the Sharia. Function of the halal meat management is the inspection of slaughterhouses, instigating necessary action for non-compliant with the slaughtering laws, investigating of discourage practices, food borne diseases, outbreaks, handling and advising the halal meat manufacturer. The frequency should be determined by the hazards associated with the specific slaughterhouse and the effectiveness of meat safety management system by the specific halal meat sector. Moreover, more Sharia expert's involvement in the slaughter procedures would strengthen the management and add value to the industry certification system.

2.17 SHARIAH CRITICAL CONTROL POINTS

Critical Control Points is a concept from which Hazard Analysis and Critical Control Points is based on. HACCP is a food safety management system that is recognized worldwide and is recently known as ISO 22000. CCP is a stage or a process that would defines where any intolerable or unacceptable practices may be encountered in the food or meat industry (Al-Mazeedi, 2009). At this point within the meat processing chain that potential unacceptable hazards should be controlled. Muslim food experts have concluded the use of food safety terminologies to serve the human diet, specifically in providing halal meat or food, and for this reason, they have added another category for hazard which has a religious nature that would controls the halal,

haram, filthy (*najs*) and doubtful (*shubha*) of the food/meat production termed 'Halal Critical Control Points or Sharia Critical Control Points' (Halal CCP).

Sharia CCPs are any identified points within the operation, slaughtering, processing, of halal meat that otherwise might lead to a religious unacceptable situation which ultimately leads to condemnation of the halal meat product. If an identified Halal CCP were not observed and controlled within the meat /food chain, it would result in the contamination of the meat/food as it may be non-halal because of its nature or may contain unlawful ingredients. If such situations do exist, halal CCP must be observed and controlled for each slaughtering and processing by both food processing managers. It must be fully supervised by the Halal or Sharia CCP coordinator probably Islamic scholar or the sharia committee to ensure the entire process is done in accordance with the sharia as stated by the Quran and *Sunnah*.

2.18 SUMMARY

The issue of Islamic slaughter is not an ordinary affair like the method used in cooking which is not governed by any law. Instead, it is a matter related to worship which is subjected to the laws mentioned in the Quran and *Sunnah* in other words Sharia. The Islamic method of slaughter is one of the unique features of Islam which distinguishes animal slaughtering of a Muslim from the non-Muslim. It was in this regard, the Prophet (PBUH) said narrated by Amr Bin Abbas "He who performs our *salah* (prayer), faces our kiblah (direction of worship), and eats our slaughtered animals is a Muslim, who deserves the protection of Allah and his messenger" (Hadith.Al-Bukhariyy: Kitab al-salah. Juz 2 #384) The meat of an animal will only become lawful if it is slaughtered correctly in accordance with Islamic law, and for a slaughter to become valid, the sharia rulings must be established.

The understanding that animals slaughtered by the people of the book were only made lawful because they used to follow the regulations of their Holy law while slaughtering. The same way, the women from them were also made lawful for Muslims to marry because of the fact that they used to abide by laws regarding marriage which were similar to that of Islam (Qardawi, 1985). It was because of this

that the animals slaughtered by them were considered to be on the same footing as animals slaughtered by the Muslims and were made lawful.

However (Khan, 1982 & Mazeedi, 2012), argued that stunning of animal before the slaughter creates weakness and contraction in its heart. This ultimately causes less drainage of blood, which in turn leads to less food value with a less taste and stands a big threat for contracting diseases due to the micro-organisms presence in the un-drained blood from the animal. When the intensity of electric shock is low, the animal feels the pain of both the shock and the slaughter. If the intensity is high, then the animal could die prior to the slaughter due to heart failure.

The claim that stunning is more humane should be carefully reviewed according to many scholars and scientist as stated above supported by experimental explanations. It has been noted from study and carefully investigated, that the main objective behind using this method is to be able to slaughter more animals in less time in order to maximize the profit contrary to the animal welfare as claimed. However, it was argued that “if the electro-narcosis of the animal or any other type of anesthetic procedure helps in the slaughter of the animal while weakening its resistance during the bleeding, and if the electro narcosis has no effect on its life i.e. if the animal come back to normal life before bleeding, then it is allowed to use the electro narcosis on any other similar procedure before bleeding. The meat of the animal is lawful for consumption.