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**THE CONCEPT OF *ḤALĀL* AND *ḤARĀM* IN
RELATION TO THE MUSLIM DIET:
A HISTORICAL STUDY OF THE NEED AND
RELEVANCE FOR THE ESTABLISHMENT
OF *ḤALĀL* AUTHORITIES
IN SOUTH AFRICA**

by

Ismail Cassimjee

Reg. No. 200001283

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Supervisor: Professor Abul Fadl Mohsin Ebrahim

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DECLARATION

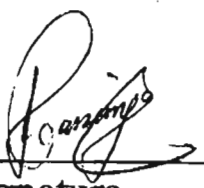
The Registrar
University of KwaZulu-Natal
Westville Campus

Dear Dr. E. Mneney

I, ISMAIL CASSIMJEE (Student Registration no. 200001283)
do hereby declare that my Masters thesis entitled:

***The Concept of Ḥalāl and Ḥarām in relation to the Muslim Diet:
A Historical Study of the Need and Relevance for the
establishment of Ḥalāl Authorities in South Africa***

is the result of my own investigation and research and that it has
not been submitted in part or in full for any other degree or to any
other University.


Signature

05-04-2004.
Date

*Dedicated to my late beloved father,
Ahmed Cassimjee (Gora Bhi)*

and

*to my dear mother Zohra Cassimjee
for her continued love and support*

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INTRODUCTION

Muslims are enjoined by the *Sharī'ah* (Islamic Law) to consume only such food and beverages that fall within the category of what is termed as *Ḥalāl* (permissible). While it is true that advances made in the technological processing of food, medicines and cosmetic applications have greatly benefited the consumer, they have nonetheless created enormous problems for Muslims in that most of the ingredients used in them fall outside the permissible parameters of the *Sharī'ah*. What has compounded the problem even further is that in most cases these ingredients are not listed on packaging of the products and in such instance where they are listed, the Muslim public are totally ignorant of the exact nature of these ingredients. This reality became the *raison d'être* for the establishment of a *Ḥalāl* Authority in countries where Muslims are in minority. The primary role of the *Ḥalāl* Authority is to educate and inform Muslims which types of food, beverages and medicines they could consume and what sorts of cosmetic products ought to be avoided by them.

Sharifudin Mohamed Sharaani of the School of Food Science and Nutrition, University of Malaysia, states:

The international market for *Halāl* food is valued at US Dollars 80.7 billion and is expected to increase every year. Malaysia is one of the most important producers of *halāl* food in the world. The market potential for *halāl* food is very big, both domestically and internationally.¹

Today, there are approximately two billion Muslims in the world and they constitute a sizeable portion of consumers. It is, therefore, in the interest of the producers of food and beverages to appreciate the dietary habits of Muslims and for the pharmaceutical and cosmetic manufacturers to be conscious of what ingredients ought to be avoided so that Muslims could buy their products without any form of hesitation.

¹ Shaarani, Sharifudin Md. "Halal and Haram in Food" in *Halagel Bulletin* – A Quarterly Bulletin by Halagel (M) Sdn. Bhd. Malaysia. January 2002. Vol. 1, Issue 1, p. 3.

Thus, the aim of this research is to educate and inform the reader of what is permissible to be consumed by Muslims and what is not. It is hoped that this research will benefit catering industries, hospitals, educational institutions and to a certain extent those who are involved in community-based projects.

In view of the fact that there is a great potential for the *Ḥalāl* industry, it is important that the concept of *ḥalāl* and *ḥarām* (prohibited) insofar as Muslim diet is concerned be explained. Moreover, since there are four *Ḥalāl* Authorities in South Africa, the writer of this thesis will also trace the history of the establishment of these bodies and attempt to address the pros and cons of the issue of amalgamating these bodies into a unified *Ḥalāl* Authority.

Chapter One

AN OVERVIEW OF LEGISLATION IN ISLAM

Islam is a complete way of life (*al-Dīn*) and has its own unique belief and legal systems. Belief (*al-Īmān*), however, is the driving force behind a Muslim's upholding of the Divine Commandments and Islamic religious rites, including dietary habits.

1.1 THE *SHARĪ'AH* (ISLAMIC LAW)

In every society laws are generally enforced and are regarded to be a necessary social requirement in order to safeguard the norms of a particular group and maintain peace and harmony in society. Likewise, the Islamic society is governed by Divine Laws as M.M Hussaini points out:

(Sharī'ah) is the code of law for the Islamic way of life which *Allāh* has revealed for mankind and commanded people to follow.¹

¹ Hussaini, Mohammad Mazhar. *Islamic Dietary Concepts & Practices*. Bedford Park. The Islamic Food & Nutrition Council of America. 1993, p. 8.

Sharī‘ah literally means the clear path to be followed, but technically it is the Law of *Allāh* (SWT) which regulates Muslim society. In other words, its objective is to show the best way by which humankind can fulfil their spiritual and material needs in the most beneficial manner. Violation of this law is considered to be a sin and a social crime.²

1.2 PRIMARY SOURCES OF ISLAMIC LAW

Muslim beliefs and practices are derived from two primary sources which are recognized to be the primary sources of Islamic Law and they are:

- The *Holy Qur’ān*
- The *Ḥadīth/Sunnah*

² Hanifi, M.A. *A Survey of Muslim Institutions and Culture*. Lahore. Sh. Muhammad Ashraf. 1969, p. 29.

1.2.1 The *Holy Qur'ān*

The *Holy Qur'ān* is the Holy Book of the Muslims. Muslims believe that this Holy Book is the verbatim word of *Allah* (SWT) revealed to the Prophet Muhammad (s.a.w.s.) over a period of 23 years and embodied in it are the Divine Commandments, which encompass all facets of human life. Out of over 6 000 Qur'anic verses only 200 of them deal with laying down the law. Since the *Holy Qur'ān* was revealed piecemeal, it follows that it had direct relevance to the growing needs of the people.

The mandatory verses of the *Holy Qur'ān* (i.e. those dealing with the *aḥkām*) cover all spheres of human activity. For example, it deals with religious rites like *Ṣalāh* (obligatory five times daily prayers), *Ṣawm* (fasting during the holy month of *Ramaḍān*), *Zakāh* (compulsory charity) and the *Hajj* (pilgrimage to Makkah); civil affairs like selling and buying and usury; criminal affairs like murder, adultery, and highway robbery; personal affairs like marriage, divorce, inheritance and dietary habits; and

international affairs like laws of war, relations of Muslims with their enemies, treaties and the war booty.³

1.2.2 The *Ḥadīth/Sunnah*

Ḥadīth/Sunnah is the authentic extra Qur'anic legacy of Prophet Muḥammad (s.a.w.s.). This includes his exemplary lifestyle (*uswah ḥasanah*), authentic sayings (*Ḥadīth*), actions, personal habits, tacit approval and explicit disapproval (*Sunnah*).

Legislation laid down by the *Ḥadīth/Sunnah* complements that of the *Holy Qur'ān*. For example, the *Holy Qur'ān* ordains that the Name of *Allāh* (SWT) be pronounced at the time of slaughtering an animal for consumption, but does not provide the details which pertain to the actual manner of slaughtering of the animal. It is the *Ḥadīth/Sunnah* which intervenes and provides the exact details. Since *Allāh* (SWT) chose to reveal the *Holy Qur'ān* to Prophet Muḥammad (s.a.w.s.), it follows that his authority in expounding upon the Divine Commandments is binding

³ Iqbal, Afzal. *Culture of Islam*. Lahore. Institute of Islamic Culture. 1974, p. 160.

on the Muslim community at large. In essence, therefore, the Prophet (s.a.w.s.) explained, interpreted and demonstrated how the Law ought to be applied.⁴

1.3 ISLAMIC JURISPRUDENCE (*AL-FIQH*)

Islamic Jurisprudence (*al-Fiqh*) is the science which facilitates the application of the *Shari'ah* (Islamic Law). The term *al-Fiqh* literally denotes "intelligence" in view of the fact that it implies the independent exercise of intelligence in deciding a point of law. However, one has to bear in mind that this exercise is always done within the parameters of the broad teachings of the *Holy Qur'an* and *Hadith/Sunnah*, which, as stated above, are the primary sources of Islamic Law.

1.4 SECONDARY SOURCES OF ISLAMIC LAW

The secondary sources of Islamic Law may be described as the tools employed by Muslim jurists in the application of the *Shari'ah* in all such

⁴ *Culture of Islam*, op. cit., p. 163.

cases which are not explicitly addressed in either the *Holy Qur'ān* or *Ḥadīth/Sunnah*. These secondary sources play a vital role in facilitating the application of the *Sharī'ah* Law as a result of the expanding demands in the rapidly changing Muslim society.

Some of the secondary sources of Islamic Law are briefly discussed hereunder:

1.4.1 *Al-Ijtihād* (Exercise of Judgement)

Al-Ijtihād is derived from the root verb *jahada* which means to endeavour, strive, take pains.⁵ As a legal term it signifies exerting one's self in trying to discover the proper application of the teachings of the *Holy Qur'ān* and *Ḥadīth/Sunnah* to a particular situation.⁶ The two branches of *al-Ijtihād* are, namely, *al-Ijmā'* and *al-Qiyās*.

⁵. Wehr, Hans. *A Dictionary of Modern Written Arabic*. Ed. by J.M. Cowan. New York. Spoken Languages Services, Inc. 1976, p. 142.

⁶. A Survey of Muslim Institutions and Culture, op. cit., pp. 37-38.

1.4.2 *Al-Ijmā'* (Consensus of Juristic Opinion)

Al-Ijmā' is derived from the root verb *jama'a* which means to collect or bring together.⁷ Technically, it is defined as agreement of the jurists among the followers of the Prophet Muḥammad (s.a.w.s.) in a particular age on a question of law.⁸ In other words, it signifies consensus of opinion of Muslim jurists in a particular age on a point of law. Muslim jurists come together and deliberate upon an issue which had been unsettled and try to resolve it by agreeing and uniting in opinion.⁹

1.4.3 *Al-Qiyās* (Analogical Deduction)

Al-Qiyās is derived from the root verb *qayasa* which means to measure.¹⁰ As a juridical term, it is defined as a process of deduction by which the law of a text is applied to such cases which, though not covered by the language of the text are covered by the reason of the text on the basis of

⁷ A Dictionary of Modern Written Arabic, op. cit., p. 134.

⁸ Abdur Rahim. *Muhammadan Jurisprudence*. Lahore. Mansoor Book House, n.d., p. 97.

⁹ A Survey of Muslim Institutions and Culture, op. cit., p. 34.

¹⁰ A Dictionary of Modern Written Arabic, op. cit., p. 804.

the ‘*illah* (effective cause).¹¹ For example, the *Holy Qur’ān* prohibits Muslims from consuming *khamr* (intoxicants). When the problems of drugs surfaced, Muslim jurists deliberated on the issue and came to the conclusion that the effective cause of *khamr* and drugs was the same. Both befog the mind and thus they ruled for the prohibition of Muslims to indulge in drugs and drug trafficking.

1.4.4 *Al-Maṣlaḥah* (Public Good)

Al-Maṣlaḥah is derived from the root verb *ṣalaḥa* which means to be good, right or proper.¹² As a legal term it signifies the choice to make certain laws for the collective benefit of society. However, these laws shall not to be in contradiction to the basic principles of the *Holy Qur’ān* and *Ḥadīth/Sunnah*. In other words, such laws ought to be in the common interest of Islam and the Muslims. For example, the imposition of taxes

¹¹ *Muhammadan Jurisprudence*, p. 117.

¹² *A Dictionary of Modern Written Arabic*, op. cit., p. 521.

on the wealthy in order to cope with the increasing administrative expenditure, etc.¹³

1.4.5 *Al-‘Urf* (Customs)

Al-‘Urf is derived from the root verb *‘arafa* which means to know.¹⁴ Hence, *al-‘Urf* literally means that which is well-known or generally recognised. In other words, what is generally accepted by the noble side of human intelligence, what fulfils the demands of justice and fair play, and what is in vogue among, and popularly acted upon by the righteous people in society.¹⁵

1.5 THE *SHARĪ‘AH* (ISLAMIC LAW) VERSUS MAN-MADE LAW

No comparison may be drawn between the *Sharī‘ah* and man-made law as is evident from the following observations:

¹³ Islahi, Amin Ahsan. *Islamic Law - Concept and Codification*. Lahore. Islamic Publications Ltd. Eng. Trans. by S.A. Rauf. 1979, pp. 80-81.

¹⁴ *A Dictionary of Modern Written Arabic*, op. cit., p. 605.

¹⁵ *Islamic Law - Concept and Codification*, op. cit., p. 78.

Firstly, the legal status of man-made law depends entirely upon the court to enforce it. The *Shari'ah*, on the other hand, is the Divine Law and thus it stands as Law irrespective whether a court agrees with it or not, or even whether a government recognises or not.

Secondly, man-made law does not enjoy any form of sanctity. The *Shari'ah*, on the other hand, being a Divine Revelation, is regarded by Muslims to be sacred. Those who implement and uphold it will receive their reward in Paradise and those who revolt against it and wilfully violate it will be punished in Hell. Every Muslim is conscious of the fact that the Author of this Law knows the innermost recesses of his/her heart, and hence the willingness on his or her part to endeavour to uphold it at all times.

Finally, the actual role of man-made law is primarily to prevent aggression and tyranny of man against man. The *Shari'ah*, on the other hand, does not merely embody the civil and criminal code, but also embraces a code for the purification of the self through the laws which

deal with the forms of worship and the ethical commandments which pertain to moral upliftment and spiritual elevation of the self.¹⁶

¹⁶ *Islamic Law - Concept and Codification*, op. cit., pp. 7-9.

Chapter Two

THE IMPLICATIONS OF *ḤALĀL* AND *ḤARĀM* *VIS-À-VIS* THE MUSLIM DIET

Diet is the food and drink that a person takes regularly day after day. The daily intake of food and drinks are our bodies' most basic needs. We cannot live without them. Food gives us the energy for everything we do: walking, talking, working, playing, reading, and even thinking and breathing. Food also provides the energy our nerves, muscles, heart, and glands need to work. In addition, food supplies the nourishing substances our bodies require to build and repair tissues and to regulate body organs and systems.

2.1 SOURCES OF FOOD

The food that people and other animals eat comes chiefly from plants or from animals that eat plants. The flesh of fish and poultry is also considered meat. Although most of the food we eat comes from plants or animals, the variety of foods is remarkable. Plants provide such basic foods as grains, fruits, and vegetables. Animals provide meat, eggs, and milk. These basic foods may require little or no preparation before they

are eaten. Or they may be greatly changed by processing. For example, milk may be made into such foods as butter, cheese, ice cream, and yoghurts.

The chief foods that people eat differ widely throughout the world. What people eat depends chiefly on where they live and on how much money they have. It also depends on their customs, health, life style, and religious beliefs.

Many religions have rules that deal with food. Some religions do not permit their members to eat certain foods. Hindus do not eat beef because cattle are considered sacred. Some groups of Hindus are forbidden to eat any meat. Orthodox Jews do not eat pork, shellfish, and certain other foods.

Muslims believe that sovereignty belongs to *Allāh* (SWT) and from this

belief emanates the fact that it is within His (SWT) prerogative alone to declare what is *Ḥalāl* (lawful) for them to consume and what is *Ḥarām* (prohibited or unlawful) for them to partake of.

2.2 ḤALĀL (LAWFUL) FOOD

The food that is termed as *Ḥalāl* for Muslims to consume are dependent upon the fulfilment of certain conditions. These conditions are briefly discussed hereunder:

2.2.1 Wholesome and Pure

All food and drinks which are wholesome and pure are permissible for Muslims to partake of as stated in the *Holy Qur'ān*:

O you who believe! Eat of the wholesome and pure (ṭayyibāt) that We have provided for you, and be thankful to Allāh if it is He alone whom you worship. (Al-Baqarah, 2:172)

2.2.2 Pronouncing the Name of *Allāh* (SWT)

Meat is designated as lawful when the name of *Allāh* (SWT) is mentioned at the time of slaughtering the animal. This is evident from the following Qur'anic text:

Then eat of that over which the name of Allāh has been mentioned, if you believe in His signs. (Al-An'ām, 6: 118)

The invocation at the time of slaughtering the animal is:¹

In the Name of *Allāh* - *Allāh* is the Greatest:

بِسْمِ اللَّهِ، اللَّهُ أَكْبَرُ

¹ Jād al-Ḥaqq, Jād al-Ḥaqq 'Alī. *Buḥūth wa Fatawa Islāmiyah fī Qaḍāya Mu'aṣirah*. Cairo. Al-Azhar al-Sharīf. 1995. Vol. 4, p. 233.

Dr *Shaykh* Yūsuf al-Qaradāwī explains the wisdom of pronouncing the Name of *Allāh* (SWT) at the time of slaughtering the animal in the following manner:

These animals, like human beings, are creatures of *Allāh*, and like them they have life. How can a man take control of them and deprive them of life unless he first obtains permission from his, and their, common Creator, to Whom everything belongs? Mentioning the name of *Allāh* while slaughtering the animal is a declaration of this divine permission....."²

2.2.3 The Islamic Manner of Slaughtering

The animal must be slaughtered in a prescribed manner for its flesh to be considered lawful. The Prophet Muḥammad (s.a.w.s.) taught Muslims

² Al-Qaradawi, Yusuf. *The Lawful and the Prohibited in Islam (Al-Halal Wal Haram Fil Islam)*. Trans. by Kamal El-Helbawy, M. Moinuddin Siddiqui and Syed Shukry. Indianapolis. American Trust Publications, n.d., p. 58.

how the Islamic manner of slaughtering ought to be carried out.³ He states:

Allāh has ordained kindness (or excellence) in everything.

If killing is to be done, do it in the best of manner, and when you slaughter, do it in the best manner by sharpening the knife and putting the animal at ease.⁴

2.3 ḤALĀL (LAWFUL) DRINKS

The *Holy Qur'ān* makes reference to at least two types of wholesome drinks. It states:

And your Lord taught the bee to built its cells in hills, on trees, and in man's habitations; then to eat of all the produce (of the earth), and follow the ways of your Lord made smooth: there issues from their bodies a drink of

³ It is to be noted that the question of slaughtering fish and other sea creatures as well as locusts do not arise. In other words, they are lawful without their having to be slaughtered according to Islamic rites.

⁴ *The Lawful and the Prohibited in Islam (Al-Ḥalāl Wal Ḥarām Fil Islām)*, op. cit., p. 39.

varying colours, wherein is healing for men: Verily in this is a sign for those who give thought. (Al-Nahl, 16:69)

Commenting on the above verse, ‘Allāmah ‘Abd Allāh Yūsuf ‘Alī remarks:

The bee assimilates the juice of various kinds of flowers and fruit, and forms within its body the honey which it stores in its cells of wax. The different kinds of food from which it makes its honey give different colours to the honey, e.g., it is dark-brown, light-brown, yellow, white and so on. The taste and flavour also varies, as in the case of heather honey, the honey formed from scented flowers, and so on. As food it is sweet and wholesome, and it is used in medicine.⁵

In another verse, the *Holy Qur’ān* states:

⁵ Ali, A. Yusuf. *The Holy Qur’an - Text, Translation and Commentary*. Lahore. Sh. Muhammad Ashraf. 1973. Vol. I, p. 674, footnote no. 2098.

Verily in cattle (too) will you find an instructive sign.
From what is within their bodies between excretion and
blood, We produce, for your drink, milk, pure and
agreeable to those who drink it. (*Al-Nahl*: 16:66)

There is no doubt that milk is the most nourishing of all foods and a favourite drink of people throughout the world. Milk has almost all the nutrients (nourishing substances) that people need for growth and good health. In addition, milk has most of these nutrients in large amounts and in such proportions that they can work as a team to help keep the body strong and healthy. Milk contains Vitamin A.⁶

It is important to note here that Islam does not prohibit the consumption of drinks produced from any vegetable, for example, barley or from fruits like grapes and dates as long as they remain in their unfermented state.⁷ The *Holy Qur'ān* alludes to the production of intoxicants from fruits like date and grapes in the following verse:

⁶ "Milk" in *The World Book Multimedia Encyclopedia*. Chicago. World Book Inc. 1996.

⁷ See Hasan, Ahmad. *Sunan Abu Dawud – English Translation and Explanatory Notes*. Lahore. Sh. Muhammad Ashraf. 1984. Footnote 3151, p. 1050.

And from the fruit of the date-palm and the vine, you get out strong drink, and wholesome food: behold in this is also a sign for those who are wise. (Al-Naḥl, 16:67)

Commenting on the above verse, ‘Allāmah ‘Abd Allāh Yūsuf ‘Alī remarks:

There are wholesome food and drinks that can be got out of the date palm and the vine: e.g., non-alcoholic drinks from the date and the grape, vinegar, date-sugar, grape-sugar, and dates and grapes themselves for eating. If *sakar* is taken in the sense of fermented wine, it would refer to the time before intoxicants were prohibited, for this is a Makkan *Sūrah* (Chapter) and the prohibition came in Madīnah. In such a case, it would imply a subtle disapproval of the use of intoxicants and mark the first of

a series of steps that in time culminated in total prohibition.⁸

2.4 **HARĀM (UNLAWFUL) FOOD**

The *Holy Qur'ān* categorically spells out the meat which is unlawful for Muslims to consume in the following verse:

Forbidden to you are the flesh of dead animals and blood and the flesh of swine, and that which has been dedicated to any other than Allāh, and that which has been killed by strangling, or by a violent blow, or by headlong fall, or by being gored to death; that which has been (partly) eaten by a wild animal except that which you make lawful by slaughtering (before its death), and that which has been sacrificed on stone altars (Al-Mā'idah, 5:3)

⁸ *The Holy Qur'an - Text, Translation and Commentary*, op. cit., Vol. I, p. 673, footnote no. 2096.

From what has been stated above, we may list what is forbidden for Muslims to consume as follows:

1. that which dies of itself;
2. flowing blood;
3. the flesh of swine or pork;
4. that which has been sacrificed under the invocation of any other name than that of *Allāh*;
5. that which has been strangled;
6. that which has been killed by a blow;
7. that which has been killed by a fall;
8. that which has been killed by goring;
9. that which has been eaten by beasts of prey; i.e. game, unless it is slaughtered, as required while still alive; and
10. that which has been sacrificed to idols.

Let us now briefly discuss the above prohibitions:⁹

2.4.1 That which dies of itself

This pertains to the prohibition of consuming the flesh of such animals which die as a result of natural death. Since their cause of death may be not be known, their flesh could turn out to be injurious to our health.

2.4.2 Flowing blood

Muslims are not allowed to drink blood in its liquid form. This restriction does not apply to the liver. The drinking of human blood may be harmful to our health, hence its prohibition.

2.4.3 The flesh of swine or pork

The *Holy Qur'ān* is not the only Scripture which forbids the eating of the

⁹ For a more detailed discuss see *The Lawful and the Prohibited in Islam (Al-Halal Wal Haram Fil Islam)*, op. cit., pp. 42-69.

flesh of swine, the *Bible* too censures it:

And the pig, though it has a split hoof completely divided, does not chew the cud; it is unclean for you. You must not eat their meat or touch their carcasses; they are unclean for you. (*Leviticus*, 11:7-8)¹⁰

The invention of the microscope gave us an insight to the divine wisdom in prohibiting us from eating the flesh of swine. The microscope revealed that the flesh of swine is infested with trichina worms which when taken into the human body, multiply and begin to work their way through the entire system, even into the brain and heart. This gives rise to the disease known as trichinosis of which no cure is found. It is also to be noted that is a scavenger and eats up filth and abominations. Furthermore, when examining the swine's anatomy, we find that, it has only one poorly constructed stomach arrangement, and very limited excretory organs.

¹⁰ *Holy Bible - New International Version*. U.S.A, New York International Bible Society, n.d., p. 115.

Hence, it is not only ceremonially unclean, but hygienically and physiologically as well.¹¹

2.4.4 That which has been dedicated to anyone other than *Allāh* (SWT)

The Islamic manner of slaughtering enjoins that the Name of *Allāh* be pronounced at the time of slaughtering the animal and thus if the name other than that of *Allāh* (SWT) is invoked, the flesh of that animal is prohibited to Muslims. Muslims believe in *Tawḥīd* which is the belief that *Allāh* (SWT) is the Sole Creator and Sustainer of the entire universe and that He has no partners). To mention the name of other than *Allāh* would be tantamount to committing the sin which is termed as *shirk* (ascribing partners to *Allāh* (SWT) and thus the flesh of that animal becomes *ifso facto* unlawful.

¹¹ Vories, C. Leonard. *The Hog Should It Be Used For Food?* Washington. Color Press. 1960, pp. 12 - 16.

2.4.5 That which has been strangled, killed by a blow, a fall, by goring and that which has been eaten by beasts of prey

All these animals, their lives of which came to an end as described above, are forbidden to Muslims. The only exception is if they are found to be alive after having been beaten or gored or their parts eaten off, then Muslim slaughter them according to the Islamic manner of slaughtering and only then would their flesh be lawful.

2.4.6 That which has been sacrificed to idols

Here a distinction ought to be made with number 2.3.4 above. Mentioning the name of other *Allāh* (SWT) at the time of slaughtering the animal implies that such slaughter was carried out without the presence of any idol. What actually took place in the pre-Islamic era was the fact that immolation was done in front the stone altars of the different idols. Although the names of any these idols were not mentioned the

mere fact that such sacrifice were done in the presence of these idols, the flesh of these sacrifice animals were deemed unlawful.

2.5 *ḤARĀM* (UNLAWFUL) DRINKS

The *Holy Qur'ān* prohibits Muslims from partaking of all forms of intoxicant, i.e. alcohol and drugs included, which is termed as *khamr* in the following verse:

Oh you who believe! Intoxicants and gambling, and (erecting) stone (for worship), and (taking decisions by) arrows (or using them in games of chance) are an abomination of the handiwork of Satan. Eschew such (abomination) that you may prosper.

Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the

remembrance of Allāh, and from prayer. Will you not, then, abstain? (Al-Mā'idah, 5: 93-94)

The Prophet Muḥammad (s.a.w.s.) said:

If a large amount of anything causes intoxication, a small amount of it is prohibited.¹²

Allāh has cursed wine, its drinker, its server, its seller, its buyer, its presser, the one for whom it is pressed, the one who transports (or serves) it, and the one for whom it is transported (or served).¹³

Hammudah Abdalati explains the wisdom in forbidding to indulge in what *Allāh* (SWT) has decreed as *ḥarām*:

¹² Al-Tirmidhī, 'Isā Ibn Muḥammad. *Sunan al-Tirmidhī*. Madīnat al-Munawwarah. Maktabat al-Salafiyyah. 1974. Vol. 3, p. 194.

¹³ Al-Sijistānī, Abū Dāwūd Sulaymān Ibn al-Ash 'ath. *Sunan Abī Dāwūd*. Beirut. Dār Iḥyā' al-Sunan al-Nabawiyah. Kitāb al-Ashribah. Vol. 3. Ḥadīth no. 3674, p. 327.

When God prohibits certain things, it is not because He wants to deprive man of anything good or useful. It is because He means to protect man and allow him to develop a good sense of discrimination, a refined taste for the better things in life, and a continued interest in higher moral values. To achieve this, a good care must be taken of man's spirit and mind, soul and body, conscience and sentiments, health and wealth, physique and morale. Prohibition, therefore, is deprivation but enrichment, not suppression but discipline, not limitation but expansion.¹⁴

2.6 NUTRIENTS AND THEIR STATUS FOR MUSLIM CONSUMPTION

The human body requires more than 50 nutrients, including water, on a daily basis for optimum health and since all nutrients are not necessarily vegetable-based, it is thus important for Muslims to acquaint themselves with the sources of the nutrients. This will enable them to differentiate

¹⁴ Abdalati, Hammudah. *Islam in Focus*. Indianapolis. American Trust Publications. 1977, p. 42.

between *ḥalāl* and *ḥarām* sources of the nutrients so that they may be in a position to avoid that which are from *ḥarām* sources.

2.7 KINDS OF NUTRIENTS

The foods we eat contain thousands of different chemicals. However, only a few dozen of these chemicals are absolutely essential to keep us healthy. These few dozen are the nutrients - the substances we must obtain from the foods we consume.

Nutritionists classify nutrients into six main groups: (1) water, (2) carbohydrates, (3) fats, (4) proteins, (5) minerals, and (6) vitamins. The first four groups are called macronutrients, because the body needs them in large (or macro) amounts. The last two are required in only small quantities and so are known as micronutrients.¹⁵

¹⁵ "Nutrition" in *The World Book Multimedia Encyclopedia*. Chicago. World Book Inc. 1996. CD-om.

2.8 FUNCTIONS OF NUTRIENTS

In this section the functions of nutrients are summarized.

2.8.1 Water

Water is required in great amounts because the body consists largely of water, between 50 and 75 percent of a person's body weight is made up of water. It must be emphasized here that water is, perhaps, the most critical nutrient. We can live without other nutrients for several weeks, but we can go without water for only about one week. The body needs water to carry out all of its life processes. Watery solutions help dissolve other nutrients and carry them to all the tissues. The chemical reactions that turn food into energy or tissue-building materials can take place only in a watery solution. The body also needs water to carry away waste products and to cool itself.¹⁶

¹⁶ *The World Book Multimedia Encyclopedia*, op. cit.

2.8.2 Carbohydrates

Carbohydrates include all sugars and starches. They serve as the main source of energy for living things. They also form part of certain body substances, promote the growth of beneficial bacteria, and provide fibre for the proper functioning of the gastrointestinal tract.¹⁷

2.8.3 Fats

Fat is the body's most concentrated source of energy. Deposits of fat beneath the skin help to insulate the body, protecting it from excessive heat or cold. Fat rounds out the figure and pads joints and other parts of the body, such as the soles, palms, and buttocks, protecting them from outside pressure. Fat protects the vital organs, such as the heart and kidneys, by holding them in position and protecting them from physical trauma. Fats also add flavour to meals and serve as carriers of vitamins A, D, E and K.¹⁸

¹⁷ Ecchleman, Marian Maltese. *Introductory Nutrition Therapy*. Philadelphia. J.B. Lippincott Company. 1984, p.120.

¹⁸ Ibid, p. 91.

2.8.4 Proteins

Proteins provide energy. Muscle, skin, cartilage, and hair, for example, are made up largely of proteins. In addition, every cell contains proteins called enzymes, which speed up chemical reactions. Cells could not function without these enzymes. Proteins also serve as hormones (chemical messengers) and as antibodies (disease-fighting chemicals).

It ought to be noted here that proteins are large, complex molecules made up of smaller units called amino acids. The body must have a sufficient supply of 20 amino acids. It can manufacture 11 of them in sufficient amounts. Nine others, called essential amino acids, either cannot be made by the body or cannot be manufactured in sufficient amounts. They must come from the diet.¹⁹

¹⁹. *The World Book Multimedia Encyclopedia*, op. cit.

2.8.5 Minerals

Minerals are needed for the growth and maintenance of body structures. They are also needed to maintain the composition of the digestive juices and the fluids that are found in and around the cells. People need only small amounts of minerals each day.

Unlike vitamins, carbohydrates, fats, and proteins, minerals are inorganic compounds. This means that they are not created by living things. The required minerals include calcium, chlorine, magnesium, phosphorus, potassium, sodium, and sulfur. Calcium, magnesium, and phosphorus are essential parts of the bones and teeth. In addition, calcium is necessary for blood clotting.

Still other minerals are needed only in extremely tiny amounts. These minerals, called trace elements, include chromium, copper, fluorine, iodine, iron, manganese, molybdenum, selenium, and zinc. Iron is an important part of hemoglobin, the oxygen-carrying molecule in red blood

cells. Copper helps the body to make use of iron to build hemoglobin. Manganese and zinc are required for the normal action of various protein enzymes.

2.8.6 Vitamins

Vitamins are essential for good health. Small amounts of these compounds should be supplied daily in the diet. Vitamins regulate chemical reactions by which the body converts food into energy and tissues.

There are 13 vitamins: vitamin A; the vitamin B complex, which is a group of 8 vitamins; and vitamins C, D, E, and K. Scientists divide vitamins into two general groups, fat-soluble vitamins and water-soluble vitamins. The fat-soluble vitamins, i.e., vitamins A, D, E, and K dissolve in fats. The vitamins of the B complex and vitamin C dissolve in water.

Vitamin A is necessary for healthy skin and development of the bones. Vitamin B-1, also called thiamine, is necessary for changing starches and sugars into energy. Vitamin B-2, or riboflavin, is essential for complicated chemical reactions that take place during the body's use of food. Vitamin B-6 (also called pyridoxine), pantothenic acid, and biotin all play a role in chemical reactions in the body. Vitamin B-12 and Folic Acid (also called folate or folacin) are both needed for forming red blood cells and for a healthy nervous system. Niacin is also part of the B complex. Cells need niacin in order to release energy from carbohydrates. Vitamin C, or ascorbic acid, is needed for the maintenance of the ligaments, tendons, and other supportive tissue. Vitamin D is necessary for the body's use of calcium. Vitamin E, or tocopherol, helps maintain cell membranes. Vitamin K is necessary for proper clotting of the blood.²⁰

²⁰ *The World Book Multimedia Encyclopedia*, op. cit.

2.9 SOURCES OF NUTRIENTS

2.9.1 Water

Adults should consume about 2 1/2 quarts (2.4 liters) of water a day. Water is taken the form of water as such; beverages, such as coffee, tea, fruit juices, and milk; and soups.²¹

2.9.2 Carbohydrates

Most food contains carbohydrates. The main sugar in food is sucrose, ordinary white or brown sugar. Another important sugar, lactose, is found in milk. Fructose, an extremely sweet sugar, comes from most fruits and many vegetables. Foods containing starches include beans, breads, cereals, corn, pasta (macaroni, spaghetti, and similar foods made of flour), peas, and potatoes.²²

²¹. *Introductory Nutrition Therapy*, p.76.

²². *The World Book Multimedia Encyclopedia*, op. cit.

2.9.3 Fats

Fats and oils (liquid fats) are sometimes referred to as *visible* and *invisible*. Visible fats are those that can easily be identified like butter, cream, oil, margarine, bacon, and the fat that can be seen in some cuts of meat. Invisible fat is that which is "hidden" like the fat in whole milk, egg yolk, dark meat of fish and poultry, pastries, nuts and olives, and fat intermingled with lean meat.²³

2.9.4 Proteins

The best sources of proteins are cheese, eggs, fish, lean meat, and milk. The proteins in these foods are called complete proteins because they contain adequate amounts of all the essential amino acids. Cereal grains, legumes (plants of the pea family), nuts, and vegetables also supply proteins. These proteins are called incomplete proteins because they lack adequate amounts of one or more of the essential amino acids. However,

²³. *Introductory Nutrition Therapy*, p. 92.

a combination of two incomplete proteins can provide a complete amino acid mixture. For example, beans and rice are both incomplete proteins, but when they are eaten together they provide the correct balance of amino acids.²⁴

2.9.5 Minerals

Plants obtain minerals from the water or soil, and animals get minerals by eating plants or plant-eating animals. Unlike other nutrients, minerals are not broken down within the body. Milk and milk products are the richest sources of calcium. Cereals and meats provide phosphorus. Whole-grain cereals, nuts, legumes, and green, leafy vegetables are good sources of magnesium. Green leafy vegetables, whole-grain breads and cereals, seafood, liver, and kidney are good sources of most of the trace elements.²⁵

²⁴ *The World Book Multimedia Encyclopedia*, op. cit.

²⁵ *Ibid.*

2.9.6 Vitamins

The sources of the various vitamins are listed below:

- Vitamin A is found in liver, green and yellow vegetables, and milk.
- Vitamin B-1 is found in meat and whole-grain cereals.
- Vitamin B-2 is found in Milk, cheese, fish, liver, and green vegetables supply vitamin B-2.
- Vitamin B-6 is found in small amounts in many foods.
- Vitamin B-12 and Folic Acid. Vitamin B-12 is found in animal products, especially liver. Folic acid is present in green leafy vegetables.
- Niacin is present in liver, yeast, lean meat, fish, nuts, and legumes.
- Vitamin C is found in fruits and in potatoes.
- Vitamin D is present in fish-liver oil and vitamin D-fortified milk. It is also formed when the skin is exposed to sunlight.
- Vitamin E is present in vegetable oils and whole-grain cereals. It is also found in small amounts in most meats, fruits, and vegetables.

- Vitamin K is present in green leafy vegetable. It is also manufactured by bacteria in the intestine.²⁶

2.10 DETERMINING THE STATUS OF NUTRIENTS

In this section an attempt is made to determine what types of nutrients are *ḥalāl* and which ones are *ḥarām* and that would obviously depend upon their sources.

2.10.1 Water

Insofar as the water which we consume is concerned, the *Holy Qur'ān* states:

*See you the water you drink? Do you bring down (in rain)
from the cloud or do We? (Al-Wāqī'ah, 56: 68-69)*

²⁶ Ibid.

Water which we consume is *ḥalāl*, but all forms of contaminated or unpurified water which is injurious to our life and health must be avoided. All other liquids that we consume in the form of tea, coffee, cool drinks, etc. are also *ḥalāl*, but all forms of intoxicants, as discussed in the previous chapter, are *ḥarām*.

2.10.2 Carbohydrates

These are the starches and sugar the body requires. The flora kingdom is the main source of this nutrient. Animal sources of carbohydrates are limited. This comes in the form of fructose (the sugar in honey) and lactose (the milk sugar). The underlying factor is that if the derivative is from a *ḥalāl* source, then such a nutrient will be permissible for a Muslim to consume. The following table clarifies the status of the various carbohydrates:²⁷

²⁷ For an exhaustive list see *Islamic Dietary Concepts & Practices*, op. cit., pp. 149-150.

CARBOHYDRATES	SOURCES	STATUS FOR MUSLIM CONSUMPTION
Glucose(dextrose)	Fruit and vegetable	<i>Ḥalāl</i> - derived from plant origin
Fructose(Levulose)	Fruit, Honey	<i>Ḥalāl</i> - derived from plant origin
Galactose(Milk sugar)	Milk	<i>Ḥalāl</i> - when extracted from permissible animals
Sorbitol	Fruit and vegetable	<i>Ḥalāl</i> - derived from plant origin
Mannose	Pineapple,Olives.gums. carrots	<i>Ḥalāl</i>
Sucrose	Cane or beet sugar	<i>Ḥalāl</i> - derived from plant origin
Lactose	Sugar in milk	<i>Ḥalāl</i> - from permissible animal
Maltose	Malt sugar	<i>Ḥalāl</i> - derived from plant origin
Starch	Cereal, legumes, potatoes	<i>Ḥalāl</i> - derived from plant origin
Glycogen(animal starch)	Liver, muscle tissue	<i>Ḥalāl</i> - when obtained from Animal slaughtered according to Islamic rights
Dextrin	Toasted bread	<i>Ḥalāl</i> - derived from plant origin
Cellulose	Stems,leaves of vegetables, seed and grain coverings, etc.	<i>Ḥalāl</i> - derived from plant origin
Hemicellulose	Pectin in fruits,woody fibres and leaves	<i>Ḥalāl</i> - derived from plant origin
Insulin	Tubers, roots, onions, garlic, etc.	<i>Ḥalāl</i> - derived from plant origin

2.10.3 Fats

This nutrient is essential in our lives and humans have always used it. They are quite greasy when touched and insoluble in water. The following table clarifies the status of the various fats:²⁸

FATS(LIPIDS)	SOURCES	STATUS FOR MUSLIM CONSUMPTION
Neutral fats	Monoglycerade, diglyceride, triglyceride	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Waxes	Cholesterol, esters, Vitamin A and D esters	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Phospholipids	Lecithin, cephalins, lipositols	<i>Halāl</i> - from plant and egg sources. When the source is animal and should be <i>halāl</i> and slaughtered according to Islamic rites
Glycolipids	Cerebrosides, gangliosides	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Saturated fatty acids	Animal fat	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Unsaturated fatty acids	Vegetable oils	<i>Halāl</i> - from plant source
Glycerol	Glycerine	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Steroids	Sterols such as cholesterol, ergosterol	<i>Halāl</i> -only when extracted From animals slaughtered according to Islamic rites

²⁸ See *Islamic Dietary Concepts & Practices*, op. cit, p. 153.

2.10.4 Proteins

The source for complete proteins is animals, like meat, poultry and eggs.

Plants like grain and legumes also contain protein. Dry beans, for example, are the richest dietary source of soluble fibre and are known to assist in lowering blood cholesterol and to stabilize blood glucose levels.

Since most of the proteins are from animal sources, Muslims have to exercise caution. The following table clarifies the status of the various proteins:²⁹

PROTEINS	SOURCES	STATUS FOR MUSLIM CONSUMPTION
Albumin	Milk lactalbumin	<i>Halāl</i> - only from permissible animals
Globulin	Ovoglobulin in egg	<i>Halāl</i> - from eggs of <i>halāl</i> birds
Glutelin	Gluten in wheat	<i>Halāl</i> - from plant source
Prolamines	Zein in corn, gliadin in wheat	<i>Halāl</i> - from plant source
Albuminoids	Collagen, gelatin, Keratin	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Nucleoproteins	Purines in glandular tissue	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Glycoproteins	Mucin in secretions from mucous membranes	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites

²⁹ For an exhaustive list see *Islamic Dietary Concepts & Practices*, op. cit, pp. 151-152.

Phosphoproteins	Casein found in milk	<i>Halāl</i> - from permissible animals
Lipoproteins	Cholesterol	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites
Metalloproteins	Heme of haemoglobin	Questionable

2.10.5 Minerals

These nutrients are active participants in the overall metabolic process.

The following table clarifies the status of the various minerals:³⁰

MINERALS	SOURCES	STATUS FOR MUSLIM CONSUMPTION
Calcium (Ca)	Animal : Milk, cheese Plant: Green vegetables, legumes, nuts	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites <i>Halāl</i>
Phosphorus (P)	Animals: Meats, milk, poultry, fish, egg yolk Plant: Legumes, cereals, nuts	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites <i>Halāl</i>
Potassium (K)	Animal: Meat Plant: Whole grains, legumes, fruits, vegetables	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites <i>Halāl</i>
Magnesium (Mg)	Animal: Milk, Meat Plants: Whole grains, nuts, legumes	<i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites <i>Halāl</i>

³⁰. See *Islamic Dietary Concepts & Practices*, op. cit, pp. 151-152.

Sodium (Na)	<p>Animals: Meat, milk, seafood</p> <p>Mineral: Table salt</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>
Sulphur	<p>Animal: Meat, egg, milk</p> <p>Plant: Legumes, nuts</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>
Chlorine (Cl)	Mineral: Table salt	<i>Halāl</i>
Iron (Fe)	<p>Animal: Liver, meat, egg yolk</p> <p>Plant: Dark green vegetables, whole grains, legumes, dried fruits</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>
Copper (Cu)	<p>Animal: Liver, meat, seafood</p> <p>Plant: Legume, nuts</p>	<p><i>Halāl</i> - from <i>halāl</i> animals</p> <p><i>Halāl</i></p>
Iodine (I)	<p>Animal: Seafood</p> <p>Plant : Seaweed</p> <p>Mineral: Iodized table salt.</p>	<p><i>Halāl</i></p> <p><i>Halāl</i></p> <p><i>Halāl</i></p>
Manganese (Mn)	Plant: Cereals, legumes, Soya beans, tea	<i>Halāl</i>
Cobalt (Co)	Preformed Vitamin B ₁₂	<i>Halāl</i> when from plant
Zinc (Zn)	<p>Animal: Liver</p> <p>Seafood</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>
Molybdenum	<p>Animal: Organ meat</p> <p>Plant: Leafy vegetables</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>
Fluorine (F)	<p>Animal: Fishbone</p> <p>Other: Water , tea</p>	<p><i>Halāl</i></p> <p><i>Halāl</i></p>
Selenium (Se)	<p>Animal: Kidney, liver</p> <p>Seafood</p>	<p><i>Halāl</i> - only when extracted from animals slaughtered according to Islamic rites</p> <p><i>Halāl</i></p>

2.10.5 Vitamins

Vitamins cannot be manufactured by the body and hence must be supplied by food. These vitamins are essential to life, growth, reproduction, good health, and resistance to infection. The following table clarifies the status of the various vitamins:³¹

VITAMIN	SOURCES	STATUS FOR MUSLIM CONSUMPTION
Vitamin C (L-ascorbic acid)	Plant: Oranges and other citrus fruits, green and red pepper, spinach, broccoli.	<i>Halal</i> - from plant and synthetic sources
Vitamin B ₁ (Thiamine)	Animal: Organ meat Plants: Whole grains, enriched cereal products, nuts, legumes	<i>Halal</i> - only when extracted from animals slaughtered according to Islamic rites <i>Halal</i> from plant and synthetic sources
Vitamin B ₂ (Riboflavin)	Animal :Liver, poultry, meat, Fish	<i>Halal</i> - above condition applies <i>Halal</i>
Vitamin B ₃ (Niacin)	Animal : Liver, poultry, meat, fish Plant: Whole grains, legumes, beans, peas	<i>Halal</i> - above condition applies <i>Halal</i>
Vitamin B ₆ (Pyridoxine)	Animal : Organ , meat , fish, eggs Plant: Whole wheat .walnuts. unmilled rice.	<i>Halal</i> - above condition applies <i>Halal</i> - from plant and synthetic sources

³¹. For an exhaustive list see *Islamic Dietary Concepts & Practices*, op. cit., pp. 156-159.

Pantothenic acid	Animal: Organ, meat, eggs, salmon	<i>Ḥalāl</i> - above condition applies
	Plant: Legumes, potatoes, corn peanuts	<i>Ḥalāl</i> from plant and synthetic sources
Vitamin B ₁₂	Animal: Organ meats	<i>Ḥalāl</i> - above condition apply
	Plant: Leafy vegetables, legumes	<i>Ḥalāl</i> from plant and synthetic sources
Biotin	Animal : Organ meat, egg yolk	<i>Ḥalāl</i> - above condition applies
Vitamin A (Retinol)	Animal: Liver, egg yolk, whole milk	<i>Ḥalāl</i> - above condition applies
Vitamin D (Calciferol)	Animal: Fish, fortified cow's Milk	<i>Ḥalāl</i> - above condition applies
	Plant: Vegetable oils, wheat germ, legumes	<i>Ḥalāl</i> from plant and synthetic sources
Vitamin E (Tocopherol)	Animal: Liver, egg yolk	<i>Ḥalāl</i> - above condition applies
	Plant: Vegetable oils, wheat germ, legumes	<i>Ḥalāl</i> - from plants and synthetic sources
Vitamin K	Animal : Liver	<i>Ḥalāl</i> - above condition applies
	Plant : Green leafy vegetables.	<i>Ḥalāl</i> - from plants and synthetic sources

2.11 THE ISSUE OF GELATIN

It is pertinent here to define gelatin, explain its uses with the view of determining whether it is permissible for Muslims to consume anything made from gelatin.

2.11.1 Definition of Gelatin

Gelatin is a protein substance that comes from the skins and bones of animals. It is hard, tasteless, and odorless. When dry, it appears nearly white. Gelatin dissolved in water is transparent. Gelatin forms a stiff jelly after being dissolved in hot water and allowed to cool.

To manufacture gelatin from the bones of animals, the bones must first be freed from grease. They are then soaked in a hydrochloric acid solution to rid them of minerals, and washed repeatedly in plain water. The cleaned bones are heated in distilled water at about 92 degrees F (33 degrees C) for several hours. The fluid is then run off, and the bones are reheated in fresh distilled water at about 102 degrees F (39 degrees C). The fluid that forms must be chemically treated so that the gelatin will be pure. Finally, the gelatin is concentrated, formed into noodlelike strips, and then dried. The final product is usually ground.

Skin gelatin is manufactured in much the same way as bone gelatin,

except that the skin gets a different "pre-boiling" treatment. A lime treatment removes the grease and other substances from the skin. Then it is washed in water, and treated with dilute hydrochloric acid.³²

2.12 USES OF GELATIN

Gelatin is important as a food. It is particularly beneficial for sick people and children because it can be digested easily. It has several uses as discussed hereunder:

2.12.1 Edible/Food Grade Gelatin

Edible/food grade gelatin is used in the manufacturing of confectionery items like sweets, toffees, chewing gum and other delicacies like ice cream, fruit juices, yogurt, cheese and butter, sour milk drinks, instant deserts, jam, jelly and other bread spreads.

³² "Gelatin" in *The World Book Multimedia Encyclopedia*, op. cit. CD-Rom.

2.12.2 Pharmaceutical Gelatin

Pharmaceutical gelatin is used in production of both soft and hard medicinal capsules, but the soft capsules, used for oils, have glycerin added. Blood plasma, tablets, beauty items which pertain to hair care and skin care are also produced from pharmaceutical gelatin.

Scientists also use gelatin as a medium in which to grow bacteria.

2.12.3 Gelatin in Photographic Industry

The photographic industry uses gelatin for making the coating on dry plates, films, and photographic papers.

2.12.4 Gelatin in Paper and Match Industries

Gelatin is also used in industry, for example, in the paper industry for the production of printed products and it is even used in the match industry.³³

³³ *It is Time To Look Into Gelatin Again*. A pamphlet issued by Halagel (M) Sdn. Bhd. Malaysia, n.d.

2.13 THE PROBLEM

While gelatin may have numerous benefits, the problem for Muslims in using gelatin, especially for human consumption, stems from origin of gelatin. More than three decades ago, Muslims the world over were absolutely ignorant of the uses of gelatin. It was in only in 1977 that the Consumers' Association of Penang (CAP) in Malaysia widely publicized that Australian beef sausages contained pork. However, it was only in 1982 that CAP was in a position to confirm that gelatin was actually derived from pig sources. From then on Muslim scholars urged Muslims to abstain from consuming such products which contained gelatin.

2.14 EFFICACY OF PORK GELATIN

The Encyclopedia of Industrial Chemical Analysis confirms that the common commercial sources are gelatin, i.e. sources of collagen, are pork skin, calf skin and ox-bone.³⁴

³⁴ *Muslims Beware! Haram Products*. Penang. Consumers' Association of Penang

Paul Smith, author of *Glue and Gelatine* confirms that in the United States of America, considerable quantities of pigskin are used for making edible gelatin and glue.³⁵

From the above, we learn that a pigskin is used in the manufacturing of gelatin. There are many reasons for this. Firstly the hog is easily available compared to the availability of sheep or cattle. If one studies the reproduction levels in animals, one will conclude that a pig produces more offspring in comparison to a sheep or a cow.

Secondly, pigskin has no leather value as in comparison to the skin of a cow or sheep. Gelatin from pigskin is said to be of a better quality. In the manufacturing of glue, the jelly from the pigskin is preferred since pigskin gives a clear and sparkling gelatin or glue and finds many applications in industry.³⁶

³⁵ Ibid, p. 3.

³⁶ Ibid, p. 5.

2.15 STATUS OF GELATIN

Until recently, bovine and porcine bones, skins, hides, splits and trimmings were the only raw materials from which gelatin is prepared. Fish gelatin is scarcely available and wherever it is available its cost is too phenomenal. This reality coupled with the fact that it is impossible to eliminate the wide use of gelatin in food and pharmaceuticals industries, may have influenced certain Muslims jurists to issue the *fatwā* (verdict) that gelatin is *ḥalāl*, irrespective from where it is sourced. For example, the Muslim Judicial Council (MJC) which is based in Cape Town, South Africa, ruled that all gelatin derived from animals that are not *ḥalāl* is *ḥalāl*.³⁷ The reasoning behind accrediting gelatin with *ḥalāl* status is the fact that in the process of the manufacturing gelatin, a totally complete transformation takes place which render the *ḥarām* raw material into a *ḥalāl* end product.

³⁷ This can be inferred from the statement issued by the MJC in one of its reports dated 15 December 1977.

There are other Muslim jurists who still holds the view that gelatin, which is a protein obtained from collagen, derived from the bones and skins of either pigs or other animals which are not slaughtered according to Islamic rites is *ḥarām* and have issued their *fatwā* (verdict) accordingly.³⁸

2.16 NEW DEVELOPMENTS

Muslims the world over have always tried to the best of their ability to observe strict dietary laws of Islam and this have led to the surfacing of two new developments on the issue of gelatin which are:

2.16.1 *Ḥalāl* Gelatin

A newly formed Malaysian company, namely, Halagel™, is currently producing 100% *ḥalāl* gelatin in order to meet the global demand for it. The gelatin produced by Halagel™ is derived from *ḥalāl* animal bones, which are slaughtered according to Islamic procedure. Moreover,

³⁸ Justice Taqi Usmani's letter on the issue of gelatin addressed to South African National Authority (SANHA) dated 27th November, 1999.

Halagel™ gelatine is being carefully assessed and verified by the Islamic Development Department of Malaysia (JAKIM).

A number of worldwide food manufacturing countries are in negotiation with the Halagel™ to supply *ḥalāl* products to their international Muslim consumers. Unfortunately in South Africa there is still a great shortage of *ḥalāl* gelatin. Majority of the gelatin based products are derived from non- *ḥalāl* animals.

2.16.2 An Alternative to Animal-Based Gelatin

An Italian company, namely, B & V S.R.L., has successfully managed to introduce *Agar Agar* as an alternative to animal derived gelatin.

Agar Agar is an extraction from seaweed. The hydrocolloid is extracted from red seaweed. All products that requires gelatin as an agent can use *Agar Agar* as the ‘ natural jelling agent. In one of B & V's S.R.L. advertising brochures, it is stated that *Agar Agar* is the most suitable

natural additive for the production of stable fruit jellies and for the production of soft and firm chocolate fillings.

It ought to be noted here that this alternative gelatin is more expensive than that derived from animal. A primary factor for this is the technique used is so sophisticated since *Agar Agar* bacteriological grade can be extracted only from selected seaweed *gelidium* with sophisticated techniques.³⁹

2.17 FOOD OF *AHL AL-KITĀB*

Insofar as the food of *Ahl al-Kitāb* is concerned, the *Holy Qur'ān* states:

This day are (all) good (ṭayyibāt) things made lawful for you. The food (ta'ām) of the Ahl al-Kitāb is lawful for you, and your food is lawful for them...(Al-Mā'idah, 5:6)

In Ibn Kathīr's Arabic commentary on the *Holy Qur'ān*, it is mentioned that 'Abd Allāh Ibn 'Abbās (r.a.) who was one of the scribes and *Ṣaḥābah* (Companions) of the Prophet Muḥammad explained that *Ahl al-*

³⁹ From a magazine issued by Naumann – Gelatin und Leim GmbH.

Kitāb refers to the Jews and Christians and their food implies the animals they slaughter as food.⁴⁰

However, what ought to be noted here is that in the above verse the word *ṭayyibāt* is the essential element that should be taken into consideration when ascertaining whether Muslims may consume the meat slaughtered by the Jews and Christians. *Imām* Abū Ḥanīfah and *Imām* al-Shāfiʿī are of the opinion that *tasmīyah* (mentioning the Name of *Allāh* (SWT) at the time of slaughtering the animal) and *tazkīyah* (slaughtering in a prescribed manner) are essential for the meat to be classified as *ṭayyibāt* (good) for Muslim consumption.⁴¹ What must also be emphasized here is that pork, flowing blood and meat of a dead animal or bird may never ever be included within the *ṭayyibāt* category of *ḥalāl* meat.

2.17.1 Kosher Food

Kosher pronounced KOH shuhr, also spelled *kasher*, is a Hebrew word that means fit or proper. The word usually refers to food, but it may apply to anything considered ritually correct or acceptable according to

⁴⁰ Al-Ṣābūnī, Muḥammad 'Alī. *Mukhtaṣar Tafṣīr Ibn Kathīr*. Beirut. Dār al-Qur'ān al-Karīm. 1981. Vol. 1, p. 486.

⁴¹. *Islamic Dietary Concepts & Practices*, op. cit., p. 38.

Jewish law. For example, a witness in a trial conducted under Jewish law may be called a kosher witness.

Kosher food is food prepared according to the Jewish dietary laws. These laws are based on passages from the Biblical books of Leviticus (11: 1- 47) and Deuteronomy (14: 1-21). For example, the law specifies that bread is kosher if it contains no forbidden fat and was not baked on the Sabbath. The laws also forbid foods from animals considered impure. These foods include pork and shellfish. In addition, only certain parts of such acceptable animals as cattle and sheep may be eaten. Animals must be killed by ritual slaughter, called *shehitah*.⁴²

5.1.2 Differences between *Ḥālāl* and Kosher

Mohammad Mazhar Hussaini points out that Muslim consumers tend to assume that Kosher is similar to *ḥalāl* in view of the fact that the slaughtering rituals of the Jews resemble that of Muslims. Thus, he makes very valid distinctions between *ḥalāl* and Kosher in order to caution Muslims from consuming what is termed Kosher. Some of the differences between *ḥalāl* and Kosher are hereunder explained:⁴³

⁴² "Kosher" in in *The World Book Multimedia Encyclopedia*. Chicago. World Book Inc. 1996. CD-Rom.

⁴³ *Islamic Dietary Concepts & Practices*, op. cit., pp. 4-44.

Firstly, Islam requires the *tasmīyah* – the Name of *Allāh* (SWT) - to be mentioned individually on each animal during slaughtering. However, in the Judaic practice it is sufficient to recite the name of God or grace once for the day for all the slaughters. Hence, it is not necessary to repeat the grace by the Shochet (Jewish slaughterman) on each and every animal or fowl slaughtered.

Secondly, Islam prohibits all intoxicating alcohols, liquors, wines and drugs, while all wines are considered Kosher. Hence, food items and drinks showing Kosher symbol need not necessarily be *ḥalāl*.

Thirdly, gelatin is considered Kosher regardless of its source of origin. If gelatin is prepared from swine, Muslims consider it *ḥarām* (prohibited). Hence, food items such as marshmallows, yoghurt, etc., showing Kosher symbol need not necessarily be *ḥalāl*.

Finally, enzymes (irrespective of their sources, even from non-Kosher animals) in cheese making are considered mere secretions and hence all cheese are considered Kosher. Muslims look for the source of the enzyme in

cheese making. If it is from the swine, it is considered *ḥarām* (prohibited).

2.17.2 Meat Slaughtered by Christians

Mohammad Mazhar Hussaini rightly points out that despite the fact that Christian population in Western countries constitutes the majority, these countries are in essence secular States. Hence, the slaughtering procedures practised in Western countries are devoid of any religious rituals. This means that the Name of God is not pronounced when slaughtering the animals and this is a pre-requisite in the Islamic rite of slaughtering. Moreover, although the slaughtering of pigs, cattle, poultry, etc., is carried out separately at the abattoir, when they are delivered there is always the risk of contamination with non-*ḥalāl* meat since the butchers at the butcher shops are responsible in cutting the meat into smaller retail cuts. Furthermore, the animals/birds are normally desensitized in order to facilitate speed production. During the process of desensitizing, some of the animals/birds may die due to the desensitizing procedure before actually being slaughtered. This makes their meat carrion (i.e. dead animal/bird meat) from the Islamic point of view and hence its consumption is *ḥarām* (prohibited).⁴⁴

⁴⁴ *Islamic Dietary Concepts & Practices*, op. cit., pp. 45-46.

2.17.3 Views of the *Sunnī* Schools of Islamic Jurisprudence on the Food of *Ahl al-Kitāb*

It is to be noted that the Ḥanafī School of Islamic Jurisprudence holds the view that it is advisable to avoid eating the meat slaughtered by *Ahl al-Kitāb* (The People of the Book i.e. the Jews and Christians) in the sense that only in dire necessity one may resort to consuming such meat.⁴⁵

According to the Shāfi'ī School of Islamic Jurisprudence, the meat slaughtered by *Ahl al-Kitāb* is *ḥalāl* irrespective of whether the Name of *Allāh* (SWT) had been mentioned or not mentioned at the time of slaughtering of the animal. But it is *ḥarām* to consume the meat of *Ahl al-Kitāb* if the slaughtering is done in the name of the Cross, Jesus (a.s.) or 'Uzayr (a.s.) or any other name besides that of *Allāh* (SWT).⁴⁶

The Ḥanbalī School of Islamic Jurisprudence is of the view that mentioning of the Name of *Allāh* (SWT) at the time of slaughtering of the animal by *Ahl al-Kitāb* makes the meat permissible for Muslims to consume it. In other words, the *tasmīyah* is a pre-requisite for the meat of *Ahl al-Kitāb* to be *ḥalāl* for Muslim consumption. Moreover, the Ḥanbalī School states that if the *tasmīyah* is deliberately omitted or the name of

⁴⁵ Al-Juzayrī, 'Abd al-Raḥmān. *Kitāb al-Fiqh 'alā al-Madhāhib al-Arba'ah*. Beirut. Dār al-Fikr al-'Arabī, n.d. Vol. 2, p. 23.

⁴⁶ Ibid, p. 23.

other than *Allāh* (SWT) is mentioned at the time of slaughtering then such meat would be *ḥarām* for Muslims to partake of.⁴⁷

The Mālikī School of Islamic Jurisprudence, on the other hand, is of the view that the meat of *Ahl al-Kitāb* is *ḥalāl* on the basis of the following three conditions:

1. That no other name than that of *Allāh* (SWT) had been mentioned when slaughtering the animal.
2. That the Jew or Christian ought to be the owner of the animal which he has slaughtered. However, if the animal was owned by a Muslim and slaughtered by a Jew or Christian, then the meat of that animal would be termed *makrūh* (detestable) for Muslims to consume.
3. That which is forbidden for a Jew to consume on the basis of the *Torah* like such animals which do not have divided hoofs, for example, camels, badgers, or rabbits and birds like ostriches. In other words, it would be permissible for Muslims to consume the meat of only such animals which have been slaughtered by a Jew which is not forbidden for him to consume like pigeon, chicken, cattle and sheep.⁴⁸

⁴⁷ Ibid, p. 23.

⁴⁸ Ibid, pp. 22-23.

Chapter Three

***ḤALĀL* FOOD INDUSTRY IN SOUTH AFRICA**

The *Ḥalāl* Food Industry (HFI) in South Africa has been largely shaped by the socio-political and economic environment, viz., the Apartheid policy as encapsulated by the Group Areas Act.

3.1 CONTROL AND MONITORING OF *ḤALĀL* FOOD PRODUCTS

The function of the *Ḥalāl* meat industry was and is still directly regulated by the Meat Board of South Africa and the following ought to be noted:¹

1. The supply to the HFI still rests largely in the hands of the “old” established order viz., the “White companies.”
2. The functioning of the HFI has been largely ad hoc with strong regional ties and variations. It is also segmented on the basis of commercial and Theological groupings.

¹ SANHA *Strategic Plan* – An Outline dated 30th October 1996, p. 2.

3. The historical "success" of the regionally based HFI and its regulators can largely be explained in the context of an introspective economy run for the benefit of a minority group with strict legal barriers to growth. Thus each region had its supply chain from a central source.
4. The HFI was also subject to international sanctions which created complacency within the meat industry as a whole, and the HFI in particular. The participation of the Muslim trader in the industry was limited to the regional base with trading mainly confined to retailing with some development at the wholesale level.

The main interaction in terms of the Muslim consumer was thus largely restricted to purchases made at the local butchers. That has been transformed with the opening of the international market post 1994, and the removal of the Apartheid barriers. However, although the market environment has changed significantly, the methods adopted for the control and monitoring of *Halāl* Food Products has largely remained the same, i.e. highly fragmented and poorly managed.

Another disturbing factor is that there has been a proliferation of small organisations purporting to “certify” products as *ḥalāl*, and they neither have the resources nor the management capacity to deliver the same. In other words, these organisations are using the HFI as a source of income generation to support their activities in the broader Islamic context. The upshot is that, indirectly there is a form of “taxation” on the industry and the revenues of which are used mainly for purposes other than the monitoring and control of the HFI. Hence, there is clearly no accountability or transparency in the process. The largest of these organisations is the Muslim Judicial Council (MJC) based in Cape Town. Others include the Islamic Council of South Africa (ICSA); the *Sunnī Jamī‘at al-‘Ulamā’*; the Independent *Ḥalāl* Trust (IHT); the *Sunnī ‘Ulamā’* Council; the Witwatersrand Muslim Butchers Association (WMBA); the *Jamī‘at al-‘Ulamā’* -Gauteng and the *Jamī‘at al-‘Ulamā’* – KZN and the South African National *Ḥalāl* Authority.

There is clearly no agreed standard of what constitutes *Ḥalāl* Food Products (HFPs) between the various organisations and the implementation of the “standards” applied is at best vague.

The products that may have been slaughtered as *ḥalāl*, may not necessarily remain the same as they pass through the distribution chain. Some goes directly through the Muslim wholesale/retail chain. What are of concern are those products which pass through non-Muslim hands. However, even such products which are imported and passed directly through the Muslim distribution chain need to be thoroughly scrutinised.

3.2 THE MARKET SIZE OF HALAL FOOD PRODUCTS

There exists a dearth of information as to the size of the HFP market. Neither the certifying bodies at the regional level nor the Meat Board keep data of HFPs sales. In addition there is no data on the current import of HFPs. The issue is further compounded by the nature of the products. Meat and its derivatives change as they proceed through the processing

stages from the abattoir to the end user whether in the form of meat or semi-finished/finished products.

It is important to note that in order to develop an effective monitoring system in the certifying process of HFPs we must be able to quantify the size and *modus operandi* of the industry. In addition it should be clear that the value in Rand terms would vary between prices at the wholesale and those at the retail level. The following are only assumptions of the size of HFPs:²

1. The City Deep Abattoir supplies 90% of the *ḥalāl* meat for Gauteng.
2. The Natal *ḥalāl* market is about 50% of the Gauteng market.
3. The Cape and Port Elizabeth represents about 25% respectively of the Gauteng market.

² SANHA Newsletter dated 30th 2003 issued in Durban.

4. The monthly average of *ḥalāl* beef production in the Gauteng Province is 3,256 head of cattle (Average price: R2000 per head).
5. The monthly *ḥalāl* mutton production for Gauteng is 20,575 head of sheep (average price R270 per head).
6. The average monthly *ḥalāl* offal production is 3,180 boxes (average price R100 per box).
7. The average monthly *ḥalāl* calves production is 15 (average price R 1000 per head).
8. The current local supply of chicken is approximately R 3.1 billion annually. Halal market represents about 20% which is equivalent to R 650 million.

3.3 CHART DEPICTING *HALĀL* MARKET SIZE IN SOUTH AFRICA³

	BEEF	MUTTON	CHICKEN	OTHER	TOTAL
GAUTENG	78 million	67 million	200 million	4 million	349 million
NATAL	39 million	33 million	175 million	2 million	249 million
CAPE	20 million	33 million	175 million	1 million	229 million
Port Elizabeth	20 million	17 million	100 million	1 million	138 million
IMPORTS	70 million	30 million	200 million	N/A	300 million
TOTAL	227 million	180 million	850 million	8 million	1265 million

The above chart represents the market size at wholesale prices. Allowing for a 10 per cent variation R 1.1 Billion to R 1.4 billion. This figure can be inflated by about 30% to 50% to arrive at an estimated range of between R 1.6 billion to R 1.9 billion at retail prices.

³ SANHA *Strategic Plan*, op. cit., p. 4.

3.4 CHART DEPICTING THE MEAT DISTRIBUTION CHAIN⁴

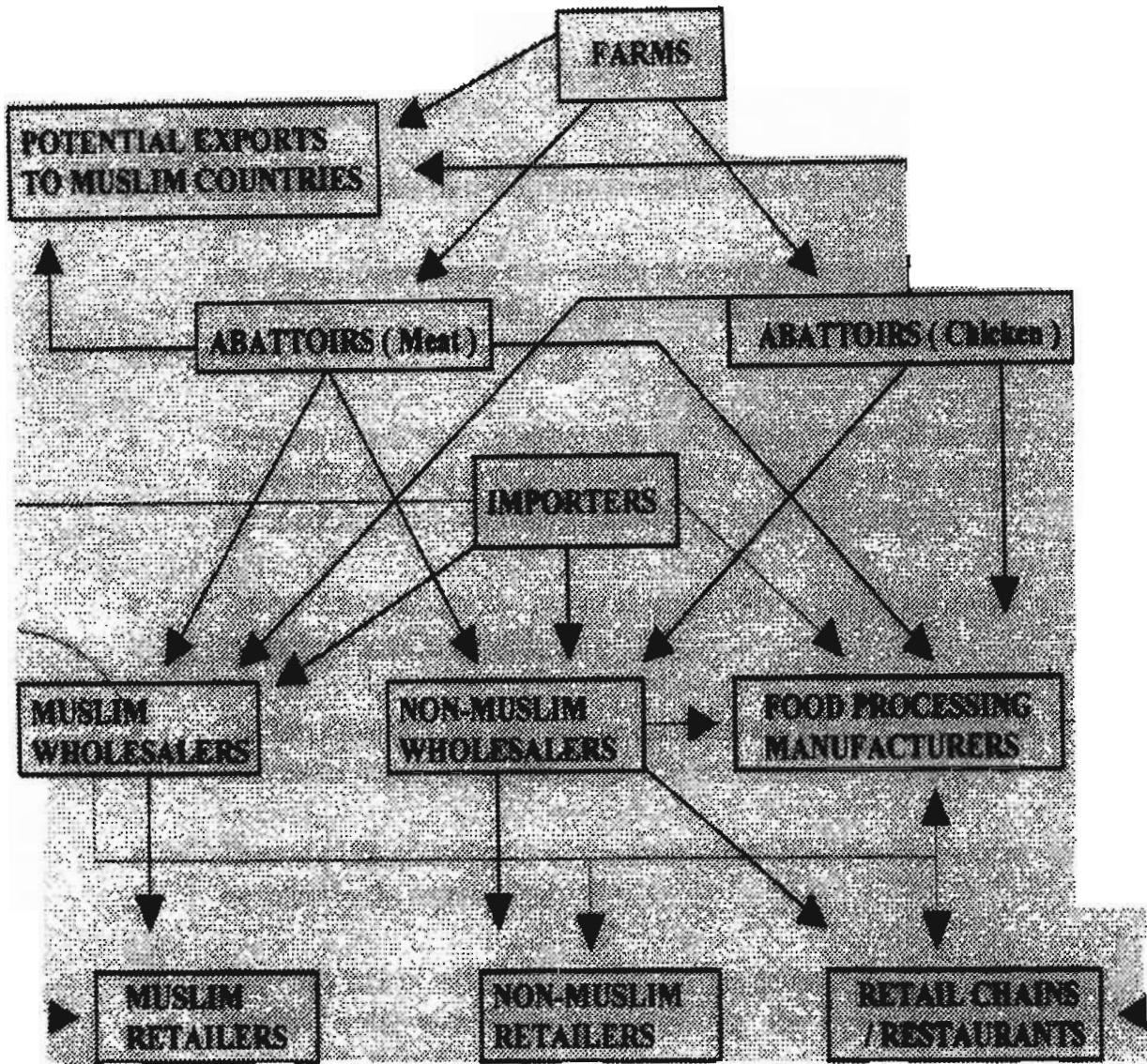


FIGURE 1

⁴ SANHA Annual Report dated 28th September 2003 issued in Cape Town.

3.5 PERTINENT THREATS TO THE ḤALĀL FOOD INDUSTRY (HFI)

There are several key issues which will affect the operation and perhaps the very survival of an effective HFI in South Africa. These include:⁵

- Market change, growth and imports – these factors will undoubtedly place stress on existing regional bodies
- Processed foods and the development of the franchising industry in South Africa
- Changing socio-economic outlook and geographical mobility
- Development of a more complex distribution chain⁶
- The changing face of food technology and the increase of additives and preservatives make control and monitoring difficult.

⁵ *SANHA Strategic Plan*, op. cit., p. 4.

⁶ See Figure 1 above.

3.6 REGIONAL INFRASTRUCTURE – CURRENT OPERATIONS

Each region has several bodies “certifying” HFPs. For example, in the Western Cape Province, we have the Muslim Judicial Council, the Islamic Council of South Africa and the South African National *Ḥalāl* Authority. In the Gauteng Province, we have the Witwatersrand Muslim Butchers’ Association and Independent *Ḥalāl* Trust (until recently) and now, we have the South African National *Ḥalāl* Authority and the National Independent *Ḥalāl* Trust. In the KwaZulu-Natal Province, we had Islamic Council of South Africa, the *Sunnī Jamī‘at al-‘Ulamā’*, the Independent *Ḥalāl* Trust; the *Sunnī ‘Ulamā’* Council, the Raza Academy, the South African National Authority and the Muslim Judicial Council. Now only four major *ḥalāl* operate in KwaZulu-Natal and they are the Muslim Judicial Council, the Islamic Council of South Africa, South African National *Ḥalāl* Authority and the National Independent *Ḥalāl* Trust. The outcome of the multiple *ḥalāl* bodies operating in the major provinces allows for unscrupulous players, both Muslims and non-

Muslims, to exploit the differences amongst the different bodies and play off one organisation against the other.⁷

Moreover, the use of the word *ḥalāl* is commonplace in many aspects of the retail trade. Even when there is no regional body the products have in fact been certified *ḥalāl*! In addition there is the nonchalant abuse of the system by those who know little or nothing about the attributes that go into making a product *ḥalāl*. As an example, it may be mentioned here that recently the Royal Hotel in Durban was claiming that its food is *ḥalāl*. It eventually transpired that the only aspect which was *ḥalāl* about its food was the fact that the meat was purchased from a recognised Muslim butcher. The reality is that there is no provision being made at all at that particular hotel's kitchen to separate food products. Likewise, there is no monitoring of ingredients and the use of alcohol in the cooking process!⁸

⁷ *SANHA Strategic Plan*, op. cit., p. 5.

⁸ *Ibid*, p. 5.

What is actually needed is that there should be close cooperation between the local Muslim community and the recognized *ḥalāl* bodies. Local input and local knowledge is important in building trust at the regional level. While the current *ḥalāl* bodies certification has an established *modus operandi*, local knowledge of what is being done irregularly will assist in curbing the unscrupulous practices.

Chapter Four

BRIEF HISTORY OF THE ESTABLISHMENT OF *ḤALĀL* AUTHORITIES IN SOUTH AFRICA

There are 1.3 billion Muslims worldwide and the *ḥalāl* food market is estimated at US\$150 billion annually. In South Africa 1.8 million Muslims spend in the region of R 1.6 billion a year on *ḥalāl* foods.¹

With the onset of democracy in South Africa, there are more opportunities and freedom of access to the thousands of South African Muslims. Major companies have shown interest in the dietary habits of the Muslim community. The first combined food/retail exhibition which was held in Midrand, Gauteng on 20-22 July 2003 was a clear indication of that. Market research confirmed that 5,317 visitors attended the exhibition over a period of three days. The visitors were from 33 countries. 35% of them were owners or chief executives of companies and 46% had final authority over purchase decisions. 10% of the people

¹ *Food & Beverage Reporter*. Parkhurst. I-Core cc. dated Sept. 2003, p. 31.

who visited the exhibition recorded specific *ḥalāl* interests.² Moreover, in view of the fact that the exhibition was an international one, it was a clear indicator of the high demand for *ḥalāl* products in and around South Africa.

With the end of the Apartheid era in South Africa, the meat industry was slowly deregulated, drastic changes began to take place in shopping and eating habits of the people and foreign meats began to be imported as a result of the uplifting of sanctions and globalization. This necessitated Muslims to focus anew on the issue of *ḥalāl*.³

The issue of *ḥalāl* does not only centre around the issue of meat and poultry, but it goes beyond that. The scope of *ḥalāl* has today widened and covers all foods, from fruit juices and peanut butter to snacks and cereals and even cosmetics.

² Ibid

³ *Halaal Gazette*. No. 4 issued by SANHA in December 2002.

It may be appropriate to point out here that proteolithic enzyme is used in biscuit making and this is derived from animals. Cochineal, a natural red (Dactilopius Coccus) derived from the bodies of pregnant scale insects is used in variety of foods such as desserts, pie filling, biscuits, soft drinks and soups.⁴ Likewise, French fries are coated with animal shortening. The crumbling on a fish fillet is also derived from animal stock. Even cheese may contain pork. Flavours which contain stearic acid are also produced from animal fats. Ice creams too may contain rum and all that pose problems to the vast majority of Muslims who are unaware of the origin of the products they consume or use. Hence, the need for a “watchdog” organization to be able to apprise Muslims of what is *ḥalāl* for them to consume or make use of.

4.1 *ḤALĀL* CERTIFICATION

The process of *ḥalāl* certification in South Africa goes back to the early 1900s. Muslims who reside in Cape Town are the descendants of

⁴ South African Food Review, op. cit. July 2003. Vol. 30, page 41.

staunch Muslim who originally came from Malaysia, Indonesia, Java etc. Due to the Apartheid system that was enforced, Muslims became fragmented and the Groups Areas Act never really allowed the Muslims to stand on a unified platform or forum.

Currently there are twenty-two beef and lamb and fifteen poultry abattoirs in South Africa which are certified *ḥalāl*. This translates into the daily *ḥalāl* slaughter of more than 300,00 chickens, almost 7,000 cattle and just over 11 000 sheep (these figures exclude *ḥalāl* meat for export).⁵

Since the new dispensation came into being and the consequent deregulation of *ḥalāl* organizations came into existence. These *ḥalāl* came into existence with the blessings of almost twenty former *ḥalāl* certifying bodies. These *ḥalāl* authorities are as follows:

- ❖ The Muslim Judicial Council (MJC)
- ❖ The Islamic Council of South Africa (ICSA)
- ❖ The South African National *Ḥalāl* Authority (SANHA) and

⁵ *Food & Beverage Reporter*. Sept. 2003, p. 33.

❖ The National Independent *Ḥalāl* Trust (NIHT)

A brief history of the establishment of these *ḥalāl* bodies are hereunder discussed:

4.2 THE MUSLIM JUDICIAL COUNCIL - THE *ḤALĀL* TRUST (MJCHT)

The Muslim Judicial Council was formed in 1945.⁶ This in fact makes it the oldest Muslim organization in the country. Prior to its establishment, the local *Imāms* and *Shaykhs* conducted *ḥalāl* inspections on a small scale at the abattoirs, bakeries etc.

The MJC is a non-government organization and with the aim of serving the *Ummah* (Muslim people) at large. It has under its patronage some one hundred and fifty *Masjids* and its membership comprises between two hundred and two hundred and fifty *‘ālims* (Muslim religious scholars).

⁶ Interview with *Imām* Yasien Harris, Cape Town in November 2003.

These ‘*ulamā*’⁷ received their religious education from different international Muslim religious institutions. The vast majority of them are the followers of two Islamic Schools of Jurisprudence, namely, that the Hanafī and Shāfi‘ī Schools.

The introduction of margarine in the early 1940s into the local market was one of the reasons for the founding of a body that would assist in *ḥalāl* monitoring of the product.

Another reason for the formation of a *ḥalāl* body was to oversee *ḥalāl* facilities at the Cape Town Maitland abattoir in 1945. The need for *ḥalāl* supervision became a reality as the demand for *ḥalāl* meat constantly increased within the Muslim community in Cape Town.

Until 1958, the MJC used to conduct all *ḥalāl* inspections, but from 1958 onwards, the Muslim Butchers’ Association was formed in conjunction with the MJC to manage the portfolio of *ḥalāl* monitoring. That was done in order to allow the MJC to concentrate fully in its many

⁷ Plural of ‘*alim*’.

other Islamic projects. Also, during that period, many bakeries, due to the introduction of margarine, were contacting the MJC for *ḥalāl* status and hence, the need for it to delegate that portfolio to the Muslim Butchers' Association.

The late President of the MJC, namely, *Shaykh* Nazim Mohammed, was the first appointed Muslim supervisor at the Cape Town abattoir. After three years he retired from that post and was succeeded by *Shaykh* Abū Bakr Najjār who continued to supervise the *ḥalāl* program for a period of 25 years. In 1982, *Shaykh* Abū Bakr Najjār was elected the president of the MJC. However, for personal reasons and differences with other members of the MJC, he resigned from the MJC. It was then that the MJC seriously began to think of establishing a branch of its organization that would undertake the certification of *ḥalāl* products. The Muslim Judicial Council *Ḥalāl* Trust (MJCHT) was formed on 30th April 1986. The purpose for the establishing of the Trust may be enumerated as follows:⁸

⁸ From the MJC Constitution. Cape Town.

- a) It was in the public interest to have such a body.
- b) It would be involved in a charitable, educational and ecclesiastical cause.
- c) It would further a cause of an Islamic nature.

The first trustees of the MJCHT were:

- Jassiem Harris
- Mogamat Amien Manuel
- Omar Slamang
- Aboubaker Simon

4.2.1 *Halal* Certification Procedures

The application for a *ḥalāl* certificate is made to the Muslim Judicial Council *Ḥalāl* Trust office in Darul Arqam, Cape Town. The director would then respond accordingly. An investigation would then be made by MJCT into the product and all aspects leading to the certification and

ḥalāl status of the product. The certificate would then be issued to the respective applicant.

There was a period of time where it would be practically impossible to contact the MJCHT due to its geographical location. Cape Town being at the most southern tip of Africa enjoyed the prestige and convenience of the MJCHT whilst other distant cities had to rely on their local *imāms* and organizations to attend to the *ḥalāl* issues.

After the formation of other *ḥalāl* authorities in South Africa, the MJCHT felt the necessity to have national representation and thus appointed supervisors at the different regions/provinces in South Africa. While summarizing the operations of the MJCHT, *Imām* Harris articulated the following:⁹

I am the director of the *ḥalāl* department and there are various people under me. We have representation in Kwazulu-Natal who is Ismail Kasso. Our supervisor in

⁹ Interview with *Imām* Harris at the MJC office in Cape Town in November 2003.

Gauteng was Haji Ebrahim Kabir who passed away and we are in the process of employing a replacement. In the northern Cape/Mafeking we have *Mawlānā* Abdulla Jamal. There are numerous other junior supervisors under our wing in all different parts of the country. We also have supervisors across the border, for example at Meatco in Namibia.

The director visits the different areas on an annual basis. Along with the area supervisor, he visits the various plants and conducts the necessary *ḥalāl* inspections without announcing his arrival at these plants beforehand.

Although the MJC was and is the oldest religious body formed for Islamic reason, it has received a lot of criticism from the local and general public. The local Islamic Radio Stations have also questioned the authority and the transparency of the organization. Members of the MJC felt that that was a ploy and dirty tactics of other organizations to

discredit the MJC of the valuable status they have enjoyed in the public for over the last half a century.

There has been confusion on many occasions in regard to the relationship between the MJC and the MJCHT. That became so controversial that secretary general was compelled to issue the following statement:

The MJC *Halāl* Trust is an independent Trust totally separate from the MJC registered with the Masters of the High Court as a trust.¹⁰

4.2.2 Allegations against MJCHT

Serious allegations of embezzlement of funds and also the high fee structure for the issuing of the *halāl* certificates were leveled against the MJCHT. These accusations were found to be baseless when the Tax Audit Authority released its report on MJCHT. In this regard, the following appeared in the *MJC Journal* (1996):

¹⁰ *MJC Journal*. Cape Town. 1996, p. 2.

All the records of the MJC Halaal Trust were seized by the Revenue Office from 1986 to 1993 and subjected to a thorough audit. The reports from the Cape Town Revenue Office were submitted to the office of the commissioner of Inland Revenue in Pretoria. This inland Revenue Office was satisfied with the financial affairs of the *Ḥalāl* Trust and gave its blessing to operate as it used to over the years.¹¹

In reply to the criticism and allegations against the MJCHT by the other Muslim organizations *Imām* Harris had this to say:

These new bodies tried everything in their in their way to discredit the council, attack us with regard to our standards that we haven't got structures. How are we to work together, when on one hand they call for unification whilst on the other they are running us down. Due the status of the MJC people are still knocking on our doors

¹¹ Ibid.

all the time. Other bodies have to solicit business, so they use dirty tactics by knocking on the doors of our customers, prepared to cut the prices stipulated by the MJC, they have gone to the extent of offering free certificates just to undermine the MJC. Despite all this the major food corporation is still working with the MJC. We also have a sound and good relationship with the people.¹²

It is important to point out here that the MJC is a reputable organization which enjoys the support of a large majority of Muslims of the Western Cape. Credit ought to be given to the the *ḥalāl* initiative of the MJC. However, over the years, new methods and strategies have been introduced into the *ḥalāl* field and *ḥalāl* is no more restricted to the MJC. It has become a booming multi million-dollar industry nationally and also internationally. The MJC comes to terms with this fact and this accounts for the founding of other *ḥalāl* bodies in South Africa, which are, unlike the MJC, solely concentrating on the *ḥalāl* issues.

¹² Interview with *Imām* Harris in November 2003 in Cape Town.

4.3 ISLAMIC COUNCIL OF SOUTH AFRICA (ICSA)

When *Shaykh* Najjār resigned from MJC, he took along with him his long experience in *ḥalāl* supervision to Islamic Council of South Africa. At that time (1982), ICSA had not as yet established a *ḥalāl* department. *Shaykh* Najjār channelled all his energies towards that end.

Since *Shaykh* Najjār was well known in the meat industry, many businesses found it more convenient for them to register with ICSA rather than with the MJC. That caused a lot of problems within the close-knit Cape Muslim community. For the first time, Muslims, from then on, had a choice to get their *ḥalāl* certification from either one of these two religious bodies and that caused a rift in the ranks of Muslims with the result that some religious personalities took advantage of the dissension within the Muslim community and began to issue their own *ḥalāl* certification to smaller businesses and individual meat outlets with the result that *ḥalāl* certification that was supposed to be a standardized and well regulated institution lapsed into a segregated and fragmented

system. ICOSA's *ḥalāl* certification was not at all welcomed by MJC and that is apparent from the reply *Imām* Harris gave to the writer of this thesis when he was asked whether the formation of other *ḥalāl* authorities caused any major problem within the ranks of Muslims. He said:¹³

The status of the MJC goes back a long time. Our relationship with major companies has been strong with these companies. It was our president *Shaykh* Nazim Mahomed on the podium when Mandela was inaugurated as the first President of the new democratic Republic of South Africa - this gives you the political standing of the MJC. It was *Shaykh* Ebrahim Gabriel that was on the podium with Mbeki when Mbeki was being sworn as the President. Besides being a *ḥalāl* body we have also been active in the political field. We have been recognized as a dominant role player in the struggle and as such, today, we are reaping the benefits of our struggle.

¹³ Interview with *Imām* Harris in Cape Town in November 2003.

Insofar as ICSA is concerned, it did create a problem. A member who had been the MJC supervisor for 25 years left to establish his own *ḥalāl* body.

4.3.1 Establishment of ICSA¹⁴

The Islamic Council of South Africa was established in 1975. During 1974 a group of active Muslims made preliminary soundings throughout the country with a view of launching such a an umbrella body that would amalgamate all Muslim organizations into one unified whole. It was felt that there was a need for a central and united body to control and address all the issues that impacted on the lives of South African Muslims.

It was in 1975 that the late Dr Imanullah Khan, the former Secretary General of the *Mu'tamar al Ā'lam al-Islāmī* of Pakistan proposed that it would be in the interest of Muslims of South Africa to have an umbrella body that would be in a position to stand on a united platform and address the issues affecting all Muslims in the country. His urgent plea

¹⁴ From an ICSA document, p. 21.

created the impetus that soon after led to the establishment of the Islamic Council of South Africa on 29th November 1975. Representatives of 109 organisations from all over South Africa gathered in Durban to unanimously approve a provisional Constitution and elect the first interim Board of Directors.

4.3.2 Aims and objectives of ICOSA

It was agreed that the authority, integrity and independence of all Muslim organizations and institutions would be respected and that the main aims and objectives of ICOSA would:

- (a) be the spokesman of the Muslims of South Africa nationally and inter- nationally;
- (b) protect and/or espouse the rights of all Muslims;
- (c) determine and consolidate Muslim Policy and planning and to co-ordinate programmes and activities;

- (d) solve and remedy problems of Muslims by consultation, negotiation and/or arbitration;
- (e) to affiliate to or co-operate with International Muslim Bodies in the promotion of Islam;
- (f) hold and to participate in International Seminars, Conferences and discussions on Islamic matters and to make contributions thereto on behalf of the Muslims of South Africa;
- (g) uphold the dignity of man and to work for the implementation of social justice;
- (h) foster love and unity amongst Muslims and all peoples of South Africa.

4.3.3 Its Management Structure

The Islamic Council functions in the three provinces of Natal, Cape and Transvaal. The constituent member-organizations appoint representatives who are summoned to a provincial conference, once in

every three years. Each province elects 20 persons from amongst the representatives, and the 60 persons so elected from the three provinces, constitute the National Electoral College. Which meets on the appointed day at one place? The members of the Electoral College vote, to elect from amongst themselves a Board of Directors of 30 members on the basis that 9 members must be from Natal, 9 from Transvaal and 12 from the Cape.

Nine nominated *‘ālims* further supplement the Board. Each Provincial *‘Ulamā*’ body appoints 3 *‘ālims* to the Board. The nine nominated *‘ālims* collectively constitute the “Judicial Committee”, which enjoys special powers to ensure that the decisions and resolutions of ICOSA or its Board are not contrary to Islam. The Judicial Committee also gives it rulings on matters placed before it by the Board.

The full Board of thirty-nine members, then elect from amongst the Board members the following twelve officials (who collectively constitute the Board’s Executive Committee): a President, three Vice-

Presidents - one from each Province, a Secretary-General three Provincial Secretaries one from each Province, a Treasurer, and three Provincial Treasurers - one from each Province.

4.3.4 Its *Halāl* Division¹⁵

It may be important to mention here that ICSA was also a role player for the formation of a unified *ḥalāl* authority in South Africa. However, it subsequently opted out due to various reasons. One of them was the intention behind the formation of such a body. ICSA felt that it was a national and not only a regional body, and although the formation of another national body was not the problem, ICSA was concerned that there were hidden agendas for formation of that unified *ḥalāl* authority.

According to the data which the writer of this thesis collected, it is apparent that ICSA is the only *ḥalāl* authority that charges a minimal fee to the consumer. *Shaykh* Tofi Najaar articulated the reasons for that as follows:

¹⁵ Interview with *Shaykh* Tofi Najaar in Cape Town in November 2003.

The policy of ICSA was and is to serve the community. One should not lose sight of that. We are protecting the consumer by encouraging them to eat only *ḥalāl*, not at an exorbitant price. We try to be service orientated in a respectful and *Sharī‘ah* manner. ICSA at the present moment is certifying hundreds of plants especially in the franchise food sector, e.g. Kentucky, Nando’s etc. ICSA wishes all the *ḥalāl* authorities to be successful and realize their role in the community. Fair practice of trade and advertising should be applied so that all stakeholders could enjoy the market equally.¹⁶

In view of the growing concern within the Muslim that ICSA continues to issue *ḥalāl* compliance certificates to non-Muslim businesses and meat outlets, the writer of this thesis questioned *Shaykh* Najaar about that and *Shaykh* Najaar pointed out that ICSA was rendered a service to both Muslims as well as non-Muslims and emphasized the fact that ICSA certified the product and not the person.

¹⁶ Interview *Shaykh* Tofi Najaar –Offices of ICSA Cape town, November 2003.

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Insofar as the issuing of *ḥalāl* certificate is concerned, *Shaykh* Najaar explained that whenever ICSA received an application it would send its inspectors to investigate the product that needed to be certified. He made it clear that even if a Muslim were to apply for such certification, then too the product being sold by that Muslim would equally be investigated. He reiterated the fact that ICSA was only interested in certifying the product and not the people selling the product.

4.4 THE NATIONAL INDEPENDENT *ḤALĀL* TRUST (NIHT)

The Witwatersrand Muslim Butchers' Association (WMBA) which already functional and founded in the late 1950s had over the years been operating on a very adhoc basis with little or no systems of operating *ḥalāl* schemes. The old Newtown Abattoir at that time was a bastion of Afrikaner supremacy at the height of Apartheid, with the proposal to build a new abattoir in City Deep. Muslim Butchers at that time obviously saw the need to galvanize themselves into a cohesive unit so

that they could ensure the obtaining of *ḥalāl* meat continuously. One of the facts of the draconian “Quota System” of that time was to only allow the slaughter of a certain amount of *ḥalāl* carcasses for the day. That in turn pushed the price of *ḥalāl* meat much higher than non-*ḥalāl* meat because of a greater demand than supply. With the opening of the City Deep Abattoir, an imminent group of concerned Muslim Butchers mobilized themselves and hence, WMBA was constitutionally formed on 15 June 1971, under the chairmanship of Hajee Mahmood Booley. Its founding members were:

- Hajee Mahmood Booley President
- Essack Mohammed Vice President
- Hoosen Mia Jamalooden Vice President
- Abd ul Rahaman Mia Secretary
- Abdul Ganigitey Secretary
- Abdul Motallib Treasurer
- Essop Mia

- Abd ul Kader Mia
- Baba Mia Hurzuk
- Omar Saheb Koor
- Ebrahim Sirkhot

From humble beginnings, these pioneers toiled for long hours into the nights sharing whatever resources they had at their disposal, moving meetings from one member's house to another with a simple brief to ensure:¹⁷

- (i) *Ḥalāl* meat was readily available to the Muslim trade and *ummah*.
- (ii) To ensure that *ḥalāl* meats should not cost more than non-*ḥalāl* meat.
- (iii) To ensure that the highest *ḥalāl* standards are adhered to as per *Sharī'ah*.

¹⁷ Witwatersrand Muslim Butchers' Association 30th Anniversary Souvenir Brochure, pp. 22-23.

- (iv) To be a transparent, accountable and non-profit making organization.

That committee set about its task with great vigour, making representation to the Minister of Agriculture and the Meat Board. The proposal to the Meat Board to make City Deep totally PORK FREE as well as a proposal to have ALL meat slaughtered at City Deep to be *ḥalāl* was met great opposition and cynicism by both the *ḥalāl* and non-*ḥalāl* buyers. This far-reaching proposal drawn up by Mahmood Booley would allow the Muslim Butchers to bid for meat openly on the auction together with non-*ḥalāl* buyers. Through sheer determination and countless number of meetings that were held to canvas for that proposal, the Meat Board finally reluctantly accepted that proposal on a trial basis for a certain period of time. That was a great breakthrough, bearing in mind that the Afrikaners with blatant racist tendencies controlled the Meat Board and the Meat Industry at that time. To have achieved that breakthrough at the height of Apartheid was nothing short of a miracle. The proposal was accepted under the following stringent conditions:¹⁸

¹⁸ Ibid, p. 22.

- (i) All meat slaughtered at City Deep would be *ḥalāl* irrespective of the purchaser.
- (ii) NO PORK was to be slaughtered or allowed to be slaughtered.
- (iii) Although 6 slaughtermen were needed, the Meat Board through Slagdieste would only subsidise for 2 slaughter men.
- (iv) The Association was to be responsible for all *ḥalāl* staff and equipment e.g. wages, travelling costs, medical, and the purchase of knives etc. A separate line and fridge would be allowed for KOSHER meat.

4.4.1 Problems¹⁹

One of the greatest problems faced by the Executive Committee of WMBA was the lack of funds and unity. The idea and concept of the proposal was way ahead of prevalent times with the result that local butchers were suspicious and reluctant to buy into the idea. The

¹⁹ Ibid, pp. 22-23.

committee needed funding for an additional six personnel, which included a supervisor and clerk as well as monies for protective clothing. They approached the local *Jamiatul Ulama* Transvaal as well as Muslim Welfare Organisations, like the Central Islamic Trust (CIT) for *Lillāh* Funds; sadly they were turned away empty handed. Hence for the initial period the Association was funded from the pockets of the founding member.

The founders then embarked upon a massive recruitment drive to increase the membership and all the Muslim butchers eventually joined as members, It was astonishing to find a method to unify the Muslim butchers under one banner regardless of their personal differences. From a very humble beginning a giant was born.

Besides slaughtering and purchasing *ḥalāl* meat, the financial power of such an organisation became a matter of concern to the dominantly White

meat industry as well as other role players during those dark days of Apartheid.

4.4.2 *Halāl* Roller Mark²⁰

After great thought and deliberation a novel idea was hatched whereby the WMBA could raise funds for the additional expenses incurred by introducing the *Halāl* Roller Mark, a world's first, and the subsequent charging of *Halāl* Roller fee to each Muslim Butcher, based on the purchasing power of the Butcher. That eliminated the flat fee system that was unfair especially to the smaller butchers. This new *Halāl* Roller Mark system charged Muslim butchers for purchases only; hence you paid only for what you bought. In keeping with its initial brief of not making *halāl* meat more expensive than non-*halāl* meat. The first fee was fixed at quarter cent per carcass, which translated into a negligible amount per kilogram. A massive marketing campaign was then launched, encouraging butcher's to buy and sell only *Halāl* Roller Marked meat.

²⁰ Ibid, p. 23.

The *Ḥalāl* Roller Mark system turned out to be the most cost effective and efficient system in maintaining *ḥalāl*. That system is operational to this day. It has been copied, emulated and transgressed by many *Ḥalāl* Authorities locally and internationally.

In 1980, the *Ḥalāl* Roller Mark was registered as a trademark as per the Trade Mark Act of 1963. To this day that *Ḥalāl* Roller Mark system has given the Muslim consumer the confidence to buy meat that is authentically *ḥalāl*.²¹ In essence, the system allows all meat to be slaughtered according to Islamic rites, but only specific meat are to be sold as *ḥalāl* to the Muslim Consumer.

The WMBA started in a small office in Bree Street (Newtown) managed to pay the wages and expenses timeously. Within a short period of time, the WMBA managed to buy a Kombi to transport its slaughter men and supervisors to work. At full production, the City Deep Abattoir

²¹ Ibid, p. 23.

slaughtered approximately 4 800 sheep and 1 200 oxen per day. The WMBA at that stage employed 19 personnel on a full time basis.

In 1986 the Association moved to its present premises at the Baitun Noor Centre. However, at that stage the centre was incomplete and the WMBA used a dingy classroom as an office for many years.

In 1983, WMBA expanded its operation to slaughter at Fouries Poultry Farm (Chubby Chick). Five slaughter men and a full time supervisor were employed to ensure that the high standards of *ḥalāl dhabāḥ* were adhered to. Chubby Chick is still under the supervision of the WMBA and has become the accredited supplier to major firms like Nando's, Woolworth's, etc. Due to the changing socio-economic climate of our country and taking into consideration, the needs of the Muslim consumer, the WMBA started certifying franchise stores and in 1993 the WMBA, in conjunction with Independent *Ḥalāl* Trust (IHT) certified Nando's Chickenland as *ḥalāl*. That co-operation with IHT developed a synergy between the WMBA and the '*ulamā*' of IHT and it was the first time in history that a *ḥalāl* certified franchise food outlet had full time Muslim

ḥalāl supervisors from product inception to retail sale. The entire chain supply was under Muslim supervision, from the slaughter of chicken right up to the preparation of the marinades was duly supervised. Thereafter many other franchise and stores were certified *ḥalāl*. The WMBA along with the ‘*ulamā*’ of the Independent *Ḥalāl* Trust formed the National Independent *Ḥalāl* Trust.²²

According to *Mawlānā* Farhad Mohammad, office the National Independent *Ḥalāl* Trust (NIHT) came into existence when the WMBA walked out with the idea of lack of confidence in the South African National *Ḥalāl* Authority (SANHA), 35 other abattoirs also joined them.²³

The WMBA and the IHT is till functioning as NIHT. They presently certify many sheep, beef, and chicken and ostrich abattoirs throughout

²² See website www.halaal.org.za

²³ Telehonic conversation with *Mawlānā* Farhad in early 2004.

South Africa. Meat slaughtered by the WMBA is accepted by 29 countries and exported to as many as 18 countries internationally.

It is important to note here that the executive members of NIHT do not financially benefit from the services that NIHT provides and it still continues to function as a transparent, accountable, non-profit organization.

4.5 THE SOUTH AFRICAN NATIONAL *ḤALĀL* AUTHORITY(SANHA)

The vision behind the establishment of SANHA dates back to the winter of 1995 when Mr Ayoub Manger²⁴ was asked to look at the controls and *modus operandi* of the *Ḥalāl* Food Industry (HFI). His research report presented at the first *Ḥalāl* Food Conference concluded as follows:²⁵

²⁴ A South African businessman who is currently residing in England.

²⁵ *SANHA Strategic Plan*, op. cit., pp. 1-2.

The current system of operation is highly fragmented and confusing to the Muslim Consumer. It does not help those operating in the HFI and singularly fails in providing adequate assurance to the Muslim consumer that the products are in fact *halal*. Furthermore, the success of the HFI would depend on the will power and determination of those involved to move away from parochial partisan thinking and towards a holistic common interest based approach. That, in all the process had to be one of consensus building. The up shot is that after three conferences held in Johannesburg, Cape Town and Durban respectively, the intent was present but the will was sadly lacking. All parties present were clear of the benefits of a holistic approach, but only a few were prepared to pursue this elusive rainbow.

After five months of intense lobbying and persuasion the whole process of establishing an all-embracing *Halāl* Authority came to a halt once Mr Ayoub Mangera left for a business trip overseas. Upon his return in the middle of 1996, the subject was again raised. That time the approach was simply to deliver a binding document encompassing all the principles agreed upon at the December 1995 conference. That approach generally won support from the '*ulamā*' and the traders in the HFI. A constitutional document²⁶ negotiated over three months was then finally presented to be adopted at a conference on the 20th October 1996, and was duly passed after a thorough and wide-ranging debate.

The adoption of that document was in a sense not so much an end, but a new beginning for the HFI of South Africa. It encapsulated the guiding principles adopted in Durban in December 1995, and built upon a basis for an amicable relationship to be established between the '*ulamā*' bodies, the business enterprises and the rights of the Muslim consumer.

²⁶ Ibid, p. 2.

Thus, SANHA came to be established as a representative authority which would promote professionalism and excellence in the certification of *Ḥalāl* Food and other products in accordance with the Qur'anic injunctions and the Sharī'ah. It would set uniform standards and norms which would protect the rights of the Muslim consumer and promote the preservation of his/her faith.²⁷

The main aim for the establishment of SANHA can be summed up as follows:²⁸

1. To create **awareness** by education Muslim consumers as to what is and what is not *ḥalāl*. After all, what Muslims consumes affects the very basis of their faith (*īmān*).
2. To ensure **availability** of the volume and variety of *Ḥalāl* Food Products (HFP's).

²⁷ See website www.islamsa.org.za

²⁸ *SANHA Disclosure Document*, p. 8.

3. To take the necessary **action** to ensure that those who operate SANHA do so, on behalf of the Muslim consumer, in accordance with the highest standards and norms as dictated by the prevailing '*ulamā*' bodies, without fear or favour.

It is important to mention here that all research and work conducted to date which lead to the establishment of SANHA was not sponsored by any individual or organisation. It was done through the initiative of Mr Ayoub Mangera with various individuals and organisations lending administrative and other support, including the use of office facilities. Thus, the independence and integrity behind the establishment of SANHA was not in any way compromised.

4.5.1 SANHA's Commitment

The commitment of SANHA may be enumerated as follows:²⁹

²⁹ *SANHA Strategic Plan*, op. cit., p. 2.

Firstly, to develop and implement effective control and monitoring systems that would guarantee the highest possible standards that the products that are labeled *ḥalāl* are in fact *ḥalāl*.

Secondly, to promote and implement effective quality systems which encourages the participation of all Muslim consumers in the policing of the HFI.

Thirdly, to build relationships across the whole spectra of '*ulamā*', thereby generating the highest possible uniform standards for HFPs .

Fourthly, to develop national and international collaborative relationships in order to enhance and promote HFPs.

Fifthly, to maintain a quality service to its clients that is geared towards professionalism and excellence in the delivery of the same.

Sixthly, to protect and nurture the Muslim identity in the context of HFPs and to act against transgressors in a vigorous and transparent manner and

finally to work to develop, train and support its staff in the delivery of quality products and service to its clients.³⁰

The commitments enumerated above are undoubtedly noble and reflect strong sentiments for the future of *ḥalāl* and *ḥalāl*-related issues, opening the way for all other *ḥalāl* bodies to join and unite under one organization.

Initially, most of the other *ḥalāl* bodies agreed to join SANHA and SANHA was seen as the ideal body within which they could work collectively together, but that did not last for long. The WMBA and IHT eventually broke off from SANHA and together they formed NIHT. However, SANHA is still in existence and certifies abattoirs, poultry, food, spices, and other products that need to be certified *ḥalāl* and is still willing to work with other *ḥalāl* bodies in the interest of the Muslim consumers.

³⁰ *SANHA Strategic Plan Document*, p. 8.

CONCLUSION

We have seen that the concept of *ḥalāl* (lawful) and *ḥarām* (unlawful) vis-à-vis the Muslim diet is contingent upon the Muslims' belief that sovereignty belongs to *Allāh* (SWT) and from this belief emanates the fact that it is within His (SWT) prerogative alone to declare what is *ḥalāl* (lawful) for Muslims to consume and what is *ḥarām* (prohibited or unlawful) for them to partake of. Hence, we find that Muslims throughout the world are particularly concerned to consume only such food and beverages that fall within the category of what is termed as *ḥalāl*. This too accounts for the vast majority of Muslims being teetotalers.

The *Sharī'ah* (Islamic Law) has laid down that the food which Muslims are allowed to consume ought to be wholesome and pure, that the Name of *Allāh* (SWT) had been mentioned at the time of slaughtering the animals and that the Islamic manner of slaughtering had been observed. The writer of this thesis is of the view that the *Sharī'ah* forbids Muslims

from consuming that which dies of itself, flowing blood and the flesh of swine or pork because these are injurious to our health. The reason why Muslims are prohibited from consuming that which has been sacrificed under the invocation of any other name than that of *Allāh* (SWT) and that which has been sacrificed to idols are based on the fact that that would negate the very concept of *Tawhid* (Oneness of *Allāh* - SWT).

What is interesting to note is that Muslims in their zeal to observe the Islamic dietary laws have even taken the trouble to investigate the sources from which the nutrients are derived from. Thus, they abstain from consuming all such nutrients which are derived from non-*ḥalāl* animals or from the animals which have not been slaughtered in accordance with Islamic rites.

Insofar as gelatin is concerned, some Muslim jurists are of the view that gelatin in general is *ḥalāl*, based on the fact that in the process of the manufacturing of gelatin, a totally complete transformation takes place which render the *ḥarām* raw material into a *ḥalāl* end product. However,

the majority opinion (*al-jamhūr*) is that the source of gelatin ought to be from *ḥalāl* sources and this stance actually contributed to the appearance of *ḥalāl* gelatin on the international market.

As far as consuming the food of *Ahl al-Kitāb* is concerned, it was pointed out that the *Holy Qur'ān* permits Muslims from consuming such food. Thus, it is that all the four Sunnī Schools of Islamic Jurisprudence concur that the food of *Ahl al-Kitāb* is *ḥalāl* provided that at the time when the animals were being slaughtered they were not done so in the name of any person or thing other than that of *Allāh* (SWT), etc. However, the writer of this thesis holds the view that Muslims ought to exercise restraint and avoid consuming the food of the Jews and Christians on the basis of the following two obvious reasons: Firstly, although the Jews are forbidden from consuming pork, it is not forbidden for them to consume alcohol, hence, the likelihood that alcohol may be used in the preparation of certain types of dishes. Secondly, the Christians are not prohibited from consuming pork and thus the risk exists of contamination of the flesh of swine with that of other animals when being transported from the

abattoirs to the various retail outlets. Likewise, even in restaurants, the same pots and pans may be used to cook pork and meat of other animals, like mutton, beef and chicken, etc. Hence, the need for Muslims to avoid eating out at these places.

The concept of and *ḥalāl* and *ḥarām* vis-à-vis the Muslim diet disciplines Muslims to:

1. avoid consuming such food and drinks that are injurious to their health and spiritual well-being;
2. be grateful to *Allāh* (SWT) for providing them with the food and drinks that are necessary for their physical growth and development; and above all,
3. to become consciousness of *Allāh* (SWT) so that they may attain spiritual elevation through their consumption of *ḥalāl* food.

Insofar as the *ḥalāl* authorities in South Africa are concerned, it was pointed out that there are several such regional and national bodies, but sadly there is very little cooperation among these bodies and there is lack of co-ordination of the *ḥalāl* services being provided with the result that the Muslim consumers are often confused when one of the bodies certifies certain products as *ḥalāl* and others declare them to be *ḥarām*. Absence of uniformity of *ḥalāl* standards allows the system to be exploited by the unscrupulous organizations and individuals. Hence, the inevitable delay in investigating the complaints undoubtedly has a detrimental impact on the businesses which are operating legitimately.

Again, the opportunities to increase awareness amongst Muslim consumers about what is and what is not *ḥalāl* is lost in the interest of the competing factions within the *Ḥalāl* Food Industry and that jeopardizes the opportunity to increase the availability, variety and easy access of *Ḥalāl* Food Products.

Moreover, the current monitoring systems of *ḥalāl* are woefully inadequate to deal with the increasingly complex market and distribution chains with the result that the costs are duplicated due to the existence of several *ḥalāl* certifying bodies and that does not augur well for the Muslim consumers.

Furthermore, The use of different *ḥalāl* certificates and *ḥalāl* logos does not only add to the confusion in the *Ḥalāl* Food Industry, but is also open to fraud and deception.

Over all, the fragmented approach that prevails in the *Ḥalāl* Food Industry in South Africa makes it difficult to embark upon establishing genuine productive international linkages with Muslim countries.

RECOMMENDATIONS

Every effort should be undertaken to:

1. develop a coherent and uniform set of *ḥalāl* standards which would be acceptable to all Muslim business enterprises, consumers and '*ulamā*' alike;
2. initiate a coherent local market for *Ḥalāl* Food Products that could in effect compete with imports on an even playing field;
3. create opportunities to allow Muslim traders to focus on a broad range of issues which were previously denied to them. For example, for them to be able foster export and imports markets, enter into the food processing trade and fast food franchising, etc., thus ensuring that the products they deal with would genuinely be *ḥalāl*!

Finally, it is imperative for all the *ḥalāl* bodies to rise above partisanship and make a concerted effort to unite under one National *Ḥalāl* Authority. Failing to achieve this may result in dire consequences - erosion of the *Ḥalāl* Food Industry; its constriction which would make *ḥalāl* products less accessible and result in the inflation of their prices.

It is also important to note that negligence to implement strict *ḥalāl* monitoring of the products will lead to dubious food being passed off as *ḥalāl*.

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