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RELIGIOUS LEGAL CONDITIONS OF ANIMAL SLAUGHTER IN THE ARABIC-KIPCHAK WORK “IRSHADUL-MULUK VAS-SALATIN”: IN THE CONTEXT OF HANAFI JURISPRUDENCE

The article is devoted to the analysis of the Islamic norms of halal animal slaughter in the Arabic-Kipchak text “Irshadul-muluk vas-salatin”, a work of the Mamluk era. This work is main legal and theological source reflecting Hanafi view in the Turkic-Islamic intellectual tradition. Although it was studied from a linguistic and theological perspective, legal aspect of the text, especially on the issue of animal slaughter, has not been sufficiently examined. The article aims to study how animal slaughter is regulated in the “Kitab az-Zabaikh” part of the text and determine legal obligations of Muslims and people of the book in accordance with Islamic law. The study uses historical-genetic method, textual analysis and comparative legal methods, original Arabic text and its Kipchak translation are reviewed as separate but mutually supporting documents. Representatives of different Hanafi, Maliki and Shafii fiqh traditions were selected for systematic comparison of decisions. Three important legal criteria for animal slaughter are analyzed from the text. In addition, the article reveals that legal opinions in the Irshadul-muluk vas-salat comply with classical Hanafi jurisprudence and include madzhabar discussions. These findings indicate importance of the work in revealing practice of Islamic law in the Mamluk-Kipchak context. The scientific conclusions made in the study can be used as theoretical material in preparing Islamic studies discipline and as a practical guideline for Islamic clerics.

Keywords: Kipchak, Hanafi, az-Zabih, Irshadul-Muluk was-Salatin, Madhhab

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Араб-қыпшақ тілінде жазылған «Иршадул-мулук уәс-салатин» еңбегіндегі мал союдың діни-құқықтық шарттары: Ханафи фикһ контекстінде

Мақала мәмлүк дәуірінің туындысы болған араб-қыпшақ тіліндегі «Иршадул-мулук уәс-салатин» жазба ескерткіш халал мал союдың исламдық нормаларын талдауға арналған. Бұл еңбек түркі-ислам интеллектуалдық дәстүріндегі ханафилік көзқарасты бейнелейтін негізгі құқықтық және теологиялық дереккөз. Еңбек лингвистикалық және теологиялық тұрғыдан зерттелгенімен, мәтіннің заңдық аспектісі, әсіресе мал сою мәселесі бойынша, жеткілікті түрде қарастырылмаған. Мақалада мәтіннің «Китаб әз-Забайх» бөлігінде мал союдың қалай реттелетінін зерттеу және мұсылмандар мен кітап иелерінің ислам құқығына сәйкес заңды міндеттерін анықтау мақсаты қойылған. Зерттеуде тарихи-генетикалық әдіс, мәтіндік талдау және салыстырмалы-құқықтық әдістер қолданылады және түпнұсқа араб мәтіні мен оның қыпшақ аудармасы бөлек, бірақ өзара қолдаушы құжаттар ретінде қарастырылады. Шешімдерді жүйелі түрде салыстыру үшін әртүрлі ханафи, малики және шафии фикһ дәстүрлерінің өкілдері таңдалған. Мәтіннен малды союдың заңды үш маңызды критерийі сарапталады. Сонымен қатар мақалада Иршадул-мулук уәс-салатындағы құқықтық пікірлердің классикалық ханафилік құқықтануға сәйкес келетіні және мазхабаралық пікірталастарды қамтитыны анықталған. Бұл тұжырымдар мәмлүк-қыпшақ контекстіндегі ислам құқығының тәжірибесін жарыққа шығарудағы жұмыстың маңыздылығын көрсетеді. Зерттеуде жасалған ғылыми тұжырымдарын исламтану мамандығын даярлауда теориялық материал ретінде және ислам діни қызметкерлері үшін практикалық ұстаным ретінде қолдануға болады.

Түйін сөздер: қыпшақ, Ханафи, әз-Забих, Иршадул-мулук уәс-салатин, мәзһаб

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Религиозно-правовые условия забоя животных в арабо-кипчакском труде «Иршадуль-мулук вас-салатин»: в контексте ханафитского права

Статья посвящена анализу исламских норм халяльного забоя животных в арабо-кипчакском тексте «Иршадуль-мулук вас-салатин», произведении мамлюкской эпохи. Это произведение является основным правовым и богословским источником, отражающим ханафитский взгляд в тюркско-исламской интеллектуальной традиции. Хотя произведение изучалось с лингвистической и богословской точки зрения, правовой аспект текста, особенно в вопросе забоя животных, недостаточно освещен. Цель статьи – изучить, как регулируется забой животных в части текста «Китаб аз-Забайх», и определить правовые обязанности мусульман и владельцев книги в соответствии с исламским правом. В исследовании используются историко-генетический метод, текстологический анализ и сравнительно-правовые методы, а оригинальный арабский текст и его кипчакский перевод рассматриваются как отдельные, но взаимодополняющие документы. Для систематического сравнения решений были отобраны представители различных ханафитских, маликитских и шафиитских традиций фикха. В тексте анализируются три важных правовых критерия для забоя животных. Кроме того, в статье показано, что правовые заключения в «Иршадуль-мулук вас-салатин» соответствуют классической ханафитской юриспруденции и включают обсуждения маджабар. Эти выводы указывают на важность работы в раскрытии практики исламского права в мамлюкско-кипчакском контексте. Научные выводы, сделанные в исследовании, могут быть использованы в качестве теоретического материала при подготовке студентов-исламоведов и в качестве практического руководства для исламских священнослужителей.

Ключевые слова: Кипчак, Ханафи, аз-Забих, Иршадуль-мулук уәс-салатин, мазахб

Introduction

The Mamluks-Kipchaks, after they had established their power in Egypt and controlled the whole of the Sham region, greatly enriched Islamic civilization. In the course of their state formation, they pushed out the Eastern groups, thus allowing the consolidation of Sunni influence, and built monumental mosques and madrasahs. They upgraded the Kipchak language, which was their exclusive language, from a mere dialect of the Horde to a prominent language used in military and political spheres. To put the Kipchak language on equal footing with Arabic, teaching aids, linguistic studies, and Turkish-Arabic dictionaries were created during this time. Besides, major Arabic writings relating to various fields such as religious literature, healthcare, philosophy, law, astronomy, and natural sciences were translated into Kipchak. Among these is *Irshad al-Muluk wa al-Salatin* penned in the 14th century, which is filled with numerous Kipchak elements. This literary work was finalized on the 20th of Shawwal in the year 789 AH (1387 AD). Berke ibn Barakuz ibn Qandud ibn Ogu is said to have copied the sole scholarly recognized version of the document, known as the Istanbul version, that is his credit according to sources. The text *Irshad al-*

Muluk wa al-Salatin, is recognized as a theological piece because of its content. It was composed originally in Arabic and later translated into the Mamluk-Kipchak dialect while observing the Shariah of the Abu Hanifa tradition. The manuscript is evidence that the work was completed in 1387, which is the date of 20 Shawwal 789 AD. The original version of *Irshad al-Muluk wa al-Salatin*, which is based on Islamic Shari'ah, can be found in the Hagia Sophia section of the Sulaimaniya Library in Istanbul, Turkey, under the number 1016 (Aubakirova, 2016).

Certainly the treatise *Irshad al-Muluk wa al-Salatin* (Instruction or Guide for Kings and Sultans) has emerged as an essential reading for the young officials in charge of governance. It is clear that the Kipchaks, who took over the power after the Fatimids in the east, tried very hard to spread the Hanafi school among the Egyptians, as the (Kydyr, 2016) observed. At the same time, this book which deals with the topics of religion, ethics and legal rules, is still worth reading from the current Hanafi viewpoint. The fact that it is referred to in the present-day debates shows that the paper is still relevant for the people in power nowadays. Besides, *Irshad al-Muluk wa al-Salatin* (guide for monarchs and sultans) text has become a major reading for the nation's rulers, right from their childhood. The Kipchaks

who replaced the Fatimids in the east, are known to have greatly helped the spread of the Hanafi school among the Egyptians through such works as *Irshad al-Muluk wa al-Salatin* (Aubakirova, 2016). The work in question, which covers aspects of faith, ethics and law, is still very much a part of the Hanafitradition today.

Relevance of topic selection and purpose and objectives

Our main reason for choosing this topic is to point out that the Kypchak language version of this text, which is considered a common heritage of Turkic peoples, has been the subject of thorough theological study; however, the exploration of its legal rulings and Shariah principles is still missing. *Kitab al-Abaih* (Book of Cattle Slaughtering) section In order to solve the problem, we will discuss different issues in the *Kitab al-Abaih* (Book of Cattle Slaughtering) section, and place our results in the contexts of the Hanafi, Maliki and Shafi'i schools of thought. Besides that, we will make a point showing the extraordinary characteristics of the Islamic legal system in the Mamluk period by recognizing the Sharia-based and legal foundations of the (Ahl al-Kitab) Sharia rulings imposed on the People of the Book as presented in the work. To implement these plans we have identified the following tasks: first, a brief summary of the work *Irshad al-Muluk wa al-Salatin* will be given; second, it will be related to other jurisprudential texts with presentation of the corresponding parts of the Shariah from the manuscripts; and lastly, a detailed discussion of the regulations concerning animal slaughtering in the text will be done.

Methodology of scientific research

The historical-genetic method was used to explain the peculiar features of the historical development of *Irshad al-Muluk was-Salatin* during the Mamluk period, the motives for its composition, and its role in the Islamic legal system. The original manuscript text along with its Kipchak-language translation were considered as separate sources, and source-critical analysis was conducted to identify their structure, content, and the details of how fiqh-related issues are handled in the texts. A comparative study of the Arabic and Kipchak texts based on the textual (philological) method was done to uncover the semantic meanings of the terminology referring to the slaughter of animals, the translation methods

used, and linguistic parallels between the two languages. In addition, the legal rulings enumerated in the text were juxtaposed with those laid down in the classical materials of the Hanafi, Maliki, and Shafi'i law schools, and a comparative-legal method was utilized to spot the likenesses as well as the differences among them.

Results and discussion

The book *Irshad al-Muluk wa al-Salatin* mainly focuses on the subjects of Islamic law, especially the Hanafi stance regarding fiqh problems under Sharia law. This paper intends to look at a few issues from the "Kitab al-abaih" (book about slaughtering cattle) concerning the Haufi, Maliki, and Shafi'i schools of thought. In this script, the writer points out cases of animal impregnation both voluntary and involuntary and stresses the importance of saying the words "Bismillah" (in the name of Allah) in both cases. Besides, it is indicated that the person who is impregnating should be a Muslim or a member of the People of the Book. We will address the major issues such as the consequences of forgetting to say "Bismillah" or intentionally leaving it out, and the case of adding more names to "Bismillah" after looking at how the legal rulings that are only mentioned in *Irshad al-Muluk wa al-Salatin* are explained in the well-known Hanafi texts.

God, Allah made all the creatures on earth to help humans, thus honoring us in a special way. The Holy Qur'an quotes, "Allah has made all the creatures of the earth for you" (Akimhanov & Anarbaev, 2015, p. 5). When it comes to eating, people should only eat what is halal. But, very often, people do not know which things are halal and which are haram. Therefore, Allah clarified halal and haram as per the Sharia law. In other words, any food item on the earth that God has marked as "halal" is allowed, while whatever has been marked as "haram" is prohibited. Any Muslim who believes in God is obliged to follow God's shari'a without thinking in the way of "this is good for me, so it should be allowed; this is bad for me, so it should be forbidden." The person may not know, but the Creator has the final truth (As-Synbati & Isaully, 2018, p. 9).

Essentially, all the living things on earth have a soul and body, just like humans. They are capable of experiencing happiness and sadness, and also pain. If we consider it from a moral point of view, then killing animals, eating their meat, and using them for our own purposes is not an act of humanity. However, because Allah has appointed humans

as caretakers of His creation, He has given these animals, and other non-living things, to humans for their use. Of these, the Creator has given the Muslim community, who recognize the Truth and follow His commands, certain Shari'a provisions and duties. Since these provisions are based on the Qur'an and the Sunnah, it becomes a necessity that one must learn the Shariah regulations correctly in terms of what is permissible and what is forbidden. The Islamic Shariah is considered the most perfect system that God has revealed for mankind beginning with the first human to the last one. It is a divine law that remains valid by the will of God until the Day of Judgment (Al-Usmani, 2011).

In today's world of crowded public spaces, particularly around marketplaces, one can often see signs like "halal meat" and "halal cafe". This popularity points to the presence of a large Muslim community in the neighborhood and the increasing halal products demand. On the other hand, people who are indifferent to halal and haram labels often look at these signs with a kind of mockery. They think that there is no need to judge food by its permissibility or flavor. Clearly, their ignorance of the shari'a rules concerning the intake of animals other than these is the reason for their dismissive attitude and false ideas. Fiqh scholars, who know that social issues like this can happen anywhere, often bring up those cases in their fiqh works. The *Irshad al-Muluk wa al-Salatin* is a landmark that briefly summarizes the steps taken and the principles of Shariah. It explains in great detail the lifestyle of cattle herders, their speeches, and their rituals. Also, agreement can be seen in Zainuddin Ar-Razi's *Tuhftul-Muluk*, which was written during that time. For example, under the heading "Circumcision Judgments" in *Tuhftul-Muluk*, it is stated that animals slaughtered by non-Muslims and the People of the Book are not considered halal (Ar-Razi, 2016).

Under Islamic law, the first obligation of a person with faith in God, after recognizing the Creator and fulfilling the required acts of worship, is to distinguish between what is permissible and what is forbidden. The importance of this is highlighted by the words of Allah in the Holy Quran: "Today all good, pure foods have been made lawful for you" (Akimhanov & Anarbaev, 2015, p. 107) and: "He permits for them what is lawful and forbids to them what is impure" (Akimhanov & Anarbaev, 2015, p. 170). Therefore, the verses clearly define the halal and haram rules with regard to meat products. A close analysis of this legal framework reveals that the Qur'an and Hadith do not provide a detailed list

of animals that are permissible, but only set the basic guidelines. As a result, animals which are not directly referred to in the Shari'ah are considered halal or haram depending on these criteria.

Among the fundamental principles of jurisprudence, which also give rise to Shariah rulings, the phrase "al-aslu fi az-zabaih al-tahrim" can be interpreted as meaning that the animals by nature are considered sacred and can only be exploited with the necessary permissions. Therefore, it follows that if an action is to be considered halal, it has to be in line with the Shariah stipulations. In other words, the farming of animals should be an Islamic compliant way. Even when the People of the Book carry out such practices, they should be done in a way that is consistent with Shariah standards. However, various Muslim scholars have issued controversial fatwas on this matter, causing the general public to be alarmed (Lever & Miele, 2012). Besides, the likes of Muhammad Abdu and his student Rashid Riza, together with an Egyptian scholar who was the mufti in the year 1899, considered the slaughtering of animals as a habitual activity. They argued that its use should be a matter of personal choice (Al-Usmani, 2011, p. 370).

Such an opinion clearly contradicts the evident teachings of the Quran and the Sunnah. Anas ibn Malik related that the Prophet, praying: "Whoever prays like us, turns to our Qiblah and eats from our slaughtered animals, he is a Muslim under the command of Allah and His Messenger, Therefore, do not mistreat those under the (God's) authority" (Shoybek, 2010, p. 112). In the above hadith, the Prophet points out the slaughter of an animal as one of the five pillars of Islam, alongside prayer and orientation towards the Qibla. He clarifies that it is a principle of the Islamic Shari'ah that only a Muslim child may perform this ritual.

It can be said that animal fattening in accordance with Shariah is not really a very natural human behavior, rather a ritual among Muslims demonstrating their worship to God and their gratitude for His blessings. There are detailed and strict rules in Shariah concerning the killing of animals. The main one is how the life of the animal is taken. Then, the making of the livestock must be done while saying the name of God. Lastly, it also specifies that the person who performs the act must be either a Muslim or a follower of one of the revealed religious books (Christian or Jewish) (Mustafaeva, 2021).

Imam al-Qurtubi explained the phrase "...Except for those who slaughter (before they die)..." in the verse 3 of Surah al-Ma'idah as "complete the

slaughtering.” In his commentary on the verse about the sacrifice of the animal, he referred to a number of terminological meanings of the word “zakah”. One of these people gives a thorough description of the animal slaughtering procedure, arguing that the term “sharia slaughtering in order for its meat to be lawful for Muslims at the time of the soul being taken from the animal being slaughtered” is sufficient (al-Qurtubi, 2008, p. 52).

According to the fiqh scholars, three main prerequisites have been identified for the permissible slaughter of an animal under the Sharia guidelines. These are the main conditions:

1. Ways of slaughtering animals.
2. Reciting the name of Allah.
3. Slaughterer must be a Muslim or one of the people of the book (Fuseini, Knowles, Lines, Hadley, Wotton, 2016, p. 368).

Either of these perspectives calls for the proper bleeding of the animal during the throat cutting to let it gradually die. It was related by one of the Prophet’s Companions, Rafigh ibn Khatij that his grandfather asked the Prophet, “Can we kill an animal with reeds?” The prophet answered: “The blood is shed and the name of Allah is mentioned.” If it’s done, keep eating” (Shoybek, 2010, p. 113). There is a lengthy discussion at both the beginning and the end of the narrative of this hadith; therefore, we will limit ourselves to the justification for pruning blades to be used in the slaughter of goats. The Prophet was with His Companions and the people in a place called “Zil Hulaifa, “ which is between Makkah and Taif. The Messiah was asked whether it would be permissible to use an instrument that resembled a reed knife for the slaughter of animals in order to share in the spoils. This question came from their being short of time and resources to properly prepare and fatten the animals. Besides, they figured that if they took the swords with them, they might come across an enemy later. Thus, the swords might be useless, and they might even suffer defeat (Al-Aini, 2012, p. 285). Therefore, this hadith makes it very clear that not only the movement of an animal to be slaughtered but also the flowing of blood during the slaughter is the main requirement of fattening. The throat of the animal has to be cut so that the blood can flow. When slaughtering an animal, the spot where the animal is to be cut is termed “Audaj”, which literally means the blue vein in the neck in Kazakh language (Muhiddinov, 2016, p. 846).

In the text *Irshad al-Muluk wa al-Salatin*, there is mention of specific anatomical locations such as the throat, esophagus, and two jugular veins that

should be severed during process of cattle fattening. Imam Abu Hanifa asserts that if any three of these parts are cut, whether it be the two veins along with the esophagus, the throat alongside the two veins, or a combination of one vein with the esophagus and throat, then it suffices. Meanwhile, Imam Abu Yusuf and Imam Muhammad hold the view that for proper adherence, at least the throat, esophagus, and one of the jugular veins must be severed (Irshad al-Muluk wa al-Salatin manuscript, 1387).

Al-Qasani explained that “Audaj” refers to the large intestine, the esophagus, and two major jugular veins adjacent to these organs. According to Imam Abu Hanifa, if any one of these components is not severed, the animal is deemed halal. In contrast, Imam Muhammad asserts that if even one of the four essential parts is not cut, the animal cannot be considered halal, emphasizing that more than half must be slaughtered for it to be permissible (al-Kasani, 2009).

In this regard, Imam Shafi’i holds a perspective that differs from that of the Hanafi Imams. He asserts that severing the esophagus and larynx alone is sufficient, regardless of whether the jugular veins are also cut. Conversely, another tradition states that it is “mandatory” to cut both jugular veins in conjunction with the esophagus and larynx. According to Imam Shafi’i, the act of slaughtering an animal involves extracting its soul, which typically departs when the esophagus is cut, along with the one leading to the stomach. He argues that simply cutting the two jugular veins does not result in the animal’s death. Consequently, it is regarded as more crucial to sever esophagus and larynx compared to the two jugular veins. Scholars from the Hanafi perspective assert that the aim of slaughtering is to expel the prohibited essence from the animal’s system. This essence is represented by the blood that circulates within the animal. It is thought that one or both of these blood vessels must be severed to effectively eliminate the blood (al-Kasani, 2009).

In brief, all schools of thought require to sever at least one of the jugular veins, allowing the impure blood to flow out. This necessity is evident from the phrase “shedding his blood” found in the teachings of the Prophet Muhammad. If an animal’s lifeblood is not removed by cutting any of the “audaj,” it is considered contrary to Islamic law. Therefore, the Qur’an explicitly states that the flesh from an animal that was not properly slaughtered or that perished on its own is deemed haram by Islamic standards. For instance, one of the verses illustrates this principle clearly: “He has only forbidden you to eat carrion,

blood, swine, and what is slaughtered in the name of any other than Allah” (Akimhanov & Anarbaev, 2015, p. 26). It is said, in the third verse of the Surah “Maida”: “Forbidden to you are carrion, blood, and swine; what is slaughtered in the name of any other than Allah; what is killed by strangling, beating, a fall, or by being gored to death; what is partly eaten by a predator unless you slaughter it; and what is sacrificed on altars. You are also forbidden to draw lots for decisions”. Focusing on the initial verse, it notes that three specific types of animal meat are prohibited. These include the flesh of carrion, pork, and the meat of an animal sacrificed in the name of anyone other than Allah. In the following verse, six additional categories are outlined. However, five of these (animals that were tethered, struck, fell, were trampled, or devoured by other animals) fall under the purview of the first verse. Therefore, they too are classified with carrion. The sixth category (animals sacrificed before a stone idol or a statue) correlates to the conclusion of the first verse, specifically pertaining to those slaughtered in the name of someone other than Allah. There is a consensus among Islamic scholars that the types of animal meat cited in these verses are considered haram (As-Synbati & Isauli, 2018).

Another concern regarding the fattening of animals in *Irshad al-Muluk wa al-Salatin* involves deliberate omission or simple forgetfulness of the phrase “Bismillah.” According to Abu Yusuf and Muhammad, if an individual neglects to recite Bismillah from memory, consuming the animal is still permissible. However, Imam Malik holds a differing view, stating that it is not permissible. Imam Abu Hanifah aligns with this stance. In cases where Bismillah is intentionally not recited, other scholars, aside from Imam Shafi’i, argue that such an animal cannot be regarded as halal (Toparli, 1992).

Numerous Islamic scholars agree that Muslim must say “Bismillah” when they mount cattle. In case the name of Allah is not deliberately spoken at the time of slaughter, then the meat of that animal is considered non-permissible. However, if a person just forgot to say it, the animal will be still lawful for eating. Hanafi and Maliki madhabs hold this view. On the other hand, a group of scholars under the leadership of Imam Shafi’i maintains that if a Muslim slaughters an animal on purpose and without saying “Bismillah,” the meat is still halal. Their reasoning is that a Muslim who worships Allah naturally dedicates the work of rearing cattle to His name (Ghaly, 2010). Therefore, saying “Bismillah” when the animal is being fattened

is not an obligatory act or an essential condition; it is only a Sunnah, a practice that is encouraged but not required. Hence, it is permissible to give up the Sunnah. Those who support such a notion point to the behavior of the Messenger of Allah, who always made prayers in the name of Allah. They bring forward the hadiths which say that animals slaughtered can be considered halal even if the name of Allah was not invoked at the time of the slaughter. Besides, if it is not known that the slaughtering of the animal was done with the mentioning of “Bismillah,” the meat can still be eaten by saying “Bismillah” before the meal (Isauli, 2018, pp 26-27). However, scholars after detailed research of this issue have offered strong evidence that Imam Shafi’i did not officially issue a fatwa on the permissibility of eating meat heat without the name of Allah being mentioned, except in away the name Allah was forgotten (Al-Usmani, 2011).

Imam Shafi’i, in his book “Al-Ummu,” mentioned that it should be the first thing a Muslim say “Bismillah” when he takes the trained greyhound or bird hunting. If he remembers to do so, then the animal caught and killed by the dog or bird can be eaten, as it is considered as if the person who has made the kill. If he does not say “Bismillah,” the game they caught cannot be consumed. It is said that even if they forget, the intention is still in Allah’s name (Al-Shafi’i, 2001, p. 593). Basically, if a Muslim does not call the name of Allah while taking care of the animals, the meat of those animals will be considered invalid. If this is something that does not bother him, then eating it is forbidden.

The above statements show that meat of animals that are slaughtered as halal by default is not based on any solid ground. This is so even if the Shafi’i Madhhab intentionally leaves out the saying of “Bismillah” when slaughtering the animals. It is generally accepted that not reciting “Bismillah” properly means that one should not consume the meat of that animal. After all, carrying out such an important act without proper attention can very well become a habit. A real Muslim should not indulge in bad habits. It is fine if the invocation is missed now and then unintentionally, but such a lack should not come from indifference. Referring to Imam Shafi’i’s liking of the saying “Bismillah” makes it clear that the affair is still subject to the same makruh (disliked) ruling. Hence, scholars of the Shafi’i school generally agree that not saying “Bismillah” during the slaughter is considered makruh (Al-Usmani, 2011, p. 381).

The famous Hanafi scholar al-Jassas explains: “Failure to say Bismillah (in the Name of Allah) when fattening animals won’t harm the meat of the animal in any way.” A verse of Allah: “Eat not of that on which the name of Allah has not been mentioned” (Akimhanov & Anarbaev, 2015, p. 165), is directed at those who reject deliberately rather than at those who forget are the ones who reject it deliberately rather than those who forget. This is evidenced by the term at the end of the line. “eating it is definitely a sin”. The sinful action cannot be attributed to someone who forgets, as such a person is not held accountable under Shariah. If a person forgets to say “Bismillah, “ they are not required to say it because they are excused for forgetting. This excuse is confirmed by a hadith of Abdullah ibn Abbas, in which the Prophet is reported to say: “My ummah has been forgiven for three things: mistakes, forgetfulness, and what they are forced to do.” From the hadith we learn that if someone forgets to say “Bismillah, “ they are not blamed for that mistake because it was an unintentional oversight. The action done in a moment of forgetfulness will not negate other actions, like the process of fattening cattle, for example. It is very significant that this is a one-off situation; unlike certain practices in Islam, such as ablution, that may be repeated if forgotten, there is no parallel error that can be corrected by “Bismillah” omission during animal fattening. Even in the case of a newborn animal later on, the prayer for it will not be valid for the first one. Therefore, if one fails to mention God’s name at the time of slaughtering the animal, it does not mean that eating its meat is prohibited (Al-Jassas, 2007).

In Sahih Al-Bukhari, it has been narrated by Aisha (may Allah be pleased with her) that a group first came to our Prophet (peace be upon Him) and they asked, “A group from the outside, i.e., Bedouins in the mountains, has been giving us meat. We are not sure if they have slaughtered the animals while reciting the name of Allah.” The Prophet responded, “When you eat this meat, say ‘Bismillah’ first and then consume it.” Aisha also added that “The people who were asking this question were moving away from disbelief” (Shoybek, 2008, p. 113).

Badruddin al-Aini has in fact explained this hadith in his commentary by giving his line of reasoning that: ‘It is my opinion that the incident referred to in this hadith took place during the period when Islam was just being introduced. The main evidence I have is the ayah of Riu as narrated by Imam Malik: ‘Islam Was At Its Infancy’ Alone If That Was Not The Case, They Would Not Be Ignorant On The Issue

Of Killing Animals For The Name Of God (Badruddin Aini, 2012, p. 296). However, this hadith is not a piece of evidence that can be used freely in performing an action like eating the meat of an animal whose owner is known to have purposely NOT said the “Bismillah” while raising it. The bottom line is that the hadith seeks to point out that actions of a Muslim must be in line with the proper way. Meat or any other edible item being provided by any Muslim should not be only from being slaughtered as per the Sharia law but also be prepared in an Islamic manner. Muslims should always have positive thoughts towards their fellow believers in Islam.

Various issues will be explored in this study relative to the cattle slaughter practices of the people of the book (Christian, Jewish) as they were narrated in *Kitab al-Dhaba’ih* (Book of Cattle Slaughtering) section of the cited work. In this section, the author has separated animal slaughtering into «voluntary» and «involuntary» categories. The voluntary act entails the killing, instinctively the throat and the base cutting of the cattle. Thus, involuntary slaughtering is a situation when an animal is killed in a way that it is still possible to remove its life but at the same time, wounds or blood can be obtained from any part of the creature. Both cases require that the phrase that «Bismilla» is to be declared by a person who is either a non-Muslim or a member of the people of the book (Irshad al-Muluk wa al-Salatin manuscript, 1387).

The Qur’an contains the statement that the food of the People of the Book is allowed for Muslims. The People’s of the Book designation implies that their status in this world is significantly higher than that of adherents of other faiths. The phrase «food of those to whom the Book was given» refers to the meat that they have slaughtered. On the other hand, animals that are slaughtered by religious authorities outside of this context are not considered halal. Even if such animals are slaughtered in the manner of Muslims, they still do not meet the Sharia requirements (Fuseini & Knowles, 2016).

Islamic scholars share consensus regarding the permissibility (halal) of animals that have been slaughtered according to the guidelines set by People of the Book. This is supported by the verse from Surah “Ma’ida” that states: “the food of the People of the Book is permissible for you” (verse 5). In his commentary on this specific verse, Ibn Kathir stated that the “food” referred to consists of the livestock that they have raised. This understanding is echoed by various Islamic scholars, including Ibn Abbas, Abu Ummah, Mujahid, Saheed Ibn Zubayr, Ikrama,

Ghata, Hasan Al-Basri, Ibrahim Nashagi, Muqat Ibn Hayan, among others. These scholars assert that the primary reason the dietary laws from the People of the Book are permissible for Muslims lies in the fact that they perform their sacrifices while invoking the name of Allah. Furthermore, it is emphasized that slaughtering for anyone other than Allah is strictly prohibited (Ibn Kasir, 1981).

Judaism religious law, which is based on the Torah, contains detailed instructions for a humane slaughter of animals. These clauses specify how the procedure should be carried out so that it remains in line with the religious requirements:

1. Avoid thrusting the knife straight into the animal's throat; instead, carve it by moving the blade in a back-and-forth motion.

2. Do not inflict pain on the animal using a heavy item.

3. During the act of slaughtering, one should not merely slice through the skin of the throat but also penetrate the entire throat.

4. When slaughtering, it is essential to avoid performing any actions that deviate from the procedure itself by incising areas other than the esophagus and larynx (Pozzi, Waner, 2017).

The practice of slaughtering animals in such a way is not a Jewish monopoly; it is, in fact, also a feature of Christian practice. Ordinarily, their scriptures declare that any animal which has been killed or injured is haram. This idea can be seen in the story of Zahir in the Bible, which is in line with Bulus's letter to the Kurnjius nation (Mustafa Zarka, 2013).

The work *Irshad al-Muluk wa al-Salatin* argues that saying a name along with the name of Allah is haram and makruh judgments. This part is aimed at looking at the grammar side of words usage. Namely, if another name is added after the name of Allah, it is considered that the name is connected by a suffix (Aubakirova, 2016).

The people of the book challenged the issue of whether it is necessary for them to say "Bismillah," which is basically the condition of sharia slaughter of the animal. Is it obligatory for them to say "Bismillah"? Scholars have three different views on this matter. For example, the utterance of "Bismillah" during the milking of animals is generally regarded as being incumbent upon everyone, including Muslims and People of the Book, and their deeds are considered conditional. Such a view is upheld by the scholars of Hanafi and Hanbali schools. Ibn Qudama, one of the Hanbali leading scholars, explained that saying "Bismillah" is compulsory for an animal that is

slaughtered, whether the owner is a Muslim or a person of the Book. If a person of the Book owner intentionally does not say "Bismillah," or says it only to the name of someone other than Allah, then the meat of the animal slaughtered will not be halal. This stance is supported by earlier authorities, such as Sahaba Ali, Ibrahim Nahayi, Imam Shafi'i, Hammad, and also from Askhabur-rai (a group of scholars who prioritize the reason in the study of Sharia rulings)" (Ibn Qudama, 2015).

Al-Kasani comments in his book «Bada'ig al-Sanaigh» that it is permissible to eat the meat of an animal slaughtered by the people of the book if there is no one to witness or hear them utter their phrase or if a witness confirms that they say it in the name of Allah. This is based on the idea that in the absence of counter-evidence, it is fair to assume that they called on the name of Allah. Also, if their chanting of "Bismillah" can be heard and it is clear that they are talking to the Messiah as well as God, past savants still hold that the meat is fit for consumption. The justification is that such an acknowledgment of "Bismillah," when accompanied by this belief, is like the invocation that Muslims make. Nevertheless, if during the act of slaughtering, they explicitly say "in the name of God, the third of three Gods", the meat should not be eaten (Al-Kasani, 2009, p.165). Hazrat Ali in a similar way responded to such a question by saying that Allah has made their slaughtered animals lawful for us and He also understands their remarks. In this case, the only Jesus or Jesus-God must be mentioned for not eating the meat (Ibn Abidin, 2011). Those who hold the second point of view claim that it is not required "Bismillah" to be pronounced when fattening animals for killing. They argue that meat is considered halal even if it is slaughtered silently. Animals are considered non-halal only if the words "in the name of the trinity" or "in the name of Jesus Christ" are spoken when being slaughtered. According to the Maliki scholars who are proponents of this understanding, it is a religious injunction for Muslims to call upon the name of Allah and praise Him during any ritual. However, it is not necessary for members of other faiths, the People of the Book, to specify Allah when they are fattening animals. They may perform their acts in accordance with their own religion, provided that they do not call only name of Allah (Al-Usmani, 2011). Certain scholars stated that people of the books must say 'Bismillah' during animal slaughter. Moreover, they argue that meat is considered halal if slaughter is done in the name of a deity other than Allah. Naturalists, including figures

like Ghata, Mujahid, and Makhul, have recorded this opinion.

Different opinions concerning statement of “Bismillah” following shari’ah requirements for animal fattening were thoroughly discussed. Among them, the Hanafi and Hanbali schools of thought were the ones that dominated the discussion. The Quran states, “Do not eat animals that are slaughtered without mentioning the name of Allah, “ thus neither a Muslim nor people of the book can make a meat halal if the meat itself is not halal. Therefore, the researchers have no option but to study the major principles of Quran and Sunnah and the overall framework of Islamic Shari’ah with respect to animal fattening. The highest degree of accordance with the verse is, in fact, the understanding that allows them to enjoy the food that goes along with such practices.

Conclusion

In this study, we divided parts related to cattle slaughter in the text *Irshad al-Muluk wa al-Salatin* into three different groups. First of all, we have looked at the ways of animal killing. Secondly, we have discussed the role of the fattening of the animal in the presence of the invocation of the name of God. Thirdly, we have emphasized that the person who is doing the slaughter should be either a Muslim or a Christian or Jewish (People of the Book). The result of our study shows that the cutting of at least one of the jugular veins and the flowing out of the impure blood are regarded as necessities by all the major branches of Islam (madhhabs). In addition to that, we took the Prophet’s sayings (hadiths) as proof that killing an animal without cutting any of the “Audaj” during the slaughtering, which is the law-breaking of Sharia, as explained in the *Irshad al-Muluk wa al-Salatin*, is not allowed. It is well known that Abu Hanifa’s point of view, along with the different opinions of Abu Yusuf and Imam Muhammad, are that the cattle should be slaughtered at the throat, esophagus, and two jugular veins at the same time. Also, the text *Irshad al-Muluk wa al-Salatin* raises a problem of animal slaughtering: omission or intentional neglect of the recitation of “Bismillah.” In case a person fails to say this phrase, both Abu Yusuf and Muhammad allow the eating of the animal, while Imam Malik forbids it. Imam

Abu Hanifa agrees with this position of Imam Malik. Generally it is agreed that all the scholars except Imam Shafi’i consider it forbidden to eat the animal if “Bismillah” is not recited on purpose.

The discussion of certain aspects concerning the slaughter of cattle by the people of the book (Christian, Jewish) is available in the first part of the work referred to as *Kitab al-Dhaba’ih* (The Book of Cattle Slaughtering). The author in this segment of the text differentiates between two kinds of animal slaughtering: “voluntary” and “involuntary.” The voluntary case depicts the scenario where the throat and the root of the cattle are severed. On the other hand, involuntary slaughtering are those acts that are done under compulsion when the opportunity presents itself to get rid of the animal and these acts consist of drawing blood from any part of the animal’s body, thus causing injury or death. In both cases, it is necessary to say Bismillah, the person doing the ritual must be a Muslim or from among the People of the Book. For this reason, we gathered the opinions of the scholars in the madhhab, based on which three most important conditions were extracted.

Without concrete evidence that the animal was slaughtered not following Sharia, the question of investigating the slaughter method usually does not arise. Therefore, based on the relevant hadith literature, it appears that one’s religion might be judged by external signs and practices, such as their public declarations. Hence, for those people who openly claim to be Muslims, it is logical to assume that the slaughtering is done in the name of Allah. But according to *Irshad al-Muluk wa al-Salatin*, if one can prove that the slaughterer intentionally did not say the invocatory phrase «Bismillah, « then the meat has to be considered as being unlawful (haram). In fact, that was an extreme case when they deliberately left out the name of the divine which became a decisive point that the meat was not halal.

Author contributions

Daken, Erkibek: conceptualization, methodology development, conducting research, writing the original draft of the manuscript.

Kydyr, Torali: data curation and management, formal analysis, editing.

Kuranbek, Asset: final editing of the manuscript and enriching the content with references.

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