

*A Comparison of the Halakhic and Shar‘ī Requirements
for Animal Slaughter, Or:*

Is Kosher Ḥalāl?

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Terminology equivalents chart

Hebrew	Arabic
Kosher	ḥalāl
Shechita	dhabīḥa
Shochet	dhābiḥ
Halakha	sharī'a
Treif	ḥarām

Introduction

Observant Muslims and Jews only eat *ḥalāl* and *kosher* products, and face many of the same problems in the modern, secularized world. Due to the dearth of *kosher* products available, and even higher scarcity of *ḥalāl*, many Muslims feel comfortable purchasing *kosher* products, believing that all *kosher* is necessarily *ḥalāl*. Other Muslims, due to either political or theological reasons, believe that it is impermissible to purchase or consume *any* kosher products.

This paper seeks to discuss the question of the legal Islamic ruling on consuming *kosher* products. Therefore, political questions and personal values, which do not dictate the general ruling (*aṣl*) with respect to such products, will not be discussed.

Generally speaking (and as per Q. 4:160 and 3:50), *halakhic* laws are stricter than Islamic ones. This is shown not only in the foods that are permissible or impermissible, but also in the laws pertaining to slaughtering, cooking and consuming foods. Since Jewish law is stricter than Islamic law, in most cases such laws do not affect Muslims who wish to consume *kosher*, but would affect Jews who might be interested in *ḥalāl*. The most pertinent examples will be discussed in this paper.

Prohibitions Regarding Types of Animals and Foods

Both Jewish and Islamic laws prohibit the consumption of carrion, swine, insects, rodents and blood. Additionally, any food that is poisonous or immediately harmful to the human body would be prohibited. All solid food items prohibited by the *Sharī'a* are also prohibited in Jewish law.

There are a number of significant items prohibited in the *halakha* but allowed by the *Sharī'a*. The Qur'ān itself mentions the most common example, *viz.*, certain types of animal fat (see Q. 6:146). Halakhic law specifies which types of fats and nerves are

prohibited.¹ The majority of *madhhabs* allowed the Muslim to consume these parts that are typically discarded after a Jewish slaughter. The only exception to this is the Mālikī school, which deems the consumption of these parts impermissible.

Other examples of items that are prohibited for Jews but allowed for Muslims include:

- Sharks, shellfish and crustaceans (lobster, crabs, etc.) [Note: for the Ḥanafīs these animals are also not permitted].
- Some types of wild birds (e.g., ostrich, emu).
- Camels (because it does not have a ‘split hoof’).²

Interestingly enough, the locust is an animal that is explicitly mentioned and allowed by both *halakhic* and *Shar‘ī* texts.

Also note that Jewish law forbids mixing meat and dairy products together. Different Jewish authorities have different interpretations and rules – some even require two different kitchen utensils and refrigerators for these two products. There is, of course, no equivalent in Islamic law.

Jewish law also has stringent rules regarding the washing and usage of utensils. For example, if a ceramic or porcelain utensil is used to cook a non-kosher food, that utensil can never be purified and used for kosher cooking. However, if a metallic utensil has been used, it must be cleaned with soap and water, then left for a period of time, then immersed in boiling water under the supervision of an expert, before it may be used to cook with. Islamic law, on the other hand, would only require the regular washing of any such utensil and would permit its usage to cook or consume *ḥalāl* products in.

The permissibility of gelatin and rennet are ongoing discussions in both faiths. It appears that most Jewish and Muslim authorities would not permit the regularly available gelatin, since it is derived from either pork or non-ritually slaughtered animals (with minority dissenting opinions on both sides). *Kosher* gelatin is therefore

¹ This is based on Leviticus 7:3. Generally, Jewish law does not allow fat surrounding the kidneys, the abdominal fats, the fats surrounding the stomach and intestines, and the tail fat. The nerve that is forbidden is one that is in the hind-quarters. Since it is labor-intensive to remove this nerve, generally the hind-quarters of an animal are sold to non-Jews.

² Many Qur‘ānic exegetes consider this to be an example of Q. 3:93; others also add the ruling of animal fats, but this latter opinion clearly contradicts Q. 6:146.

typically derived from fish (and, in even rarer cases, from *kosher* animals). However, it should be noted that some Orthodox authorities do not recognize 'kosher gelatin' as being legitimately *kosher* since there is some dispute about the legality of the fish used.

Cheese, on the other hand, appears to be an issue where the spectrum of opinion is the same, but the majorities of each are different. Most Jewish authorities would only allow cheese if produced from *kosher* rennet; most Muslim authorities would allow cheese from non-*ḥalāl* rennet because of the issue of *istihlāk*.³ In both groups, there are dissenting minority opinions, but the minorities are on opposite sides.

There are some *halakhic* restrictions on vegetables and plants (for example, the *orlah*, or fruit that grows the first three years of planting), and Jewish law is also stricter than Islamic law regarding insects found in fruits and vegetables, but these laws are not relevant to this discussion. Additionally, there are specific *halakhic* commandments for preparing Passover breads that would also not concern Muslims.

To the best of my knowledge, the only item that is allowed in Jewish law but prohibited in Islamic law are alcoholic beverages. Jewish law permits the consumption of 'kosher' beer and wine.

Similarities in Slaughtering an Animal:

Once we understand the *halakhic* procedure for slaughtering animals, it will be possible to arrive at an Islamic verdict regarding its status.

First, the similarities. Jewish law and Islamic law both require that:

- 1) The animal must be alive when it is slaughtered (hence stunning or other procedures to render the animal unconscious should be avoided).
- 2) The animal must be killed with a sharp knife (hence, a blow to the head would render the animal *treif* and *ḥarām*).

³ I have written a paper about this, published online.

- 3) The knife must cut the neck arteries of the animal: in particular, the trachea, esophagus, carotid arteries and jugular veins should be cut, while leaving the spinal cord intact.
- 4) The blood must be drained out.
- 5) There must be minimal harm to the animal – a painless and quick slaughter is required.

All of these are points of agreement between Jewish and Islamic law.

Minor differences

There are some minor differences between the requirements of the two faiths. These differences would generally be negligible and irrelevant to Muslims, but not to observant Jews.

- 1) Jewish law requires a specific type of person (called a *shochet*) to slaughter. Typically, the *shochet* is an observant male Jew trained in the practice of slaughter. Islamic law allows any male or female Christian, Muslim or Jew to sacrifice as long as that person follows the proper procedure of slaughtering. Therefore, it is primarily for this reason that a *dhabīḥa* animal can never be *kosher* for observant Jews because the slaughter would be performed by a Muslim.⁴
- 2) The perfection of the knife blade – Jewish law requires visual and physical inspection; Islamic law only requires a sharp knife even if there are some imperfections (e.g., minor abrasions would be permissible in Islam).
- 3) Jewish law requires one stroke for a slaughter, whereas Islamic law would prefer one stroke, but the slaughter would not be invalidated if the slaughterer quickly followed a first improper stroke with another one.

⁴ It should be added here that some Jews are hesitant to consider 'Allah' a true God and hence would deem the *basmala* as not fulfilling the *Halakhic* requirements. Such Jews typically would not be too open to interact with Muslim communities. Mainstream Jews would accept that 'Allah' is the God of Abraham, but would not accept a non-Jew to perform the sacrifice.

4) In Jewish law, the knife must be at least 1.5 - 2 times the size of the animal's neck, whereas there is no such requirement in Islam.

5) Jewish law completely forbids stunning, and a stunned animal would be *treif*; Islamic law is not unified on this point, as most authorities would consider stunning *makrūh*, but as long as the animal is alive and has a pulse, the slaughter would still be considered *ḥalāl*.

6) Depending on which Islamic *madhab* one followed, the number of passages in the neck of the animal cut might be less for some opinions of Islamic law (however, a perfect cut in both religions would require the esophagus, trachea, arteries and jugular).

7) While the disconnecting of the spine is prohibited in both laws, in Jewish law this would render the animal *treif*, whereas according to the majority opinion in Islamic law, this is *makrūh* but does not render the animal *ḥarām* (note that some authorities would view such an act as making the animal *ḥarām*).

8) Jewish law requires a visual inspection of the lungs and some other internal organs of the animal after slaughter. A major embellishment on these organs makes the animal *treif*, whereas the total absence of any imperfection (i.e., adhesion-free lungs) renders the animal a higher level of *kosher*, called *glatt kosher*. If such a thorough visual exam is not rendered, but the procedure was followed, the meat would merely be *kosher*. There is no equivalent in Islamic law.

9) The animal's blood must flow into the earth in Jewish law (for example, it should not be gathered in a bowl), whereas there is no such prohibition in Islamic law. In practice, most Muslims slaughter and spill the blood on the ground as well.

10) Islamic law encourages, but does not require, that the animal faces the *qiblah*. Since this is not a requirement according to any *madhhab*, it is irrelevant to the question of whether *kosher* is *ḥalāl*.

11) While the Jewish invocation (i.e., blessing) is not a necessary requirement for the meat to be considered *kosher*, it is in practice never left. This issue will be discussed in a separate section. The Islamic ruling on *tasmiya* has already been discussed by another presenter.

From all of these points, it is clear that these factors will not render *kosher* products *ḥarām*; most are in fact rulings that make the *halachic* laws stricter than their *Sharī* equivalents, and even the Islamic ones on this list are recommendations and not requirements. Hence, from the perspective of the *Sharī'a*, these factors are not relevant.

Of course, because of some or most of these factors (especially the first one), *ḥalāl* meat cannot be considered *kosher* by Jewish authorities.

Major differences:

There are some differences between the two laws that cannot be overlooked and could potentially result in a verdict of *taḥrīm*.

In particular, these are:

1) Jewish law permits the consumption of certain types of alcohol and the mixing of wine with meat products. Any such production of meat would obviously be *ḥarām* for Muslims. Note however, that this deals with cooking the meat and not the meat itself.

2) The invocation (i.e., blessing) that is done is not necessary for each and every animal, and one blessing can suffice for multiple animals. Depending on one's *madhhab* in this regard, *kosher* sacrifice might potentially be deemed *ḥarām*. Since this is of some importance, we shall discuss it in detail in the next section.

The Issue of *Tasmiya*

The Islamic opinion on mentioning Allah’s name at the time of sacrifice has already been discussed in detail by our previous lecturer – and it is therefore clear that the majority of scholars (and the explicit texts of the Qur’ān and Sunnah) require the utterance of *tasmiya* before an animal is slaughtered. It is with this opinion in mind that we proceed. (It goes without saying that, for the minority who do not require *tasmiya*, obviously if they do not require a Muslim to mention the name of Allah then *a priori* they would not require a non-Muslim to do so).⁵

Halakhic law states that the *shochet* should verbally bless the act of sacrifice with a specific blessing. While this blessing is not considered an essential requirement, in practice it is always done, and it is realistically inconceivable that a *shochet* intentionally abandons this blessing.⁶

The formulation of this blessing translates as:⁷

"Blessed are you , Adonai [G-d], our G-d, Lord of the World, Who Sanctified us through His Commandments and instructed us concerning proper animal slaughter"

Since the Jewish faith insists that the name of the Lord only be invoked with good cause, the *shochet* does not repeat this blessing for each and every animal. Instead, the *shochet* considers one blessing to suffice for a series of animals with the condition that each animal is slaughtered without any significant pause or break from the previous one. Therefore if, for example, the *shochet* were to put down the knife and take a bathroom break, he would, in practice, repeat the blessings before resuming the sacrifice.

⁵ It is relevant to point out that Ibn Ḥanbal’s position regarding the *tasmiya* for *Ahl Kitāb* sacrifices is explicit – and as far as I know, everything narrated to the contrary is *mujmal*. Ḥanbal reports that Abū Abdillāh said, “There is no problem with the sacrifice of the *Kitābī* as long as he sacrifices for Allah and in the name of Allah (*idhā ahallū lillāhi wa sammū ‘alayhī*).” [*Aḥkām Ahl al-Dhimmah*, 1/189]. This was also the explicit position of Ibn Taymiyya and Ibn al-Qayyim. It should also be noted that most authorities who allowed the sacrifice of the *Kitābī* without mentioned Allah’s name also allowed it if they mentioned other than Allah’s name [*ibid.*, 1/191-3].

⁶ Therefore, from an Islamic standpoint, the one who does not mention the blessings will be *fi ḥukm al-nāsī*, and the majority would allow this.

⁷ I owe this translation to Prof. David Freidenreich.

It is important to note that the blessing is for the *act* of sacrifice, and not for an animal or for the instrument.

Since the slaughter of larger animals typically involves some work after the neck is cut, typically (but not necessarily) a *shochet* will end up invoking a separate blessing for each animal. The same is not the case for chickens, where it is common for dozens of chickens to be slaughtered with one blessing invoked before the beginning of the slaughter.⁸

All of this has extreme relevance to the *Shar‘ī* ruling on an animal.

For the minority that does not require *tasmiya* (in particular, the Shāfī school), this issue would not be relevant, and therefore *kosher* would be ḥalāl.

For those who require a specific *tasmiya* for each individual animal (in particular, the Ḥanafī school), it could be said that beef *kosher* is permissible, whereas chicken is not.

For those who subscribe to the modern *fatwa* that permits one *tasmiya* for chicken-processing plants, obviously the *kosher* methods of slaughter would be ḥalāl.

As a side point, there are reference to some Christian groups who required a slaughterer to sacrifice in the name of God.⁹

Conclusion

In light of all that has preceded, and in this author’s opinion:

- While the Qur‘ān explicitly allows us to offer (and therefore sell) ḥalāl meat to Jews, most observant Jews would not consider ḥalāl to be *kosher* because the

⁸ I have spoken to two Rabbis about whether it would be permissible for the *shochet* to actually repeat this blessing before the animal is slaughtered. One of them said that this would be awkward and most likely not possible (because of a danger that it would become a new precedent, or for us a *bid‘a*; the other pointed out that even if that blessing could not be said, an alternative wording that would satisfy Islamic requirements without interfering with Jewish ones could be uttered – such as the phrase ‘In G-d’s Name.’)

⁹ In the Syriac-language *Nomocanon* of Barhebraeus (d. 1286), a Christian butcher is instructed to recite the phrase *ba-shma d’elaha haya*, “In the name of the living God.” Gregorius Barhebraeus, *Nomocanon*, ed. Paul Bedjan (Paris: Harrassowitz, 1898); taken from Freidenreich (cit.)

animal would be slaughtered by a non-Jew (and there would be other factors as well).

- *Kosher* beef is unequivocally ḥalāl in light of the fact that the norm is to say the blessings on each individual animal. Hence, all the requirements of the *Sharī'a* have been fulfilled. Even the Ḥanafīs should accept this as the norm is an individual blessing per animal.
- *Kosher* gelatin is ḥalāl.
- All *kosher* foods are permissible as long as one verifies that no alcohol is used during the cooking process. If alcohol is used, the food prepared would be ḥarām.
- *Kosher* chicken being ḥalāl would depend on which *madhhab* one follows for the *tasmiya*: if one follows the opinion that one *tasmiya* suffices for multiple animals, *kosher* slaughtered chicken would be ḥalāl, and if one requires one *tasmiya* per animal, then in general such chicken would be ḥarām unless one can verify that the blessing was said for that particular animal.

Lastly, it is important that stronger ties be developed between observant Muslims and Jews so that we benefit from each other's experiences and perhaps also manage to influence some *kosher* plants to say a *tasmiya* for every animal.