

The Fiqh of mechanical slaughter

A research for AMJA's 9th Annual Imams Conference 2012

Held in Los Angeles, CA, USA

By

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Issues:

- 1- Stunning
- 2- Mechanical blade
- 3- Slaughterer
- 4- Tasmiya

The Fiqh of mechanical slaughter

Since the industrialization of meat and poultry products, man was compelled to find ways to speed up the slaughtering, deboning and packaging process of meats and poultry.

This is one of those issues for which we find little to none guidance in our traditional resources of Islamic law. Since such issues did not arise during the times of those scholars who authored such ambitious books and provided solutions in light of the Quran and Sunnah.

These sorts of issues are called Nawazil and Hawadith in the terminology of Fiqh.

The solution to such technical and jurisprudential issues requires a collective effort on part of the scholars of that time. When each scholar contributes to the best of his ability towards providing solution to such Fiqhi issues then the Ummah succeeds in finding the solution.

Mechanical slaughter has become the most common method of slaughtering chicken in today's industry and the Ummah seeks guidance from the scholars in this regard.

In order to fulfill my duty as the servant of Islamic law, I intend to present my research on the issue of mechanical slaughter Insha'allah. May Allah accept this from me and make it beneficial for me and for everyone else. Aameen

In this research, I intend to provide my understanding of mechanical slaughter and its analysis from the Fiqh perspective. I intend to present my research in the following areas of this issue Insha'allah:

- 1-Need of mechanical slaughter
- 2-Definition of mechanical slaughter
- 3-Methods of mechanical slaughter
- 4-Process of mechanical slaughter
- 5-Verdict of later Fuqaha on mechanical slaughter
- 6-Stunning of chicken before slaughter
- 7-Extent of current in water used for stunning

- 8- Captive bolt stunning
- 9- Electric stunning
- 10- Mushroom-shaped hammer stunner
- 11- Carbon dioxide stunning or gassing
- 12-Hybrid of human and machine slaughter
- 13-The effect of knife vs. the effort of human being
- 14-The recital of Tasmiya in mechanical slaughter
- 15-Who should recite Tamiyah?
- 16-When the Tamiyah should be recited?
- 17-Is Tasmiya necessary for each bird or animal being slaughtered?
- 18-Opinions of contemporary scholars on mechanical slaughter
- 19-Suggestions for proper machine slaughter in compliance with the Islamic law

In the name of Allah the most Merciful the most Kind

In old days, mechanical slaughter neither existed nor was there any need for it. The need of supplying meat and poultry was met according to the demand.

In modern times, when the human population exploded exponentially, people considered the option of inventing modern methods of slaughtering which also included mechanical slaughter. Through mechanical slaughter, the production was accelerated to a level where it was meeting the demand of human population.

However, with the invention and introduction of machine slaughter, many new questions arose for Muslims as to the acceptability of this method.

To this day, this has been an ongoing discussion. Many Muslim scholars have reviewed this issue and provided their recommendations and rulings based on the information available to them.

In this research, I would like to present my understanding of the mechanical slaughter, its ruling in light of the Quran, Sunnah and Fiqh and some practical recommendations towards making it useful for Muslim consumers around the globe. I would like to discuss the issue of mechanical slaughter from a theoretical perspective as well as practical in light of what is being used today in various slaughterhouses.

Requirement of Tazkiya (slaughtering) of an animal in Islam

The linguistic meaning of Tazkiya is to “make something complete”.

Primarily, Tazkiya is only for Halal animal but it is not exclusive to Halal animals.

By performing Tazkiya on a Halal animal such as cow or sheep, the meat of such animal becomes Halal for the consumption of Muslims. If Tazkiyah is performed on a non-Halal animal such as donkey then the skin of that animal becomes pure (not Halal). In Islam there are two methods of purifying the skin of animals. 1) By slaughtering the animal. 2) By tanning the skin. There are also some animals whose skin will never attain purity such as the skin of pigs.

Tazkiya or slaughtering is required for a Halal animal in Islam in order for its meat to be considered Halal for the consumption of Muslims.

Imam Qurtubi (R.A) writes in his Tafsir “Al-Jamiu Li Ahkamil Quran” under the Tafsir of Verse 3 of Surah Mai’dah “And the word of Allah “Dhakkaytum”, the word “Dhakat” in the speech of Arab is used for slaughtering. (Al-Qurtubi)

وقوله تعالى "ذكيتم" الذكاة في كلام العرب الذبح

(المائدة:3)

Islamic method of slaughtering

Islam has prescribed a strict method of slaughtering which must be followed exactly.

If any of the steps of prescribed method of slaughtering are missed intentionally then the animal becomes Haram. There is no disagreement between the Fuqaha and four Imams (Abu Hanifah, Malik, Shafi and Ahmed bin Hanbal) that if someone forgot to mention the name of Allah upon slaughtering the (controlled) animal then the animal will be considered Halal. With regard to a hunt, Imam Ahmed (R.A) says: the animal will not become Halal if the hunter did not mention the name of Allah at

the time of shooting the arrow or sending the dog regardless of it being intentional or through forgetfulness.

We will first mention the conditions of an Islamic method of slaughtering.

Conditions of Islamic method of slaughter

Imam Qurtubi (R.A) has described Islamic slaughtering as “To make the blood of the animal flow and cut the vessels when it is an animal which can be slaughtered as such. The lower part of the neck near the chest will be pierced when it is an animal, which can be slaughtered in this manner (i.e. a camel). Otherwise, if the animal can not be subdued then the slaughterer should make the intention for slaughtering and recite the name of Allah (when throwing a sharp object at the animal)”.

Because of the fact that there is a difference of opinion regarding some of the conditions in Imam Qurtubi’s definition, a better definition of Islamic slaughtering is “ to kill an animal according to the method of slaughter prescribed by Islam for making an animal Halal for consumption.”

3 conditions for the validity of Islamic slaughter

The scholars of Fiqh have laid down three basic conditions for the slaughter to be valid in Islamic law.

- 1- The first condition is regarding the method used to kill the animal.
- 2- The second condition is that the name of Allah (Tasmiya) must be recited.
- 3- The third condition is that the proper qualifications must be found in the slaughterer. The slaughterer must be a Muslim or follower of a Divine Scripture.

Islam has prescribed two different methods of slaughtering for two different categories of Halal animals.

- 1- Those Halal animals that can be subdued either because they are domesticated or a wild animal which human can overpower then it is necessary to make the blood flow by cutting the vessels. This is known as “Dhakat-ul Ikhtiyariah” *الذكاة الاختيارية*.
- 2- The second method of slaughtering is for those animals which can not be subdued either because it is a wild animal or a domesticated animal which runs wild. It is sufficient to wound such animal with a sharp, piercing object which causes its blood to flow until it dies. It is not necessary to slaughter or pierce the lower chest of these animals. This type of slaughter is known as “Dhakat-ul Idhtirariyah” *الذكاة الاضطرارية*.

Under normal circumstances, “Dhakatul Idhtirariyah” cannot be used for animals that are in one’s control. Nonetheless “Dhakatul Ikhtiyariyah” is not only permissible to use for animals that are not under one’s control but it would become obligatory if one gets hold of the animal before it dies from wounds. There are some conditions of Islamic slaughter that are peculiar to the second form of slaughter and there are many conditions that are common in both methods of slaughter.

The following conditions are considered general conditions that are required for both kinds of slaughter:

- 1- The slaughterer has to be intelligent as oppose to an insane person or a child who does not understand the concept of slaughter. This is the opinion of the majority of scholars although some scholars of Shafi Fiqh have considered the slaughter of a child Haram altogether. (الفتاوى الهندية ج5ص285. مختصر) (الطحاوى ص300. شرح المهذب ج9ص76)
- 2- The slaughterer must be a Muslim or a follower of a divine scripture i.e. Jewish or Christian whose beliefs are known. The slaughter of those who do not believe in Allah or those who commit polytheism is forbidden unanimously.
- 3- Allah's name must be pronounced at the time of slaughter. One must keep the following in mind with regard to pronouncing the name of Allah:
 - a- It is not obligatory to pronounce the name of Allah in a particular manner. Although it is preferred to say "Bismillaha Allahu Akbar" as it is reported in a Hadith.
 - b- The slaughterer has to pronounce the name of Allah by himself. If the slaughterer did not pronounce the name of Allah, instead another person pronounced the name of Allah or the name of Allah was played on a recorder then the slaughter will be considered Haram.
 - c- The slaughterer must make intention of slaughtering the animal while pronouncing the name of Allah. If the slaughterer's intention was not to slaughter but he said the name of Allah for the purpose of remembrance then it will not be considered sufficient.

ومنها: أن يريد بها التسمية على الذبيحة فان أراد بها التسمية لافتتاح العمل لا يحل
(الفتاوى الهندية ج5ص353)

- 4- The slaughterer must not mix the name of Allah with the name of anyone else while slaughtering the animal.

ومنها: تجريد اسم الله تعالى من غيره وان كان اسم النبي
(الفتاوى الهندية ج5ص353)

- 5- In the first form of slaughter (Dhakatul Ikhtiyariyah) the name of Allah must be pronounced at the time of slaughter and it is necessary that there is no considerable gap between Tasmiya and slaughtering. In second form of slaughter (Dhakatul- Idhtirariyah) the time to say the Tasmiya is when sending the dog or shooting the arrow.

وأما وقت التسمية فوقتها على الذكاة الاختيارية وقت الذبح لا يجوز تقديمها عليها الا بزمان قليل لا يمكن التحرز عنه واما وقت الاضطرارية فوقتها وقت الرمي والارسال
(الفتاوى الهندية ج5ص353)

- 6- It is necessary that the animal is alive at the time of slaughter. If the animal has died before being slaughtered then it will be considered Haram for consumption.

ومنها: قيام أصل الحياة في المستأنس وقت الذبح قلت أو كثرت في قول أبي حنيفة رحمه الله تعالى وعند أبي يوسف ومحمد رحمهما الله تعالى لا يكتفى بقيام أصلها بل تعتبر حياة مستقرة كذا في البدائع
(الفتاوى الهندية ج5ص353. بدائع الصنائع ج5ص51)

- 7- It is also necessary to distinguish the animal for slaughter while pronouncing the name of Allah. Therefore, if someone slaughtered one animal after pronouncing the name of Allah and then slaughtered another one afterwards without pronouncing the name of Allah again thinking that the first Tasmiya was sufficient then the second animal will not be Halal. It is necessary to pronounce the name of Allah upon each animal separately unless two or more animals are being slaughtered in one action. For example, someone placed two goats up and down and then slaughtered both of them in one move after pronouncing the name of Allah then both of them will be Halal.

منها: تعيين المحل بالتسمية فى الذكاة الاختيارية وعلى هذا يخرج ما اذا ذبح وسمى ثم ذبح أخرى يظن أن التسمية الاولى تجزئ عنهما لم تؤكل فلا بد أن يجدد لكل ذبيحة تسمية على حدة

(الفتاوى الهندية ج5ص353)

Methods of mechanical slaughter

Mechanical slaughter is of different kinds. Sometimes the mechanical slaughter means that the whole process of conveyance, slaughter, skinning, deboning, packaging is done through machine.

Often mechanical slaughter means only the cutting of neck takes place by the machine.

Sometimes mechanical slaughter means that the animal is brought to the slaughtering point with the help of electric machine but after that the slaughtering is done by hand.

Three methods of mechanical slaughter

- 1- The first method of mechanical slaughter is where everything is done by the machine. First the birds are loaded on to the conveyor belt and then the conveyor and then they are hung to a chain, which then goes through electrified water whereby the birds are stunned. After that the birds are brought to a point where there is a rotary blade which continues to move by electricity and when the bird's neck comes into contact with this rotary sharp blade it gets cut and the bird bleeds. In almost all of slaughterhouse, one man or more are appointed to stand after the rotary blade point to make sure those birds which have escaped the blade while uncut, they slit the throat by hand using a sharp knife. The studies have shown that almost 5% of all chickens are missed on regular basis by the rotary blade. Therefore, it is necessary to appoint some people to slit the throat of those birds who have escaped the rotary blade uncut.

- 2- The second method of slaughtering birds is that the chickens are transported by means of conveyor belt to many slaughter blades and a separate person controls every slaughter blade.
- 3- The third mechanical method of slaughtering birds is that the birds are suspended upside down hanging to a moving chain and then they are brought to a point where a rotary blade is constantly moving. When the chicken's neck comes in contact with the blade, it gets a precise cut whereby it bleeds to death. In this method, the blade is set to a precise position so to avoid severing the neck completely upon contact. This method is used in most abattoirs today.
- 4- The fourth method of mechanical slaughter is where the birds are transported to the point of slaughter by the help of conveyor belt but when the birds reach the slaughtering point, the birds are hand slaughtered by a person. This method is only practiced at limited number of abattoirs across the globe.

It becomes clear from various methods of mechanical slaughter that the ruling would vary as well with regard to each method of slaughter.

Process of mechanical slaughter

It is impossible to bypass the human involvement even in mechanical slaughter at all levels. Humans will inevitably complete some levels of mechanical slaughter.

Stunning

Stunning is commonly used in most slaughterhouses all around the world. First we need to understand what is stunning? And why it is used in mechanical slaughter.

Stunning is rarely used in manual slaughter where all the process of slaughtering is carried out by human beings.

Need for stunning

Meat industry experts assert that stunning is needed for two reasons:

- 1- To make the animal unconscious so the slaughter takes place quickly and easily without any resistance from the animal.
- 2- To reduce the pain to the animal caused by the slaughter by making the animal unconscious.

There is no doubt that the resistance of animal is curbed through the process of stunning and the animal is slaughtered quickly and easily.

However, the claim of inflicting less pain by stunning the animal is still being studied and we may never know the definite answer to that. Islam has taught us

to adopt the best method of slaughter as the Prophet Sallallahu Alaihe Wa Sallam said:

إذا قتلتم فأحسنوا القتلة وإذا ذبحتم فأحسنوا الذبحة وليحد أحدكم شفرته وليرح ذبيحته

(أخرجه المسلم في كتاب الصيد رقم 1955 وأخرجه أيضا الترمذى في الديات)

“And when you, kill in the best manner, and when you slaughter, slaughter in the best manner and he (who is slaughtering) should sharpen his knife and should comfort his animal of slaughter.”

It is understood from the above Hadith that adopting all those means, which reduce the pain of the animal during slaughter, is encouraged but the scholars have differed with the method of stunning in whether it truly reduces the pain or increases it.

Stunning renders an animal unconscious before it reached the slaughter point. There is no doubt that stunning is unislamic and contrary to the Sunnah method of slaughter. For if it was something desired, it could have been performed during the time of the Holy Prophet Sallallahu Alaihe Wa Sallam. For instance, the purpose of rendering the animal unconscious could have been achieved by hitting the animal in the head by a stone and then slaughtering it or the animal could have been paralyzed somehow and then slaughtered but none of these things were adopted during the time of the Holy Prophet Sallallahu Alaihe Wa Sallam or the noble companions Radhiallahu Anhum.

The truth is that stunning is cruel and should not be used. It is the profit making greed of capitalism that entices the owners and CEO's of multibillion dollar companies to discover more ways to make more profits.

In an ideal slaughterhouse where all the chicken is slaughtered by hand, there would be no need to stun the animals and birds. When hand slaughter is being performed then stunning becomes unnecessary.

Methods of stunning

Methods of stunning vary depending upon the size and weight of an animal. Below is a brief description of various methods of stunning being used today, so we can determine which methods of stunning are acceptable in Shariah and which ones are not.

Percussion stunning:

This method produces a physical shock to the brain.

Captive bolt stunning:

This method works on the principle of a gun and fires a blank cartridge and it propels a short bolt (metal rod) from the barrel. The bolt penetrates the skull bone and produces concussion by damaging the brain or increasing intracranial pressure, causing bruising of the brain. The captive bolt is perhaps the most versatile stunning instrument as it is suitable for use on cattle, sheep and goats as well as horses and camels, and can be used anywhere in the world

There are several different manufacturers of captive bolt pistols, and after the initial expense, running costs are minimal. Users must ensure sufficient supply of cartridges, which may be different in caliber for stunning guns from the different manufacturers. These features make the captive bolt the stunning instrument of choice, particularly in developing countries.

There are two variations of the gun. One has a handle and trigger. The other comprises hand-held barrel, which is tapped against the skull, which sets off the cartridge explosion.

Another type of bolt has a flat, mushroom end. Unconsciousness is achieved through percussion by strong blow to the skull. The brain is not penetrated, and as the animal is not killed, it is a method that is acceptable in many countries for Halal slaughter. When in use, the captive bolt is positioned on the correct spot on the animal's head. Poor maintenance is a major cause of poor stunning and the guns must be cleaned and serviced regularly, according to the manufacturer's instructions.

Electrical stunning:

This method of stunning is well suited for sheep or goats, poultry and ostriches. (Use in cattle or other large species is in development, but if not properly applied it may result in excessive hemorrhage in the muscles or spinal fractures. Electrical stunning induces electroplectic shock or epileptic state in the brain. This state should last for long enough for bleeding to be carried out so that the animal dies from cerebral anoxia. A low voltage alternating electric current is applied by means of two electrodes, which are placed on either side of the brain using tongs. Since the brain of animals is small, the electrodes should be accurately and firmly placed high up on the sides of the head in sheep, goats and ostriches.

Another way is to place one electrode under the jaw and the other on the side of the neck behind the ears. This type of head-only stunning is reversible and the animal will regain consciousness. For this reason, stunned animals should be bled **immediately** after stunning.

Irreversible stunning causes cardiac arrest. Here a third electrode is placed elsewhere on the body. Electrodes are applied in the form of tongs. They should never be placed on sensitive areas such as the eye, inside the ear nor rectum.

The strength of the current is a combination of amperage and voltage appropriate for the species. The equipment should be fitted with a meter to measure the correct current.

Carbon dioxide stunning:

The use of carbon dioxide (CO₂) gas is a relatively new method of stunning suitable for pigs and poultry. However, it is applicable only at large industrial plants, as the sophisticated technical equipment is relatively costly to install. Basically, animals are stunned using various concentrations of CO₂ in air. Concentrations of CO₂ for the stunning of pigs are at least 80% in air for 45 seconds and poultry of 65% for 15 seconds. The acceptability of this method on welfare grounds has been questioned however. For some genetic types of pigs, it may be satisfactory, and for others may be stressful.

Currently Argon gas is being tested for stunning purposes. It is assumed that Argon gas may have some advantages over CO₂, but the costs may be higher.

The captive bolt gun is suitable for this stunning when using the mushroom shaped head of the bolt (Fig. 55). The mushroom gun is an improvement on the plain bolt, as this bolt does not penetrate the brain and cause death. This should be more acceptable to the religious authorities, and its use would encourage more humane slaughter amongst Muslims in developing countries, thereby improving animal welfare.

Fortunately, many Muslim authorities accept some forms of pre-slaughter stunning. Many Muslim authorities permit electric stunning of cattle, sheep and poultry, whose meat is destined for Muslim communities, because the animals subjected to this stunning method would recover if no bleeding was carried out. Electric stunning is also the method of choice in meat exporting countries where stunning of slaughter animals is required by law, for export to Muslim countries. Similarly, Muslim minorities in countries with stringent animal welfare regulations are allowed to use Halal slaughter methods, but in combination with electrical stunning.

The mechanical slaughter of bigger animals such as cows, sheep and goats is almost always done by hand even in case of non-Muslim slaughterers. Therefore, we are not very much concerned with the mechanical slaughter of bigger animals except the issue of slaughterer. If the slaughterer is a Muslim or a true Kitabi who pronounces the name of Allah at the time of slaughtering each animal then the meat will be considered Halal. Otherwise it will be considered Haram.

The mechanical slaughter of birds is a more complicated one because in most cases the entire process is carried out by the machine with the exception of first step most likely where someone hangs the birds to the moving belt.

Below is a description of standard procedure used for slaughtering chickens mechanically.

Mechanical slaughter for chickens

In a standard procedure for slaughtering chickens mechanically, first the chickens are off loaded to a plant and then each chicken is suspended leg up to a hook, which is attached to a moving chain.

Thereafter each of these chickens is brought to a point where there is moving rotary blade is in action.

This blade is powered through electricity and a human operates it. The human operator's job is to turn the machine on and then the blade begins to move. Any chicken that comes into contact with this blade is slaughtered immediately. About 10% of chicken is either missed from the moving blade or cut wrongly by either getting slit from stomach or elsewhere. For this purpose there is always someone appointed to stand after the blade to slaughter the missed birds manually.

After this stage, the slaughtered chicken is moved through hot water to soften the feathers so the feathers can be removed mechanically without any complications.

Once the feather is removed then the stomach of chicken is emptied and it goes for either cutting into pieces or packaging.

In this mechanical slaughter, there are four issues to be considered with regard to its lawfulness and unlawfulness

- 1- Electric stunning of chicken
- 2- Use of rotary blade or multiple knives powered by electricity to cut the veins.
- 3- After slaughter the passing of bird through hot water.
- 4- How the Tasmiya is pronounced in this method of slaughter.

Above are the four issues that can decide the outcome of this mechanical method of slaughter.

1- Electric stunning of chickens is done to render the chicken unconscious temporarily so the slaughtering can be carried out efficiently. If the chicken is not stunned then it will make too much movement and thereby complicate the procedure of slaughtering.

Before the chicken is brought to the blade, it is passed through water which is electrified. The current voltage is set carefully to make sure the bird does not die because of this stunning and before the birds are brought to the chain, they are physically inspected to make sure that they are able to withstand the stunning. Any bird that is not healthy enough is not allowed to be slaughtered in this manner.

This is method is not an ideal choice for an Islamic slaughter but if the bird does not because of it and it is alive at the time of slaughter then it will not be considered Haram.

If the bird is alive at the time of slaughtering then it will be considered Halal but if the chicken has dies before reaching the slaughtering blade then it will be considered Haram because it becomes carrion.

Stunning

Electrical stunning of poultry is allowed using water bath stunners only, and it should only be head stunner. The voltage of stunner should be monitored frequently to make sure that the voltage continuously remains on the required level. High voltage may cause death of the chicken, and the slaughtering then will become meaningless.

Issue of Tasmiya

According to Verse 121 of Surah Al-an'aam "Tasmiya" or invoking the name of Allah at the time of slaughtering an animal is a condition.

Allah Subhanahu Wa Ta'ala says "ولا تأكلوا مما لم يذكر اسم الله عليه وانه لفسق" "And do not eat from that upon which Allah's name was not pronounced and it is a sin".

In light of the above Verse of Surah Al-an'aam, Imam Abu Hanifah, Imam Malik, Imam Ahmed and the majority of Fuqaha consider it necessary to pronounce the name of Allah at the time of slaughter. Therefore, if the name of Allah was not pronounced intentionally, the animal will be considered Haram according to Imam Abu Hanifah, Malik, Ahmed bin Hanbal and the majority of Fuqaha. Forgetting to pronounce the name of Allah upon slaughter is forgiven and the animal will remain Halal as long as other conditions of Islamic procedure of slaughter are met.

According to the well known opinion of Imam Al-Shafi (R.A) "Tasmiya" is not Wajib. Rather it is a Sunnah. Hence the animal will remain Halal according to him even if the name of Allah was not pronounced intentionally. Many Shafi Fuqaha have disliked not pronouncing the name of Allah upon slaughter unintentionally.

الشافعية قالوا: ان التسمية ليست شرطا كما تقدم وانما هي سنة ويشترط ان يذكر اسم الله تعالى بدون أن يقرن به اسم غيره, فان قال بسم الله واسم محمد مثلا فان أراد أن يشرك مع الله غيره كفر وحرمت ذبيحته وان لم يرد أن يشرك مع الله غيره حلت ذبيحته ولكن يكره ان قصد التبرك بذكر غير الله ويحرم ان أطلق ولم يقصد شيئا لابهام التشريك بالله كما تقدم في باب الذكاة

(كتاب الفقه على المذاهب الاربعة للجزيري ص424)

ذهب جمهور الفقهاء الى أنه يجب للذكاة الشرعية أن يذكر الذابح اسم الله تعالى عند الذبح فان ترك التسمية عمدا فلا تحل ذبيحته عند أبي حنيفة ومالك وأحمد وجمهور الفقهاء, وأما اذا نسيها فالذكاة معتبرة عند الحنفية والمالكية ولا فرق عندهم

في هذا بين الذبيحة والصيد. أما عند الحنابلة فالنسيان معفو عنه في الذكاة الاختيارية فقط. أما في الصيد فلا تعتبر الذكاة إذا لم يذكر الصائد اسم الله عند ارسال السهم أو الكلب سواء أتركها عمداً أو نسياناً.

(أحكام الذبائح للشيخ العثماني ص18)

قال الشوكاني في الفتح القدير في تفسير قوله تعالى: ولا تأكلوا مما لم يذكر اسم الله عليه

وذهب مالك، وأحمد في المشهور عنهما، وأبو حنيفة وأصحابه، وإسحاق بن راهويه، أن التسمية إن تركت نسياناً لم تضر، وإن تركت عمداً لم يحل أكل الذبيحة. وهو مروى عن علي، وابن عباس، وسعيد بن المسيب، وعطاء وطاووس، والحسن البصري، وأبي مالك، وعبد الرحمن بن أبي ليلى، وجعفر بن محمد، وربيع بن أبي عبد الرحمن

From above it becomes clear that pronouncing the name of Allah is one of the most important conditions for the Dhabihah to be considered Halal. If the name of Allah is not pronounced intentionally then there is no apparent difference between the Dhabihah of a Muslim and a non-Muslim. The Tasmiya distinguishes the Islamic procedure of slaughter from other methods of slaughter whereby the name of some idol is pronounced and the name of Allah is not pronounced.

Tasmiya for Kitabi (follower of the Book)

The jurists differ in their opinions regarding the condition of **Tasmiya** for a non-Muslim slaughterer.

Non-Muslim slaughterer

Among non-Muslim slaughterers, only the followers of a divine scripture are considered qualified. All others are disqualified and their **Dhabihah** will not become Halal regardless of pronouncing the name of Allah or not.

Whether **Tasmiya** is required by a non-Muslim at the time of slaughtering or not is an issue wherein the jurists have difference of opinions.

Majority of Fuqaha agree that **Tasmiya** is a condition for the slaughter of a non-Muslim Kitabi as well. Only Imam Malik (R.A) states that **Tasmiya** is not required by a non-Muslim Kitabi.

Imam Nawawi has associated the opinion of Imam Malik with the majority of Fuqaha including Imam Abu Hanifah (R.A).

Imam Nawawi writes in "Sharhul- Muhazzab":

ذبيحة أهل الكتاب حلال سواء ذكروا اسم الله تعالى عليها أم لا لظاهر القرآن العزيز. هذا مذهبنا ومذهب الجمهور وحكاة ابن المنذر عن علي والنخعي وحماة بن سليمان وأبي حنيفة وإسحاق وغيرهم

(شرح المذهب ج9 ص78)

"Dhabihah of Ahlul-Kitab is Halal irrespective of name of Allah being pronounced or not (at the time of slaughter) according to the apparent instruction of Quran. This is

our opinion and the opinion of majority of Fuqaha and Ibn-e Munzir has narrated this from Ali, Nakh'I, Hammad bin Sulaiman, Abu Hanifah, Is'haq and others.”

Islamic Fiqh academy of Jeddah has also accepted this opinion and ruled in favor of it. (مجلة المجمع العدد الثالث 2. 1404)

Is Tasmiya required to be pronounced on the knife or the animal?

From above, it becomes clear that **Tasmiya** is required for an animal to be considered Halal.

The important question is about the place of **Tasmiya**. Is Tasmiya required for the knife (cutting tool) or the subject (animal)?

When we ponder over this issue in light of the statements of Fuqaha, Muhadditheen and Mufasssireen, it does not become clear; where the Tasmiya should be pronounced.

Some statements suggest that the Tasmiya should be recited on the cutting tool and others suggest that Tasmiya should be recited on the subject i.e... animal or bird being slaughtered.

Often Fuqaha used the word “تسمية على الذبيحة” and often Fuqaha used the word “تسمية على الذبح”

The word “Dhabiha” refers to the animal being slaughtered and the word “Dhibh” refers to the action of slaughtering.

This difference of words has caused enormous confusion among some Fuqaha as to the issue of Tasmiya. Some have said that Tasmiya is necessary to be pronounced upon the cutting tool and others have said: Tasmiya should be pronounced on the animal being slaughtered.

The outcome of this difference of opinion will appear when someone has slaughtered two or more animals with the same knife after pronouncing the name of Allah.

All animals will be considered Halal according to those Fuqaha who favor the opinion that Tasmiya is recited upon the cutting tool whether its knife, blade, stone or sword.

According to the opinion of those Fuqaha who believe that the Tasmiya is pronounced on the animal and not the cutting object, only the first animal cut with the knife will be Halal and any subsequent animals slaughtered with the same knife without saying “Bismillah” again will not become Halal.

However, I believe that there is a reason why the Fuqaha have sometimes used the word “تسمية على الذبيحة” and sometimes “تسمية على الذبح”.

The reason why Fuqaha use the word Tasmiya with “Dhabiha” is when they are referring to “Dhakat-ul Ikhtiyariah” slaughtering of a controlled animal. One should say “Bismillah” and intend the animal being slaughtered. Therefore, if he laid one goat to slaughter, took the knife in hand and said “Bismillah” then threw that knife away and picked up another and slaughtered the goat with it; the goat will be considered Halal because the animal did not change upon which Allah’s name was invoked. But if Allah’s name was invoked on one goat and immediately before slaughter goat was replaced by another goat or sheep and Bismillah was not recited again then the animal will not become Halal because “Bismillah” was not pronounced on this animal.

إذا أضجع شاة وسمى فذبح غيرها بتلك التسمية لا يجوز.

(الهداية للمرغيناني مع الفتح ج9 ص 492)

Now, when the Fuqaha use the word Tasmiya with “Dhibh” then it refers to “Dhakat-ul Idhtirar” slaughtering of an animal that is not in control such a wild animal.

In case of the method of slaughtering a wild animal the Tasmiya is recited on the cutting tool or hunting object. When this cutting object or dog that was sent by the name of Allah catches its prey and injures it or kills it then the animal will become Halal because the Tasmiya was recited upon the cutting tool or object and not the animal being hunted.

وإذا أضجع شاة ليذبحها وأحد السكين وسمى ثم ألقى تلك السكين وأخذ أخرى وذبح بها حل.

التسمية في ذكاة الاختيار مشروعة على الذبح لا على الالة وأما في ذكاة الاضطرار فالتسمية شرعت على الالة.

(المحيط البرهاني في الفقه النعماني ج6 ص81)

Is one Tasmiya enough for more than one animal or birds?

In machine slaughter, the most important issue is the issue of slaughtering multitude of animals and birds with the single click of button. Once the switch is turned on then hundreds of chicken are slaughtered every minute. Practically one would not be able to recite Tasmiya on all the chicken coming to the blade and being slaughtered even if someone was standing and reciting Bismillah continuously.

Therefore, the important question before us is whether one Tasmiya is enough for all the birds slaughtered or not?

Let’s take a look at the statements of Hanafi Fuqaha in this regard:

لو أضجع الشاتين على الاخرى تكفى تسمية واحدة اذا ذبحهما بامرار واحد ولو جمع العصافير في يده فذبح وسمى وذبح اخر على اثره لم يسم لم يحل الثاني ولو أمر السكين على كل جاز بتسمية واحدة كذا في خزانة المفتين.

(الفتاوى الهندية المعروف بفتاوى العالمكيرية ج5 ص289)

لو أضع شاتين احدهما فوق الاخرى فذبحهما ذبحة واحدة بتسمية واحدة حلا بخلاف ما لو ذبحهما على التعاقب لان الفعل يتعدد فتعدد التسمية

(الحصكى)

Four conditions for the validity of mechanical slaughter

The above statements of Hanafi jurists indicate that one Tasmiya may be enough for all the chicken slaughtered by the machine with a few conditions.

Firstly, all the birds must be present at the knife at the time of slaughtering.

Secondly, all the birds must be slaughtered simultaneously with the touch of a button.

Thirdly, operator of the machine must be a Muslim or a practicing Kitabi.

Fourthly, the operator of the mechanical knife must make intention of slaughtering all the chickens and he must say Tasmiya intending all the chickens present at the time slaughter.

Fifthly, all chickens must be present in the place of slaughter before the process begins. For new batch of chickens the process of operating mechanical knife will be repeated.

Above conditions make it clear that the current method of mechanical slaughter does not fulfill many of the above conditions.

For example, the condition of slaughtering all the chickens simultaneously is not fulfilled because once the machine is operated the chicken come to the blade one by one in a very fast speed and get slaughtered. This operation continues often for hours without interruption.

From a practical point of view, no mechanical knife has been invented yet that is large enough to cut hundreds of chicken simultaneously in order to fulfill this requirement.

However, such mechanical knife may be invented in near future that will make mechanical slaughter acceptable for all Muslims.

Allama Ibn-Qudamah (R.A) has stated in his famous book "Al-Mughni":

وان سمي الصائد على صيد فأصاب غيره حل, وان سمي على سهم ثم ألقاه وأخذ غيره فرمى به لم يبيح ما صاده به لأنه لما لم يمكن اعتبار التسمية على صيد بعينه اعتبرت الالة التي يصيد بها بخلاف الذبيحة. ويحتمل أن يباح قياسا على ما لو سمي على سكين ثم ألقاها وأخذ غيرها. وسقوط اعتبار تعيين الصيد لمشقة لا يقتضى اعتبار تعيين الالة فلا يعتبر

The above statement of Allamah Ibn-Qudamah (R.A) makes it clear that when someone recites Bismillah upon the hound and the hound hunts another animal other than that which the owner had intended, the animal will be considered Halal. Similarly, if the shooter shoots an arrow after reciting Bismillah upon it and the arrow strikes another animal other than that which the shooter had intended, the animal will become Halal. This is because it is not possible to recite Bismillah upon the animal being hunted. Therefore, Tasmiya is recited upon the tool used to hunt the animal and it will suffice the condition of Tasmiya.

Mufti Muhammad Taqi Usmani (may Allah preserve him) writes in his book “Rulings of slaughter and imported meats”:

This (fulfillment of Tasmiya by of reciting on the knife) although relates to “الذكاة الاضطرارية” and our issue is with respect to “الذكاة الاختيارية” and the conditions of one cannot be taken for other but when we look at the need of increased production in the quickest time and that is because of the increase in human population and the large number of consumers and the lack of slaughterers and that the Shariah has ignored the condition of fixing the animal of slaughter because of the hardship faced in slaughter of wild animals as stated by Ibn-e Qudamah (R.A). In these kinds of instances Shariah wants to eliminate “harm and hardship” from the Muslims. This may justify accepting the rules of one condition of slaughter for the other method of slaughter in respect to the issue of Tasmiya (method of slaughtering controlled animals and method of slaughtering wild animals) in order to eliminate harm and hardship from people and to create ease for people.”

Fuqaha clarified that Tasmiya is recited upon the knife or hound in method of slaughtering wild animals. If someone recited Tasmiya on one hunting dog and it killed

One way of accomplishing this is to manufacturer a very large wheel and a sharp blade should be added to the edges of this wheel. This wheel should be large enough to accommodate hundreds or even thousands of chicken. The operator should control a machine and that brings the chickens closer to the blade of this wheel. Once the operator brings the chicken closer to this large wheel, he says Tasmiya and all the chickens get slaughtered. This way the Tasmiya and the action of slaughtering will be considered valid according to the opinion of majority of Ulama.

The issue of Tasmiya indeed is the most difficult issue with respect to mechanical slaughter.

Many Ulama do not consider mechanical slaughter to be valid because of the issue of Tasmiya.

The Fuqaha strictly require that the slaughterer must be the one pronouncing Tasmiya.

In mechanical slaughter the machine is turned on by the operator and then it continues to cut many chickens every minute for hours without any interruption.

The operator of the machine may be considered the slaughterer and all the rules of slaughtering may apply to him because it is he who turns on the machine and the rule of Fuqaha is that "إذا اجتمع المباشر والمتسبب يضاف الحكم الى المباشر". In light of this principal, it is appropriate to say that the operator of the mechanical blade is considered "Faa'il" Doer because the machine itself is lifeless and it runs with electricity. Electricity is also lifeless. The Fuqaha have mentioned that when it is not possible to associate the action to the immediate doer (Mubaashir) because of some reason then the next person who cause it (Mutasabbib) will be considered doer in the rulings of Shariah.

Allam Zarqa writes in his book "Sharhul- Qawaidil Fiqhiya" : "شرح القواعد الفقهية"

إذا اجتمع المباشر للفعل, أى الفاعل له بالذات والمتسبب له, أى المفضى والموصل الى وقوعه يضاف الحكم الى المباشر

قال ابن نجيم رحمه الله: سمي على سكين ثم أخذ غيرها وذبح بها حلت ولو سمي على سهم وأخذ غيره ورمى به لا يحل له والفرق أن التسمية في الأول وقعت على المذبح وفي الثاني على السهم لا على المرمى اليه لعدم القدرة عليه. والله الموفق

(الأشباه والنظائر لابن نجيم المصرى ج3ص361)

ويشترط في الرمي التسمية عند الرمي وفي ارسال الكلب والبازي وما أشبه ذلك يشترط التسمية وقت الارسال ولا يشترط تعيين الصيد في الارسال عندنا حتى لو أرسل كلبا أو بازيا على صيد فأخذ ذلك الصيد أو غيره أو أخذ عددا من الصيود يحل الأكل بتلك التسمية ما دام في وجه الارسال

(الفتاوى الهندية المعروف بالعالمكيرية ج5ص352)

ومنها: التسمية حالة الذكاة عندنا

ومن شرائط التسمية أن تكون التسمية من الذابح حتى لو سمي غيره والذابح ساكت وهو ذاك غير ناس لا يحل.

ومنها: أن يريد بها التسمية على الذبيحة فإن أراد بها التسمية لافتتاح العمل لا يحل

وأما وقت التسمية فوقتها على الذكاة الاختيارية وقت الذبح لا يجوز تقديمها عليه الا بزمان قليل لا يمكن التحرز عنه وأما وقت الاضطرابية فوقتها وقت الرمي والارسال

Process of Dhibh (slaughtering)

There are two basic things about the process of Dhibh.

- 1- Which part of animal should be used for slaughtering i.e. what should be cut in order for Tazkiya to be performed?
- 2- The tool that is used for slaughtering.

Methods of slaughtering

As it is mentioned above, the two methods of slaughtering are different for domesticated and wild animals.

The method of slaughtering wild animals is that the person intending to hunt the wild animal should say the name of Allah upon releasing the trained dog or shooting the arrow. When this arrow strikes the animal or the kills the prey then the prey becomes Halal. No further slaughtering is required if the animal was found dead. If the animal was found alive then it has to be slaughtered in the normal way.

The method of slaughtering for domesticated animals and those which in complete control of the slaughterer is a more detail one and requires more adherences to the rules of slaughtering.

Slaughter of domesticated animals

The slaughtering of domesticated animals is done by inflicting a cut in between the throat and chest.

The Holy Prophet Sallallahu Alaihe Wa Sallam sent Budail Bin Warqa to declare in Mina that the slaughtering should be done between the throat and chest of an animal.

بعث رسول الله صلى الله عليه وسلم بديل بن ورقاء الخزاعي على جمل أورق يصيح في فجاج منى: ألا إن الذكاة في الحلق واللبة. (سنن الدار القطنى ج4ص283)

Dhibh and Nahr

Dhibh can be performed in one of two places in the body of a controlled animal.

Halaq or thorat is that place which starts from the chin of an animal and stretches to the beginning of chest.

Lubbah or chest is that part of an animal which is the beginning of its chest and this is where a slightly deep dip is found. It is the place in between the two front legs of the animal.

There is a different name for slaughtering from the throat which is called "Dhibh" and a different name is used if the slaughtering takes place at "Lubbah" which is called "Nahr".

"Nahr" is only performed when slaughtering a camel and Dhibh is performed for the rest of the Halal animals.

However, the Ulama agree that if Nahr was performed in place of Dhibh or vice versa then animal will be considered Halal.

Vessels to be cut

There are four vessels in the throat of an animal that should be cut when slaughtering the animal in an Islamic way.

The four vessels are:

Wind pipe

Esophagus

And two blood veins.

It is better to cut all of these vessels but even if three of these vessels are cut, then animal will be considered Halal.

There is a difference of opinion among the four Imams if less than three vessels are cut.

According to Imam Shafi and Imam Ahmad Bin Hanbal if the wind pipe and esophagus are cut then the animal will be considered Halal. Imam Malik (R.A) required that the wind pipe must be cut in addition to the two blood vessels in order for the animal to be considered Halal.

Imam Abu Hanifah (R.A) stated that if any of the three vessels are cut, the animal will be considered Halal.

Imam Abu Yusaf (student and companion of Imam Abu Hanifah) while agreeing with Imam Abu Hanifah that at least three vessels must be cut in order for the animal be considered Halal but he has specified

that wind pipe, esophagus and one of the two blood vessels must be cut.

The same vessels should be cut while performin Nahr as well. Ibn-e Abideen Shami (R.A) writes in this regard:

النحر قطع العروق فى أسفل العنق عند الصدر والذبح قطعها فى أعلاه تحت اللحيين

(حاشية ابن عابدين ج9 ص439)

Accessory used to slaughter

It is necessary to slaughter an animal in accordance with the precepts of Islamic jurisprudence that the accessory used to slaughter the animal is sharp, edgy and capable of making the blood flow from the body.

We find precise guidance in the Prophetic Hadith in this regard. The Hadith has prohibited the use of some things as a slaughtering accessory.

“Raafi Bin Khadij (R.A) said: I asked: O’ Prophet of Allah, tomorrow we will be facing our enemy and we do not have knives. The Holy Prophet Sallallahu Alaihe Wa Sallam said: make it quick (when slaughtering). Anything that is capable of making the blood flow (from the body) and the name of Allah is pronounced upon it then you may eat that meat. Tooth and nail cannot be used as a slaughtering accessory. I will tell you that the tooth is a bone and the nail is a knife for people of wild (therefore you should not use these two things as a knife).” (Sahih Muslim, chapter of sacrifice).

Based on the Hadith above, all the jurists agree that the tooth and nail cannot be used as a knife when slaughtering an animal. Imam Abu Hanifah (R.A) believes that the tooth and nails cannot be used for slaughtering when they are intact with the body because it will be considered as killing the animal by strangulation. If the tooth and nail are sharp enough to be used as a knife and they are intact with the body then it would be acceptable to use it to slaughter an animal.

In light of the above notes, it is clear that anything that is capable of performing the cut efficiently is allowed. If the animal dies because of the pressure or weight of the accessory and the not the sharpness then the animal will not be considered Halal.

It is one the most important conditions for an accepted Dhabiha that the name of Allah is not pronounced at the time of slaughtering and the name of Allah is pronounced by the slaughterer himself.

If the name of someone other than Allah is mentioned at the time of slaughter then animal will become Haram according to all the jurists.

Some vessels being missed from being cut

Sometimes vessels in the throat of a chicken are not fully cut because they are too thin and they get nicked. If such a scenario were to happen to a chicken and less than three vessels were cut then the person standing after the mechanical blade has to cut the remaining vessels. Otherwise this chicken will not be considered Halal. Although some other Fuqaha only require the minimum of two vessels to be cut in order for the chicken to be considered Halal but it is safer to take the opinion of other Fuqaha who believe that the minimum number vessels to be cut is three and therefore at least three vessels must be cut. Anything less than three will not be acceptable according to the Fuqaha.

Stunning before slaughtering

Stunning is almost inevitable with the machine slaughter because if the animal is not stunned then it will cause problems at the time of slaughter because of its resistance. When an animal is stunned through of the ways of stunning as we have explained above, it will render the animal motionless and the process of slaughtering will be carried out smoothly and quickly because there will be no resistance from the animal.

There are different methods of stunning in practice today. Those methods of stunning which are considered allowed, if the animal is stunned using one of those methods and it is ensured that animal was alive at the time of slaughter then the animal will be considered Halal. If it is determined that the animal died as a result of stunning then the animal will become Haram.

In my visit to Australia, I visited a plant where cows were being stunned before being slaughtered. The cows that were being stunned before slaughtering were very large and weighted easily over 1000 pounds. The stunning method that was being used was the mushroom head stunning and the cows were being slaughtered immediately after

stunning. There were inspectors whose job was to observe every skull after slaughter.

If the inspectors noticed that the skull was cracked as a result of stunning they would red tag that flesh and it would be removed from the production line and its meat was not considered qualified for the Muslim consumer.

This is an extra step that should be in place in all the commercial abattoirs.

If it is learned about a particular chicken that it died before being slaughtered then it will be considered Haram. Therefore, it is also important to constantly monitor the voltage of current in the water and physically look for any birds that may have died anytime before being slaughtered.

The decision of Makkah Fiqh academy on stunning

Fiqh Academy of Makkah which is part of Muslim world league has issued a resolution in this regard saying:

“Inflicting electric shocks to the animal before slaughtering is causing unnecessary pain to the animal which is not allowed in Islam. If the electric shocks are light and brief which cause less pain to the animal and the purpose of this electric shock is to reduce the pain of slaughtering for the animal and to reduce the resistance then there is no harm in using this method for slaughtering”. (Resolution of Fiqh Academy: 191)

The decision of Jeddah Fiqh Academy on stunning

The Fiqh Academy of Jeddah has issued a detailed script on their decision on the subject of stunning. The decision of Jeddah Fiqh Academy on stunning is:

“The true method of Islamic slaughtering is that the animal is slaughtered without being stunned because the Islamic method of slaughtering is the ideal method with its conditions and etiquettes. In the Islamic method of slaughtering, minimum pain is caused to the animal due to mercy and adherence to the guidelines of Shariah”. It says further: “If the animals are slaughtered after stunning then the meat will become Halal only if it is assured through technical means that the animal did not die before being slaughtered”. Jeddah Fiqh

Academy also says: "According to the experts, the electrocution should be given towards the forehead or the sides of the head. The voltage should be between 100 to 400". Fiqh Academy also adds: "It is not permissible to cause electric shocks to the chickens because it has been proven through experience that a large number of chicken die in this process before being actually slaughtered." (Qararat majmaul Fiqhil Islami p:223)

Two different ways of mechanical slaughter

In practice, there are two ways of mechanical slaughter.

First method: Large size livestock such as cows, goats and sheep is first stunned and then brought to a point where a human being is standing with the sharp knife in hand who cuts the throat of the animal very quickly. Thereafter the animal is hung on a hook attached to a moving chain. Thereafter, skin is removed with one machine and the animal continues to move in one direction until the carcass reaches a point where it is cut into pieces and packaged afterwards. The animal is given enough time to be skinned after being slaughtered that it becomes completely cool. This is done by placing the skin removing machine at a distance from the slaughtering point.

In this method of mechanical slaughter, the actual slaughtering is done by hand and all the remaining process is done with the machine.

Second method: There is a different method used for small size livestock such as chicken and birds. These birds and chicken are brought to the slaughterhouse and then hung onto hooks which are attached to the moving chain powered by electricity. All the birds are stunned before being slaughtered in order to minimize their resistance at the slaughtering point. Once they pass through the stunning point then they are brought to a rotary blade which is powered by the electricity. This blade moves in high speed constantly and anything that comes into contact with it receives a precision cut. The blade can be adjusted to make deep enough cut as to save the neck of bird from being severed.

In this process, often five to ten percent birds are missed from the blade for one reason or the other and some chickens also get wrong cuts either on the stomach or elsewhere on the body. In order to make sure every chicken is slaughtered, one or two people are appointed to stand after the rotary blade to cut those birds which were missed by the mechanical blade.

After observing these two methods of mechanical slaughter, we need to determine, how the principals of Islamic Shariah are being fulfilled.

It has been made clear that there are three basic requirements for an Islamic slaughter.

- 1) The required vessels are cut properly and completely.
- 2) The slaughterer is a Muslim or follower of a divine scripture.
- 3) The name of Allah is pronounced upon the animal while slaughtering.

We have also noted that according to Imam Shafi's opinion, if the "Tasmiya" is missed intentionally, the Dhabihah will be considered Halal as long as the slaughterer did not miss the "Tasmiya" by way of disrespecting the religion or the name of Allah.

Islamic ruling on mechanical slaughter

In the first method of slaughter, the actual slaughtering is done by hand and the remaining process is carried out by machines. Therefore, this animal slaughtered in this manner will be considered Halal without any doubt as long as other conditions of Islamic slaughter are fulfilled.

The second method of mechanical slaughter is complicated because in this method the actual slaughtering is performed by the machine and not a human being. The human involvement is restricted to turning on and off the machine.

The truth is that it is intention that plays the major role in slaughtering. The human being moves the knife on the throat of an animal with his intention and pronounces Bismillah before doing so. In mechanical slaughter, if one looks at the description closely, it becomes clear that it is the man who turns the machine on with his intention and the machine becomes operational. In mechanical slaughter, the operator of the machine is considered the actual slaughterer in many ways and many elder Ulama of this period have acknowledged this fact. After accepting this understanding of operator of the machine, it will become necessary for the operator of the machine to adhere to all the principals of an Islamic slaughter as an actual slaughterer would do.

Therefore, if a Muslim or true follower of a divine scripture turned the machine on after pronouncing Bismillah and the mechanical blade cut the throat of an animal or chicken then the chicken will be considered

Halal because all the required conditions were fulfilled in this method of slaughter.

Another issue with mechanical slaughter is that once the slaughterer is determined then it is also necessary to pronounce Bismillah upon each animal being slaughtered. If someone pronounced Bismillah before turning the machine on but did not specify the chickens that are going to be slaughtered then the chickens will not become Halal.

Islamic Fiqh Academy of India's decision on mechanical slaughter

Islamic Fiqh academy of India hosted two seminars for the purpose of discussing this particular method of mechanical slaughter. After having detailed discussion on this topic among the scholars, they concluded with the following three opinions:

- 1- The majority of scholars who participated in the Fiqh seminar believed that the machine operates continuously and if the operator of the machine pronounced Bismillah before turning the machine on then the first animal will be considered Halal because Tasmiya was pronounced on that and those chickens that will follow the first one will not be considered Halal. According to the opinion of these Ulama, if there is a machine that has a large number of knives attached to it and when the chickens are brought closer to the knives, someone turns on the machine after reciting Bismillah then the chicken slaughtered in this manner will be considered Halal because they were all slaughtered at once and not one after the other.
- 2- Some Ulama held the opinion that if chickens are slaughtered in this manner then none of those chickens will be considered Halal because the slaughterer in this case is not a human but a machine.
- 3- Many well qualified and respected Ulama who participated in this seminar believed that if the machine is turned on by a Muslim or a practicing Jew or Christian after pronouncing the name of Allah then all the chickens slaughtered in this manner will be considered Halal as long as the machine continues to operate without any interruption. This opinion was held by the founder and president of Islamic Fiqh Academy India Maulana Mujahidul Islam Qasmim, Maulana Jalaluddin Anser Umri, Maulana Khalid Saifullah Rehmani, Maulana Raisul Ahrar Nadawi and many more.

According to the opinion of these scholars, the continuous operation of the machine is one action and if the machine is turned off and then turned on again is another action. Therefore, according to the opinion of these scholars, if the machine is turned on after reciting the name of Allah then all the chickens that will be slaughtered one after the other will be considered Halal. If the machine is turned off then same procedure should be repeated for turning it on again.

The decision of Jeddah Fiqh Academy on mechanical slaughter

The Islamic Fiqh Academy of Jeddah has adopted the same opinion with regard to mechanical slaughter.

It is said in the final decision of 10th seminar of Islamic Fiqh Academy Jeddah: " The ideal method of slaughtering is that the chickens should be slaughtered by hand but if the slaughtering is performed by machine then there is no harm in it provided that the conditions of Islamic slaughter are being fulfilled and reciting Bismillah once will be sufficient for each flock of the birds. If the process is interrupted then Tasmiya will be repeated. (Qararat Majmaul Fiqhil Islami, page:224)

Placing the chicken into hot water after slaughter

Very often, in mechanical slaughter, chickens are placed into hot water to soften their feather for the removal of skin. This is done while the stomach has not been removed from the body of chicken. According to the precepts of Shariah, this practice is questionable.

The Fuqaha have mentioned, if the chicken is placed in boiling hot water before its stomach and intestines were removed then the impurity is absorbed into the flesh thereby making the whole chicken Haram for consumption even if it was slaughtered Islamically.

Although many early leading Fuqaha have focused on this issue but some contemporary scholars have ignored the full details of the precept.

If the chicken is dipped into boiling hot water before its stomach and intestines were removed then the entire flesh becomes Najis (impure). However, this is only possible if the water is at boiling temperature and the chicken is left in this water for long enough

period that the impurity is absorbed into the flesh. This can only happen if the chicken is left in boiling hot water for a prolonged period of time. If the chicken is merely moved through the hot water as it is the practice in abattoirs then the flesh will not be considered Najis (impure) but it should be washed anyway.

Nevertheless, since the goal of moving chicken through this hot water is to soften the feathers, therefore it is possible to keep the water temperature at a level that does not reach boiling point and the purpose of softening the feathers is also achieved. This way, the goal of softening the feathers will be achieved and there will be no room for any doubt on the purity of the chicken.

Allamah Shurunbilali has written in his book "Maraqiu Falah":

لو ألقيت الدجاجة حال غليان الماء قبل أن يشق بطنها لنتف او كرش قبل أن يغسل ان وصل الماء حد الغليان
ومكثت فيه بعد ذلك زمانا يقع في مثله التشرب والدخول في باطن اللحم لا يطهر أبدا الا عند أبي يوسف كما
مر في اللحم وان لم يصل الماء الى حد الغليان او لم تترك فيه الا مقدار ما تصل الحرارة الى سطح الجلد
لأنحلل مسام السطح عن الريش والصوف تطهر بالغسل ثلاثا

(مراقى الفلاح ص 86)

From the above statement of Allaamah Shurunbilali, we can learn the following things:

- 1- If the water is not boiling hot or the chicken is not left in it for too long then the chicken will be considered pure after washing it three times.
- 2- If the water is boiling hot and the chicken is left in it for too long that the impurity is absorbed into the flesh then the flesh will be considered Haram and it can never be purified except according to Imam Abu Yusuf (R.A) who says that it can be purified by washing it three times.
- 3- If the water temperature is kept under strict control so it just stays warm then the chicken will remain pure.

In this regard, it is important to keep changing the water that is being used to soften the feathers of the chicken.

If there is a foul smell found in the flesh of the chicken then it will be considered Najis and should not be used.

Imam Ibn-ul Hummam writes in his book "Fathul-Qadeer":

ولو القيت الدجاجة حالة الغليان فى الماء قبل أن يشق بطنها لنتف كرش قبل الغسل لا يطهر أبدا لكن على قول أبى يوسف رحمة الله عليه يجب أن تطهر على قانون ما تقدم فى اللحم قلت: وهو سبحانه اعلم. هو معطل بتشربها النجاسة المتحللة فى اللحم بواسطة الغليان وعلى هذا اشتهر أن اللحم السميظ بمصر نجس لا يطهر لكن العلة المذكورة لا تثبت حتى يصل الماء الى حد الغليان ويمكث فيه اللحم بعد ذلك زمانا يقع فى مثله التشرب.

(فتح القدير للامام ابن الهمام ج1ص186)

This above statement of Imam Ibnul-Hummam also clarifies that the chicken will only be considered Najis if it is learned that the impurity has been absorbed into the flesh. The Illah (علة) in the issue is the mixing of impurity of stomach with the flesh.

Below is the resolution passed by the Islamic Fiqh Academy of India on the issue of mechanical slaughter:

- 1- If the animal is brought before the slaughterer by a conveyor belt or machine and the animal is unconscious and the slaughterer cuts the throat by hand after saying Bismillah then the animal will be considered Halal according to the unanimous opinion of scholars. This is permissible because only the transportation is being done with the machine but the actual slaughtering is being done by hand. The Islamic Academy urges the Muslim owners of slaughterhouse to implement this method of slaughter. If there is a need to speed up the production then they may hire more than one slaughterer.
- 2- If there is a process that includes transportation as well as the slaughtering of animals being carried out by the machine in a way that the operator turns the machine on and animals come to the moving blade one by one and get slaughtered. There were three opinions about this type of mechanical slaughter:
 - (1) The first animal slaughtered in this manner will be considered Halal and the remaining animals that will be slaughtered are not considered Halal. This opinion was held by the majority of scholars participating in the conference.
 - (2) Even the first animal will not be considered Halal through this type of mechanical slaughter. This opinion was held by a few scholars. Those scholars who held this opinion includes:

Mufti Shabbir Ahmed Qasmi, Muradabad

Maulana Badruddin Ahmer, Patnah

Maulana Mujibul Ghaffar As'ad A'zami, Banaras

Maulana Abul Hasan Ali, Gujrat

- (3) The first animals slaughtered in this type of mechanical slaughter will be considered Halal and all those animals that will be slaughtered afterwards as long as the operation is not suspended or interrupted.

This opinion was held by the following distinguished scholars:

Maulana Qadhi Mujahidul Islam Qasmi

Maulana Khalid Saifullah Rehmani

Mufti Naseem Ahmed Qasmi

Maulana Yaqoob Ismail Munshi

Maulana Jalauddin Anser Umri

Maulana Ijaz Ahmed Qasmi

Maulana Raisul Ahrar Nadawi

Maulana Sultan Ahmed Islahi

Maulan Sabahuddin Malik Falahi

Maulana Sadrul Hasan Nadawi

Those who believe that only the first animal slaughtered through mechanical slaughter is considered Halal say that if there would be a machine that has a large number of knives attached to it and upon pressing the button all the knives move and cut all the animals simultaneously then all the animals slaughtered in this manner will be considered Halal.

This must be made clear that the above rulings are regarding a specific type of mechanical method of slaughter. The above ruling should not apply equally to all types of machines and methods.

Severing of neck of chicken or cutting a part of body other than the neck

Sometimes the chicken moves from its position and does not get a cut at all. Sometimes the chicken moves from its position and gets a cut on the stomach or elsewhere and dies as a result of that.

If the chicken dies by getting a cut on the stomach or anywhere else other than the neck then the chicken will be considered Haram.

Other chickens will not be affected.

An onsite inspector must not allow any chicken that is cut wrongly to go into the production. Such chicken must be removed from the production line.

If a chicken has missed the sharp blade and did not get a cut at all then there must be a Muslim or true Kitabi person standing after the blasé to cut these chickens by pronouncing the name of Allah separately on each of them. The person standing after the rotary blade must pronounce the name of Allah upon slaughtering every chicken. Pronouncing the name of Allah once will not be sufficient. If the name of Allah was pronounced on one chicken but not the other then the other chicken upon whom Allah's name was not pronounced will not be considered Halal.

Final word on mechanical slaughter

Mechanical method of slaughter whereby the cutting of throat is also performed by a mechanical knife is not the ideal method of slaughter. The ideal method of slaughter remains the hand slaughter without stunning because this has been learned from the Sunnah of the Holy Prophet Sallallahu Alaihe Wa Sallam.

In light of the evidence provided above and the decisions taken by some of the most trusted Fiqh Academies in the world, it is possible to say that mechanical slaughter may be allowed conditionally.

A combination of machine and hand slaughter

There is no doubt that the demand of meat and poultry is very high and in many cases it is not possible to meet the demand by absolute hand slaughter method.

However, there is a suggestion that is free of any controversy and it also fulfills the goal of speedy production.

If all the process of transporting chickens, cleaning them after slaughter and packaging them is carried out by the machine but at the place of mechanical blade one or more Muslims are appointed to cut the neck of each chicken by after pronouncing the name of Allah then this will be Halal according to the opinion of Allah scholars and there will be no disagreement over the permissibility of this method.

Placing more than one person on one side of the line or on both sides will ensure that all chickens are slaughtered by hand in an efficient manner.

This will not slow down the process. This model has been in place in multiple slaughter houses and it is working well. The cost in method may increase slightly but Muslims will not hesitate in accepting such method of slaughter even if it costs them slightly more.

Conditions of mechanical slaughter

If the mechanical slaughter is to be adopted for Halal slaughtering of chickens then the following condition must be met.

- 1- The operator of the machine must be a Muslim or Kitabi whose beliefs are known.
- 2- The machine must be operated after pronouncing the name of Allah.
- 3- The operator must make intention of all the chickens being slaughtered in a certain period of time. For example, if the machine will run for 2 hours non-stop then the operator of the machine should make intention of slaughtering all the chickens for that period of time. In addition he should also bring all the chickens to be slaughtered during that period to one place and then begin the process of slaughter.
- 4- If the machine is stopped for some reason then the entire procedure must be repeated.
- 5- Some birds are always missed from the blade and escape being cut. In order to avoid leaving any birds

uncut, one Muslim person or more must be appointed to stand after the blade that visually inspects all the birds to make sure no bird escaped the blade without being cut. If a bird is not cut by the mechanical blade then this person must cut it after saying the name of Allah upon each and every one of those birds.

- 6- Some chickens may also get cut on the stomach or elsewhere. If the bird has died by getting cut on the stomach and the neck is not cut then the bird will be considered Haram. This kind of chicken must be removed from the line and must not enter any other stage of production line.
- 7- It is better to remove the stomach and intestines before passing the chickens through warm water.
- 8- The temperature of water should be controlled and should not reach the boiling point or too hot.
- 9- If the birds are being stunned through electric water then the voltage must not exceed 70 or 80. If the voltage in the water is just 70 or 80 then the chickens are stunned and they do not die from it. If the voltage reaches 100 then the chickens may remain alive but it will die soon after if it is not slaughtered and if the voltage is higher than 100 then the chicken will die immediately after getting electrocuted.
- 10- All the chickens should be inspected before being placed on the slaughter line. If the health of some chickens is not well then they should be removed. If there is a fear that the chicken will not be able to survive the electric shock then it should be removed.

I beg for Allah's forgiveness at the end. May Allah grant us the ability to do the righteous acts and preserve the teachings of our precious Deen.

Ikram ul Haq

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المراجع والمصادر

القران الكريم

الجامع لأحكام القران للقرطبي

صحيح البخارى

صحيح المسلم

سنن أبى داود

سنن أبى ماجه

سنن النسائى

سنن الترمذى

مشكوة المصابيح

التعليق الصبيح على مشكوة المصابيح للشيخ الكاندهلوى

فتح البارى لابن حجر

الفتاوى الهندية المعروف بفتاوى العالمكيرية

فتاوى قاضىخان

بدائع الصنائع للكاسانى

معارف القران للمفتى محمد شفيح العثمانى

احكام الذبائح واللحوم المستوردة للشيخ القاضى محمد تقى العثمانى حفظه الله

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البحوث الاسلامية

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فتاوى دار الافتاء المصرية

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