



Mechanical Slaughter: Islamic Perspective

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الذبح الآلي: منظور شرعي

الشيخ مفتي زبير بت

ممثل لجنة متابعة الحلال، المملكة المتحدة



مؤتمر الخليج الأول لصناعة الحلال وخدماته

24-26 يناير 2011

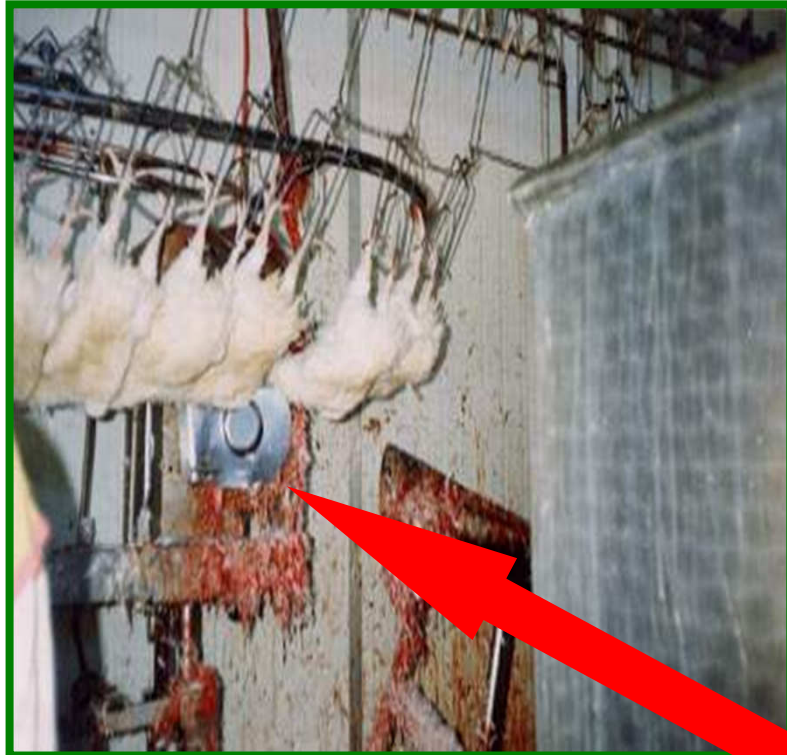
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Overview

- Mechanical Slaughter (MS) – defining area of discussion
- Basic conditions of Halal slaughter:
 1. Pertaining to slaughterer
 2. Pertaining to invoking of Tasmiyah
 3. Severance of required vessels
- Does MS meet the basic conditions?
- Discussion re-current juristic opinion
- Conclusions

Mechanical Slaughter



Poultry is transported on hooks through the slaughtering plant and after **stunning** the slaughtering is performed by a **rotating blade.**

ROTATING
BLADE

Mechanical Slaughter

- Invoking Tasmiyah?
 - No Tasmiyah at all
 - Written on nearest wall
 - Played from a tape or CD
 - Engraved on the rotating blade
 - Invoked when starting the machine
 - Invoked at slaughter point

Slaughter, Basic Conditions

- **Conditions of slaughterer:**
- Muslim or from the People of the Book (Christian or Jew)
- Of sound intellect?
 - Necessary according to Ḥanafī, Mālikī and Ḥanbalī Schools as slaughter is an act of worship requiring intention
 - Two opinions within Shāfīi School

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**
- Compulsory except in forgetfulness - Ḥanafī, Mālikī and Ḥanbalī Schools
- Tasmiyah is sunnah except if omitted in disdain (استخفافاً)- Shāfi'i School.

“And do not eat of that over which the name of Allah has not been mentioned, for indeed it is sheer deviance.” [Qur’ān 6:121]

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**
- General body of jurists (الجمهور) require:
 - Invoked by slaughterer
 - Invoked on each animal
 - Animals to be slaughtered must be specified
 - Without much delay

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**

“As for the condition related to the object of slaughter, so of it in voluntary slaughter is specifying the object of slaughter with the Tasmiyah. Based on this, it derived the ruling when the slaughterer slaughters and invokes Tasmiyah and then slaughters another thinking that the first Tasmiyah suffices for both, it will not be eaten. It is thus necessary to make a fresh mention for each animal separately.”

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**

“If one lays down a sheep, takes a knife and invokes Tasmiyah, but leaves it and slaughters another sheep and forsakes Tasmiyah intentionally upon it, it is not lawful. Thus is related in Al-Khulāṣah.”

“If one lays down a sheep to slaughter it and invokes Tasmiyah upon it, but then speaks to someone, drinks some water, sharpens a knife, or eats a morsel, or does some similar action, that is not much, ... it becomes lawful with that Tasmiyah....

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**

But if the conversation is prolonged and the action is much, eating it is disliked. There is no precise measure in this; rather custom will be referred to. If the people consider it to be much in custom, it is much; if it is considered little, it is little. [Al-Hindiyyah 5:288]

- Ibn Qudāmah has also mentioned the same [Al-Mughnī 11:33] and adds:

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**

“If he sees a flock of sheep and says: ‘In the name of Allah’ and then takes hold of a sheep and slaughters it without Tasmiyah [a second time] it is not lawful. And if he was ignorant of the fact that it was insufficient it will not be treated like forgetfulness. Forgetfulness eliminates culpability but the ignorant is held accountable. [Al-Mughnī 11:33]

Slaughter, Basic Conditions

- **Conditions of invoking of Tasmiyah:**
- This **should not be confused** with:

“If one lays one or two sheep on top of the other one Tasmiyah is adequate if he slaughters them both with one swipe of the blade. If one gathers some birds in his hand and he slaughters one and invokes Tasmiyah and immediately slaughters another and does not invoke Tasmiyah the second is not lawful. However, if he passes a blade along all of them it will be permissible with one Tasmiyah.”

[Al-Hindiyyah 5:288]

Slaughter, Basic Conditions

- **Conditions of severance of required vessels:**
 - Shāfi'ī – only trachea and oesophagus
 - Mālikī – trachea and both jugular veins
 - Ḥanbalī – trachea and oesophagus is sufficient, but better to cut jugular veins too

Slaughter, Basic Conditions

- **Conditions of severance of required vessels:**
 - Abū Ḥanīfah – any three of the four
 - Abū Yūsuf – trachea, oesophagus and one jugular vein
 - Muḥammad – most of each of the four
- All agree that [in controlled slaughter] the cutting point is where the throat meets the upper part of the chest.

Does MS meet conditions?

1. Conditions of slaughterer:

- Can all the functions of the electrically powered plant be attributed to the operator?
- Is direct manipulation of an instrument a condition of slaughter?
- Is there a difference between a knife, arrow, spear etc and an automated machine?

Does MS meet conditions?

- Is the operator only the cause/initiator (المسبب) of the process and not the active subject (الفاعل)/direct practitioner (المباشر) of the slaughter?
- The actual slaughter of chickens is performed by the automated machine without any direct human action – conditions of religion, intellect and Tasmiyah are absent

Does MS meet conditions?

2. Is the condition of Tasmiyah adequately met?

- No Tasmiyah, writing on the wall, playing tape or CD and engravings on the blade obviously do not satisfy this condition.
- Invoking Tasmiyah at the start of the process only does not meet:
 - Tasmiyah upon each animal
 - Specification of the object of slaughter

Does MS meet conditions?

- Invoking Tasmiyah at slaughter point?
- Tasmiyah must be invoked by the operator.
- Sheer volume of chickens renders it impossible to invoke Tasmiyah for every chicken.
- If distracted, the invoker misses many chickens.

Does MS meet conditions?

3. Are the specified vessels severed?

- The specified vessels are cut most of the time.
- Sometimes the neck is cut off entirely.
- Sometimes the required vessels are only partially severed.
- Sometimes the blade cuts the head, wings or breast of the chicken.
- Sometime the chicken avoids the blade altogether.

Current Juristic Opinion

- **Islamic Fiqh Academy, Jeddah**
- 10th Session (28/06/97 – 03/07/97)
- Scant discussion on the status of MS
- Majority upheld specification of animal in their submissions
- Dissenting voices to MS existed
- Permission founded on: slaughter of tens of thousands of chicken at one time is near to involuntary slaughter
- No substantiation offered!

Current Juristic Opinion

- **Islamic Fiqh Academy, Jeddah**
- **Resolution 101/3/10:**

“Eighth: In principle, the slaughter of poultry and other animals should be concluded at the hand of the slaughterer. There is no harm in using mechanical instruments in the slaughter of poultry provided the conditions stipulated in the 2nd para are met. Tasmiyah will be sufficient for each group slaughtered together. If the operation is interrupted the Tasmiyah will be repeated.”

Current Juristic Opinion

- **Islamic Fiqh Academy, India**
- Recognised that human involvement was limited to switching on the machine
- Most accepted the operator as slaughterer
- According to the majority Tasmiyah was required for each bird on account of the multiple actions of slaughters
- Some held that one Tasmiyah was sufficient for the entire process as it was a single action
- Some held no bird was Halal

Current Juristic Opinion

- **Scholarly opinion within the UK**
- HMC commissioned independent online survey via Ajax Consultants (June 2009)
- Largest survey of its kind in the UK
- Responses received from 32 Muftīs, 201 'Ulamā' and 49 Imāms
- 95% rejected MS, 2.5% wanted further info
- 97.5% stated Tasmiyah must be recited individually by slaughterer

Current Juristic Opinion

- **Other Jurisdictions**
- SANHA – do not accept MS
- Halal Monitoring Authority, Canada – do not accept MS
- ASIDCOM, France - do not accept MS
- Sheikh Sa'eed Ramaḍan al-Būṭī and Sheikh Şāliḥ bin Fawzān reject MS
- Manual slaughter will solve the impasse!

Conclusions

- MS remains a very controversial area
- Acceptance/rejection of MS is patchy
- Insufficient discussion of the legal status of the operator as slaughterer
- Sufficient argument to consider the operator as slaughterer has not been made
- Concerns of operational difficulties need to be addressed
- Further research and discussion required for a common standard