



# HALAL WATCH WORLD

## Research Methodology & Analysis Report

2019

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God, The All Mighty Said the Following:

***“ And say not concerning that which your tongue says falsely: 'This is Halal and this is Haram,' so as to invent lies against Allah. Verily, those who invent lies against Allah will never prosper...A passing brief enjoyment (will be theirs), but they will have a painful torment.”***

*(Al Quran 16:116-117)*

The Prophet, Peace & Blessings Be Upon Him Said:

***“A time will come upon the people wherein a man will not bother what he intakes; whether from a halal source or haram.”***

*(Bukhari 2059)*

# RESEARCH METHODOLOGY & ANALYSIS 2019

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**Halal Watch World LLC** is a halal certification limited liability corporation based in the state of New York, and has operated in the certification industry since 1990. HWW is an organization that stands upon the trust of the Muslim public, and believes that it is imperative that their trust never be jeopardized. We maintain standards to the highest degree of scrutiny and perform regular audits for the protection of our constituents.

Halal Watch World understands that halal certification is a communal obligation (فرض كفاية), meaning, at least one person of the community must uphold it. If no one takes up this responsibility, the entire community bears a burden of sin. Therefore, we must be extra diligent with this effort. We realize the seriousness of the matter and understand the dire consequences of not filling this duty to the fullest capacity. God explains this to us in the Holy Quran by His statement:

***“ And say not concerning that which your tongue says falsely: 'This is Halal and this is Haram,' so as to invent lies against Allah. Verily, those who invent lies against Allah will never prosper...A passing brief enjoyment (will be theirs), but they will have a painful torment.”***

*[Al Quran] 16:116-117*

HWW ensures to the best of its ability a high level of authenticity is upheld. This allows them to gain the trust of the Muslim community, and garner strong relationships with companies who produce, process, and distribute halal products at all levels. By this, they are able to offer halal producing company's guidance and consultation on the direction of their processes and products, while ensuring that Islamic dietary standards are always maintained and monitored. Muslims can use this information in order to make well informed decisions about what they choose to eat.

The purpose of this paper is to clarify the positions our organization adheres to, and to highlight where we stand on any points of contention. We pray that Allah is pleased with this effort. We begin with in the name of Allah most high:



# FUNDAMENTALS & METHODOLOGY

حلال (**Halal**): The term “halal” is an Arabic word meaning an action permissible to engage in, or an object, whose’ utility is permissible. Halal products are those products permitted for the Muslim consumer.

حرام (**Haram**): The term “haram” is an Arabic word meaning an action impermissible to engage in, or an object, whose’ utility is impermissible. Haram products are those not permitted for the Muslim consumer.

In Islamic law, all actions are considered *Halal*, or permissible to perform, unless and until an evidence points to the contrary. This is based upon the *qa’idah* or principle: الاصل في العادات الإباحة, or “*The default (ruling) regarding ordinary actions is “Permitted”*”.

*Haram* (Impermissible) ordinary actions are those actions which are explicitly defined as haram. In other words, it is more tasking to find text that explicate what is permissible to consume as opposed to that which is not. If Allah were to explicitly demonstrate each and every permissible consumable, we would find ourselves with a mass of books that would cause hardship and difficulty for the human being. Instead, Allah in his wisdom and mercy have made simple for us this challenge by presenting those things which cannot be consumed, as the category is much smaller.

Generally speaking, these specifications can be found in the Quran and the authenticated traditions of the Prophet Muhammad (ﷺ).

There are 3 main categories of action related to this topic, and they will be the focus of this paper:

1. **Consumption**
2. **Transaction**
3. **Utilization**

## CONSUMPTION

The matters of consumption are divided into 3 main topics:

1. That which is permissible to consume by default – (حلال بالأصل – Halal bil Asli)  
*e.g. Sugar, Salt, Vegetables, etc...*
2. That which is permissible to consume conditionally (حلال بالشرط – Halal bi Sharti)  
*e.g. Beef, Lamb, Goat, etc...*
3. That which is prohibited to consume by default – (حرام – Haram)  
*e.g. Pork, Alcohol, etc...*

The forthcoming text from the Quran and hadith cover each of these categories.

## That Which Is Permissible to Consume by Default – (*Halal bil Asli*)

This section discusses foods that are lawful to consume upon their essence. Anything that has not been expressly prohibited via the word of the Quran, or the Prophet Muhammad ﷺ, in practice or principle, is considered as permissible to consume. This includes animals that come from the ocean, sugar, most vegetation, salt, etc. Prohibited consumables are derived either from express prohibitions, or via a *Qiyas* (Analogical deductive) link. No additional intervention is required for its permissibility.

Allah says in the Quran: *"O mankind, eat from whatever is on earth [that is] good lawfully and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy..."*<sup>1</sup> Allah says in the Quran: *"Lawful to you is game from the sea and its food as provision for you and the travellers, but forbidden to you is game from the land as long as you are in the state of ihram. And fear Allah to whom you will be gathered."*<sup>2</sup> It was narrated by Ibn Abi `Aufa: *"We participated with the Prophet (ﷺ) in six or seven Ghazawat, and we used to eat locusts with him."*<sup>3</sup>

## That Which Is Permissible to Consume Conditionally (*Halal bi-Sharti*)

This section discusses those foods which are permissible to consume when the conditions of proper shar'i slaughter are present. If the proper conditions are not maintained, then the consumption of it is prohibited.

Allah says in the Quran: *"They ask thee (O Muhammad) what is made lawful for them. Say: (all) good things are made lawful for you..."*<sup>4</sup> Allah also says in the Quran: *"... The beast of cattle is made lawful unto you (for food) except that which is announced unto you (herein)..."*<sup>5</sup> Ibn Abi Ammar said: *"I asked Jabir bin Abdullah: 'Is the hyena game?' He said: 'Yes'"* He said: *"I said: 'Can it be eaten?' He said: 'Yes.'"* He said: *"I said: 'Did the Messenger of Allah say that?' He said: 'Yes.'"*<sup>6</sup> According to the Shafi'i school of thought, via analogical deduction (*Qiyas*), this category is extended to include any scavenger-predators that are similar to the hyena. Such a construct permits for the fox to be included in the category of permissibility. Additionally, based upon the hadith narrated by Qutada, where he states that the

<sup>1</sup> يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ - 2:168

<sup>2</sup> أَجَلٌ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَلِلنَّاسِ وَالرَّحْمَةُ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرَمًا وَآتَوْا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ - 5:96

<sup>3</sup> حَدَّثَنَا أَبُو الْوَلِيدِ، حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي يَعْقُوبٍ، قَالَ تَمِعْتُ ابْنَ أَبِي أُوَيْسٍ. رَضِيَ اللَّهُ عَنْهُمَا. قَالَ غَزَوْنَا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سِتْعَ غَزَوَاتٍ أَوْ سِتًّا، كُنَّا نَأْكُلُ مَعَهُ الْجِرَادَ. قَالَ سُفْيَانُ وَأَبُو عَوَانَةَ - Reference: Sahih al-Bukhari 5495

<sup>4</sup> يَسْأَلُونَكَ مَاذَا أَحَلَّ اللَّهُ لَكُمْ أَلْحَلَّ اللَّهُ لَكُمْ الطَّيِّبَاتِ، وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلِّبِينَ تُعَلِّمُونَهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ، فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ، وَآتَوْا اللَّهَ، إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ - (5:4)

<sup>5</sup> يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ، أُحِلَّتْ لَكُمْ بَيْعَةُ الْأَنْعَامِ إِلَّا مَا يُبْتَلَىٰ عَلَيْكُمْ غَيْرَ مُحْلِلِي الصَّيْدِ وَأَنْتُمْ حُرْمٌ، إِنَّ اللَّهَ يَكْتُمُ مَا يُرِيدُ - 5:1

<sup>6</sup> حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ، حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِسْرَاهِيمَ، أَخْبَرَنَا ابْنُ جُرَيْجٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، عَنْ ابْنِ أَبِي عَقَارٍ، قَالَ قُلْتُ لِحَابِرِ بْنِ عَبْدِ اللَّهِ الصَّنَعِيُّ أَصَيْدٌ هِيَ قَالَ نَعَمْ. قَالَ قُلْتُ أَكَلْتُهَا قَالَ نَعَمْ. قَالَ قُلْتُ أَقَالَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ نَعَمْ. قَالَ أَبُو عَيْسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. قَالَ عَلِيُّ بْنُ الْمَدِينِيِّ قَالَ يَحْيَى بْنُ سَعِيدٍ وَرَوَى جَرِيرٌ بْنُ حَارِثٍ هَذَا الْحَدِيثَ فَقَالَ عَنْ جَابِرٍ عَنْ عُمَرَ. وَخَدِيثُ ابْنِ جُرَيْجٍ أَصَحُّ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ وَالْعَمَلُ عَلَىٰ هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ فِي الْمَحْرَمِ إِذَا أَصَابَتْ صَيْبًا أَنَّ عَلَيْهِ الْجِرَادَ. - Jami` at-Tirmidhi 851

Prophet SAWS confirmed the permission to consume the Onager (half donkey half horse) <sup>7</sup>, via *qiyas*, this category is extended to include any half breed animal where at least one parent species is of the kind of permissible animals.

Thus, the prophet explains that any animal with the proper conditions applied (for slaughter) is permitted for consumption. The exceptions to the category “any animal” are covered in the next section.

### That Which Is Prohibited to Consume by Default – (*Haram*)

Allah says in the Quran: *”Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked a name other than Allah’s; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars) ...”*<sup>8</sup>

Mentioned here are those things which are prohibited to consume, such as animals over which the name of Allah has not been mentioned, carrion, pig and so forth. This is the ‘*aam* (general) position. There are certain concessions to this rule that are acceptable that will be mentioned in the forthcoming chapters.

Allah also says in the Quran: *“And eat not of that whereon Allah’s name hath not been mentioned, for lo! it is an abomination. Lo! the devils do inspire their minions to dispute with you. But if ye obey them, ye will be in truth idolaters”*<sup>9</sup> Ibn ‘Abbas said: *“The Messenger of Allah (ﷺ) prohibited the eating of every carnivorous beast with fangs, and every bird with a talon.”*<sup>10</sup> It was reported by Ibn ‘Umar: *“Allah’s Messenger (ﷺ) forbade the eating of donkey-meat.”*<sup>11</sup> Al-Bara bin ‘Azib narrated that Allah’s Messenger (ﷺ) stood among us and said, *“There are four types of sacrificial animals, which are not permitted: A one-eyed animal which has obviously lost the sight of one eye, a sick animal which is obviously sick, a lame animal which obviously limps, and an old animal which has no marrow.”*<sup>12</sup> Ali bin Abi Talib, may Allah be

7 حَدَّثَنَا إِسْمَاعِيلُ، قَالَ حَدَّثَنِي مَالِكٌ، عَنْ أَبِي النَّضْرِ، مَوْلَى عُمَرَ بْنِ عَبْدِ اللَّهِ عَنْ نَافِعٍ، مَوْلَى أَبِي قَتَادَةَ عَنْ أَبِي قَتَادَةَ، أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى إِذَا كَانَ بِبَعْضِ طَرِيقِ مَكَّةَ تَخَلَّفَ مَعَ أَصْحَابٍ لَهُ مَحْرَمِينَ، وَهُوَ غَيْرُ مَحْرَمٍ، فَرَأَى جَمَارًا وَخَيْثِيًّا، فَاسْتَوَى عَلَى فَرْسِهِ، ثُمَّ سَأَلَ أَصْحَابَهُ أَنْ يُنَاقِلُوهُ سَوْطًا، فَأَبَوْا فَسَأَلَهُمْ رَجْعَهُ فَأَبَوْا فَأَخَذَهُ ثُمَّ شَدَّ عَلَى الْحِمَارِ، فَقَتَلَهُ فَأَكَلَ مِنْهُ بَعْضُ أَصْحَابِ رَسُولِ اللَّهِ

Reference: Sahih al-Bukhari 5490  
8 صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبَى بَعْضُهُمْ، فَلَمَّا أُذْرِكُوا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَأَلُوهُ عَنْ ذَلِكَ فَقَالَ " إِنَّمَا هِيَ طُعْمَةٌ أَطَعَمَكُمُوهَا اللَّهُ " خَرِجَتْ عَلَيْكُمْ أَلْمَيْتَةُ وَالذَّمُّ وَحَلْمُ الْخَبِيرِ وَمَا أَهْلُ لَيْعِبَرِ اللَّهِ يَوْمَ وَالْمُنْخَبِقَةُ وَالْمَوْفُودَةُ وَالْمَرْتَبَةُ وَالنَّطْبِخَةُ وَمَا أَكَلَ الشَّبْعُ إِلَّا مَا دَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصَبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْمِ : ذَلِكَ فَنسَقُ - (5:3)

9 أَلْيَوْمَ يَبْسُ الدِّينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَحْسَبُوهُمْ وَآخِشْتُونَ : أَلْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا . فَمَنْ أَضْطَرَّ فِي مَخْصَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمِهِ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكَرْ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفَنسِقٌ - وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَى أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ - وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ - (6:121)

10 حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، عَنْ ابْنِ أَبِي عَدِيٍّ، عَنْ ابْنِ أَبِي عَزْرَةَ، عَنْ عَلِيِّ بْنِ الْحَكَمِ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ خَيْبَرَ عَنْ أَكْلِ

Grade: Sahih - Sunan Abi Dawud 3803  
Reference: حَدَّثَنَا إِسْحَاقُ بْنُ إِسْحَاقَ بْنِ نَصْرِ، حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ نَافِعٍ، وَسَلَامٍ، عَنِ ابْنِ عُمَرَ . رَضِيَ اللَّهُ عَنْهُمَا . قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَكْلِ لَحْمِ الْحُمْرِ الْأَهْلِيَّةِ . Sahih al-Bukhari 4218

12 وَعَنْ الْأَبْرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَامَ فِينَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ : { " أَرَزِقُ لَا تُجُورُ فِي الضَّحَاتَا : الْعَوْرَاءُ الْبَيْتُ عَوْرَتَا ، وَالْمَرِيضَةُ الْبَيْتُ مَرَضَتَا ، وَالْعَرْجَاءُ الْبَيْتُ غَلَعَةُ (1769) وَالْكَاسِيرَةُ الْبَيْتُ لَا تُنْقِي " } رَوَاهُ الْحَقْمَسَةُ (1770) . وَصَحَّحَهُ الْبَرْمَيْدِيُّ ، وَابْنُ حِبَّانَ (1771) .

1 - كذا "بالأصل" وهو الموافق لرواية السنن، وفي النسخة: "أ": "عرجها" وأشار الناسخ في الهامش إلى نسخة "صلعها".  
2 - كذا "بالأصلين" وأشار ناسخ "أ" في الهامش إلى نسخة: "أحمد والأربعة".

please with him, said: “The Messenger of Allah forbade sacrificing an animal with its ears slit from the front, an animal with its ears slit from the back, an animal with its ears slit lengthwise, an animal with a round hole in its ear, or an animal with its nose cut off”.<sup>13</sup> These animals are considered defective, or impure, and may not be slaughtered for consumption, though, there are some discussions regarding it being a statement of *karaaha* (disliked as opposed to haram). Abdullah ibn Umar said: “The Messenger of Allah (ﷺ) prohibited eating the animal which feeds on filth and drinking its milk (الجلالنة).”<sup>14</sup>

## Summary of Prohibited Things

Based upon the above text, we consider permissible consumables to be all things besides the following list:

- |  |   |
|--|---|
| 1. Human   | 12. Pus   |
| 2. Pork  | 13. Vomit   |
| 3. Donkey (Excluding the Onager)   | 14. Insects (other than locusts)  |
| 4. Animals with fangs or talons (Carnivorous)<br>(Excluding Hyena and Fox according to some) | 15. Animals fed with more than 50% of any of the above without being fed on a pure diet for a stipulated number of days   |
| 5. Animals not slaughtered according to Islamic ritual rites                                 | 16. Anything processed, made, produced, manufactured, and/or stored using utensils, equipment, and/or machinery in contact with any of the above that have not been cleansed according to standards which remove contaminants |
| 6. Defective Animals (Missing ear, eye...)   |   |
| 7. Carrion   |   |
| 8. Any intoxicants   |   |
| 9. Urine   |   |
| 10. Excrement  |   |
| 11. Blood  |   |

## Prohibited Consumables in Detail

Muslims of the modern era are faced with many challenges in maintaining a strict Halal diet. From animal derivatives to flavorings and chemical additives, we are plagued with a scenario of vague terms and doubtful practices. Our job as a Muslim community is to take our timeless religion and apply its methodology in practice and principle in order to extract meaningful and correct rulings for our contemporary lives. To do this, we must take into consideration the fundamental underpinnings of our authenticated sources in a thorough and holistic manner.

3 - صحيح. رواه أبو داود (2802)، والنسائي (215 - 214 / 7)، والترمذي (1497)، وابن ماجه (3144)، وأحمد (4 / 84، 289)، وابن حبان (1046). وقال الترمذي "حديث أخرنا أحمد بن ناصح، قال حدثنا أبو بكر بن عياش، عن أبي إسحاق، عن شريح بن النعمان، عن علي بن أبي طالب، رضي الله عنه قال قال رسول الله صلى الله عليه وسلم أن نضجني بمخالبه أو مذابرة<sup>13</sup> .  
Grade: Hasan - Reference: Sunan an-Nasa'i 4374

13 - صحيح. رواه أبو داود (2802)، والنسائي (215 - 214 / 7)، والترمذي (1497)، وابن ماجه (3144)، وأحمد (4 / 84، 289)، وابن حبان (1046). وقال الترمذي "حديث أخرنا أحمد بن ناصح، قال حدثنا أبو بكر بن عياش، عن أبي إسحاق، عن شريح بن النعمان، عن علي بن أبي طالب، رضي الله عنه قال قال رسول الله صلى الله عليه وسلم أن نضجني بمخالبه أو مذابرة<sup>13</sup> .  
Grade: Hasan - Reference: Sunan an-Nasa'i 4374

14 - صحيح: Sunan Abi Dawud 3785 - حدثنا عثمان بن أبي شيبة، حدثنا عبدة، عن محمد بن إسحاق، عن ابن أبي نجيح، عن مجاهد، عن ابن عمر، قال قال رسول الله صلى الله عليه وسلم عن أكل الجلالنة والنباتنا<sup>14</sup> .

A number of factors must be considered regarding the slaughter. They are:

1. What may be slaughtered
2. Who may slaughter
3. The tool of slaughter
4. The method of slaughter
5. The condition of the animal

### What May Be Slaughtered

Any animal not on the above list in the section entitled “Prohibited Consumables” is considered as permissible.

### Who May Slaughter

In order for meat to be Halal, the slaughterman must be either a Muslim or *ahlul kitab* (People of the book, i.e. Jew or Christian). The meat of other Slaughtermen are not permissible. Abu al-Khair reported: *We are the inhabitants of the western regions, and there (live) with us Berbers and Magians. They bring with them rams and slaughter them, but we do not eat (the meat of the animals) slaughtered by them, and they come with skins full of fat.*<sup>15</sup>

#### The Muslim Slaughterman

Not only is the Muslim slaughterman permissible to eat from, but it is even considered disrespectful to doubt that your Muslim brother has not slaughtered in a proper way without any reasonable cause. Thus, when our Muslim brethren perform the slaughter, it is permissible to consume.

Maimun bin Siyah asked Anas bin Malik: *“O Abu Hamzah, what makes the blood and wealth of a Muslim forbidden?”* He said: *“Whoever bears witness to La ilaha illallah (there is none worthy of worship except Allah) and that Muhammad is the Messenger of Allah [SAW], faces our Qiblah, prays as we pray, and eats our slaughtered animals, he is a Muslim, and has the same rights and obligations as the Muslims.”*<sup>16</sup>

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و حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ، وَأَبُو بَكْرِ بْنُ إِسْحَاقَ عَنْ عَبْدِ الرَّبِيعِ، أَخْبَرَنَا يَحْيَى بْنُ أَبِي الْوَيْسِ، عَنْ جَعْفَرِ بْنِ زَيْبَعَةَ، عَنْ أَبِي الْحَيْثَمِ، حَدَّثَهُ قَالَ حَدَّثَنِي ابْنُ وَعَلَةَ السَّبْيِيُّ، قَالَ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ 15  
Reference: - فُلْتُ إِنَّا نَكُونُ بِالْمَغْرِبِ فَيَأْتِينَا الْمَجُوسُ بِالْأَسْتِغْيَةِ فِيهَا الْمَاءُ وَالْوَدَّكَ فَقَالَ اشْرَبْ . فَعُلْتُ أَرَأَيْتَ تَرَاهُ فَقَالَ ابْنُ عَبَّاسٍ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ " دَبَاعُهُ طَهُورُهُ " .  
Sahih Muslim 366 c

أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، قَالَ حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ، قَالَ أَنْبَأَنَا حَمِيدٌ، قَالَ سَأَلَ مَيْمُونُ بْنُ سِيَاهٍ أَنَسَ بْنَ مَالِكٍ قَالَ يَا أَبَا حَزْرَةَ مَا يُحَرِّمُ دَمَ الْمُسْلِمِ وَمَالَهُ فَقَالَ مَنْ شَهِدَ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ 16  
- مُحَمَّدًا رَسُولَ اللَّهِ وَاسْتَقْبَلَ قِبَلَتَنَا وَصَلَّى صَلَاتَنَا وَأَكَلَ ذَبِيحَتَنَا فَهُوَ مُسْلِمٌ لَهُ مَا لِلْمُسْلِمِينَ وَعَلَيْهِ مَا عَلَى الْمُسْلِمِينَ .  
Grade: Sahih - Reference: Sunan an-Nasa'i 3968

It was narrated from Abu Hurayrah: *that the Messenger of Allaah (ﷺ) said: “When any one of you enters upon his Muslim brother and he offers him food, let him eat from his food and not ask about it. And if he offers him something to drink, let him drink what he offers and not ask about it.”*<sup>17</sup>

### Ahlul Kitaab – The People of the Book

Allah says in the Quran: *“This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them.”*<sup>18</sup> Ibn Kathir, the great *mufasssirin* (exegete) in his *tafsir* al Quran (exegesis of the Quran) states: *“When the most high mentioned “And the foods of those who have taken the book are permissible for you all”, Ibn abas, abu amam Ibn ‘Abbas, Abu Umamah, Mujahid, Sa`id bin Jubayr, ‘Ikrimah, ‘Ata’, Al-Hasan, Makhul, Ibrahim An-Nakha`i, As-Suddi and Muqatil bin Hayyan stated that Allah SWT means by that their slaughtered animals. About this matter, all of the scholars clarify that their slaughtered is permissible for the Muslims **because they believe in the impermissibility of slaughtering for other than Allah, and they do not mention upon their slaughtered (animals) except the name of Allah, even if they believe (things) about He, most high, what is free from him, and unholy.***<sup>19</sup>

Ibn Kathir mentions that this permission only extends to the people of the book since their slaughter method mirrors that of proper shar`i rulings, which includes the *tasmiyyah*. Some have misunderstood this statement to mean that any and all food of the people of the book is permissible to consume, however, it would be non-sensical to conclude this since some of those foods are swine, and alcohol. The Quran clarifies itself and its verses are taken holistically in order to derive a proper understanding.

It was narrated by Anas bin Malik: *“A Jewess brought a poisoned (cooked) sheep for the Prophet (ﷺ) who ate from it. She was brought to the Prophet and he was asked, “Shall we kill her?” He said, “No.” I continued to see the effect of the poison on the palate of the mouth of Allah’s Messenger (ﷺ)”.<sup>20</sup> This hadith shows us that the Prophet (ﷺ) consumed the food of the people of the book, however, this is because the order and assumption of the day was that they adhered to their doctrine, which had the same*

<sup>17</sup> (Narrated by Ahmad, 8933. This hadeeth was classed as saheeh by al-Albaani in al-Silsilah al-Saheehah, 627).

أَلْيَوْمَ أَجَلَ لَكُمْ الطَّيِّبَاتِ وَطَعَامَ الَّذِينَ أُوتُوا الْكِتَابَ جِلَّ لَكُمْ وَطَعَامِكُمْ جِلَّ لَهُمْ وَالْمُحْضَنُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْضَنُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْضِنِينَ غَيْرَ - (5:5) 18  
مُسْفِحِينَ وَلَا مُتَّخِذِينَ أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي آلَاءِ آخِرَةٍ مِنَ الْآخِرِينَ

<sup>19</sup> لما ذكر تعالى ما حرمه على عباده المؤمنين من الخبائث وما أحله لهم من الطيبات قال بعده « اليوم أحل لكم الطيبات » ثم ذكر حكم ذبائح أهل الكتابين من اليهود والنصارى فقال « وطعام الذين أوتوا الكتاب حل لكم » قال ابن عباس وأبو أمامة ومجاهد وسعيد بن جبير وعكرمة وعطاء والحسن ومكحول وإبراهيم النخعي والسدي ومقاتل بن حيان يعني ذبائحهم وهذا أمر يجمع عليه بين العلماء أن ذبائحهم حلال للمسلمين لأنهم يعتقدون تحريم الذبيح لغير الله ولا يتكبرون على ذبائحهم إلا اسم الله وإن اعتقدوا فيه تعال ما هو منزله عنه تعالى

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ، حَدَّثَنَا شُعْبَةُ، عَنْ هِشَامِ بْنِ زَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ، رَضِيَ اللَّهُ عَنْهُ. أَنَّ يَهُودِيَّةً، آتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِشَاةٍ مَسْمُومَةٍ، فَأَكَلَ مِنْهَا 20  
Reference: Sahih al-Bukhari 2617 - فجيء بها فقبل ألا نقتلها. قال " لا ". فَمَا زِلْتُ أَعْرِفُهَا فِي هَوَاتِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

requirements as that of the *shar'i* rulings of slaughter. There is no solid clear proof that the Jewess had forgone the laws regarding the slaughter.

### Misconceptions about eating from other than these two categories

Some carry the false notion that we may eat from non-Muslims who are not people of the book by virtue of the following Hadith: It was narrated from 'Aishah: “Some Bedouin people used to bring us meat, and we did not know whether they had mentioned the Name of Allah (when slaughtering it) or not. The Messenger of Allah said: “Messenger of Allah said: “Mention the Name of Allah and eat.””<sup>21</sup> This hadith does not refer to non-Muslims, rather, the following hadith shows that the people referred to are in fact Muslims. It was narrated by `Aisha: “The people said to the Prophet (ﷺ), ‘O Allah's Messenger (ﷺ)! Here are people who have recently embraced Islam and they bring meat, and we do not know whether they had mentioned Allah's Name while slaughtering the animals or not.’ The Prophet (ﷺ) said, ‘You should mention Allah's Name and eat.’”<sup>22</sup> Thus, the people that brought meat were Muslim Bedouins, and not non-Muslims.

Furthermore, we must look to the following hadith, where Abu al-Khair reported: “I asked 'Abdullah b. 'Abbas saying: We are the inhabitants of the western regions. The Magians come to us with skins full of water and fāt. He said: Drink. I said to him: Is it your own opinion? Ibn Abbas said: I heard the Messenger of Allah (ﷺ) say: Tanning purifies it (the skin).”<sup>23</sup>

This hadith helps to explain two main points. First, that it is not permissible to consume the food of a people who are neither Muslim, nor people of the book. Second, it mentions the condition of the meat of an animal that has not been killed according to Islamic ritual rites. Animals that die in a way not according to the sanctioned and stipulated conditions of Islamic slaughter are considered *najas* (filthy), as the Prophet ﷺ considered tanning of its skin a means of purification. The *mathoom mukhallafā* (inverse logical meaning) of this statement is that the skin of an animal not killed according to Islamic ritual rites is not pure, as well as the entire animal. Only the skin may become pure after tanning. The fact that non-halal meats are impure means that they have the capacity to contaminate all other products when added to them, or placed upon the same tool or utensil. Therefore, it is necessary that every facility that processes both Halal and non-Halal

<sup>21</sup> أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ، قَالَ حَدَّثَنَا النَّضْرُ بْنُ شَيْبَةَ، قَالَ حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، أَنَّ نَاسًا، مِنَ الْأَعْرَابِ كَانُوا يَأْتُونَا بِلَحْمٍ وَلَا نَدْرِي أَذَكَّرُوا اسْمَ اللَّهِ عَلَيْهِ أَمْ لَا فَقَالَ رَسُولُ اللَّهِ صَلَّى

حَدَّثَنَا يُونُسُ بْنُ مَوْسَى، حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرِيُّ، قَالَ سَمِعْتُ هِشَامَ بْنَ عُرْوَةَ، يُحَدِّثُ عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ قَالُوا يَا رَسُولَ اللَّهِ إِنَّ هُنَا أَقْوَامًا حَدِيثًا عَهْدُهُمْ بِشِرْكٍ، يَأْتُونَا بِلَحْمَانِ لَا نَدْرِي يَذَكَّرُونَ

حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ، وَأَبُو بَكْرِ بْنُ إِسْحَاقَ قَالَ أَبُو بَكْرٍ حَدَّثَنَا وَقَالَ ابْنُ مَنْصُورٍ، أَخْبَرَنَا عَمْرُو بْنُ الرَّبِيعِ، أَخْبَرَنَا يَحْيَى بْنُ أَبِي حَبِيبٍ، أَنَّ أَبَا الْحَبْرِ، حَدَّثَهُ قَالَ رَأَيْتُ عَلَى ابْنِ وَعَلَةَ <sup>23</sup> السَّبْيِيِّ قَرِيزًا فَمَسِسْتُهُ فَقَالَ مَا لَكَ فَمَسِسْتُهُ قَدْ سَأَلْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ فُلْتُ إِيَّاكَ نَكَوْنَا بِالْمَغْرِبِ وَمَعَنَا الرَّبِيزُ وَالْمَجُوسُ لَوْ تَنَى بِالْكَيْبِشِ قَدْ دَخَلُوهُ وَنَحْنُ لَا نَأْكُلُ ذَبَائِحَهُمْ وَيَأْتُونَا بِالسَّبْيَاءِ يَجْعَلُونَ فِيهِ الْوَدَكِ . فَقَالَ

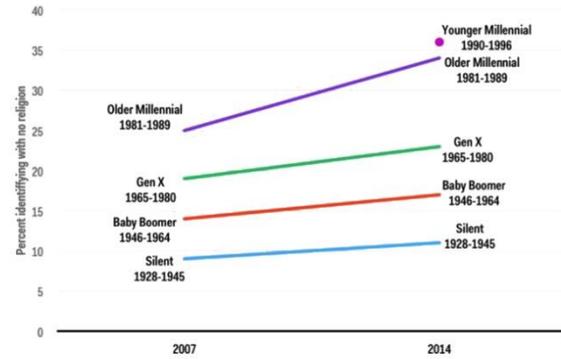
Reference: Sahih Muslim 366 c

products have a SSOP (sanitation standard operating procedure) that remove at least two of three qualities of the filth (color, taste, and or smell). This is covered in more detail in later chapters.

### When the Slaughtermans' Identity Cannot Be Confirmed

In America, there exists a major concern for the observant Muslim. Western societies are societies of mixed religious peoples. Many Muslims from abroad have the misconceived notion that America is a Christian nation with Christian and Jewish practitioners. In reality, many of its people are neither Muslim, nor people of the book. Some are atheists, Hindu's, and agnostics. According to Pew's study on religious and spiritual identity, the number of Americans who consider themselves to be not religious is 48%, while 32% claim to not believe in any God at all. In the 2014 survey of the Pew Religious Landscape, 22% of Americans

### Americans with no religious affiliation



are unaffiliated with any religion entirely (Irreligion in the United States, n.d.). These numbers are startling for the Muslim consumer and cannot be ignored. In fact, this scenario is analogically paired with the hadith of Rasulullah ﷺ, where he mentions the following, *“If you release your dog, then, other dogs, whereby you have not mentioned the name of Allah, join him, then do not eat, because you do not know which of them killed it (the game)”*<sup>24</sup> In this case, the Prophet ﷺ establishes a standard that prohibits us from enjoining in the consumption of game killed in a doubtful manner, whereby the means of slaughter is unknown or even doubtful. Via the principal of *Qiyas* (analogical deduction) our attitudes as Muslims should be just as cautionary when we assess our situation in western societies.

To strengthen upon this point, we find the following hadith, narrated by 'Adi bin Hatim: *“I asked the Messenger of Allah (ﷺ) about hunting, so he said: 'Mention Allah's Name when you shoot your arrow. Then, if you find it dead, eat from it, unless you found that it has fallen in (some body of) water. Then do not eat it, for you do not know if the water killed it, or your arrow.'”*<sup>25</sup> Thus, in western nations, and in America in particular, meat slaughtered by general companies who employ people from the

<sup>24</sup> أَخْبَرَنَا أَبُو يَحْيَى بْنُ الْحَارِثِ، قَالَ حَدَّثَنَا أَحْمَدُ بْنُ أَبِي شُعَيْبٍ، قَالَ حَدَّثَنَا مُوسَى بْنُ أَبِي أُعْيُنَ، عَنْ مَعْمَرٍ، عَنْ عَاصِمِ بْنِ سُلَيْمَانَ، عَنْ عَامِرِ الشَّعْبِيِّ، عَنْ عَبْدِ بْنِ خَاتِمٍ، أَنَّهُ سَأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ الصَّيْدِ فَقَالَ " إِذَا أُرْسِلَتْ كَلْبُكَ فَخَالَطَتْهُ أَكَلَتْ لَمْ تُسَمِّ عَلَيْهِمْ فَلَا تَأْكُلْ فَإِنَّكَ لَا تَدْرِي أَيُّهَا قَتَلَهُ " .

<sup>25</sup> حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، أَخْبَرَنَا عَاصِمُ الْأَحْوَلُ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ بْنِ خَاتِمٍ، قَالَ سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الصَّيْدِ فَقَالَ " إِذَا رَمَيْتَ بِسَهْمِكَ فَأَذْكَرِ اسْمَهُ . قَالَ فَإِنَّ اللَّهَ فَإِنْ وَجَدْتَهُ قَدْ قَتَلَ فَكُلْ إِلَّا أَنْ تَجِدَهُ قَدْ وَقَعَ فِي مَاءٍ فَلَا تَأْكُلْ فَإِنَّكَ لَا تَدْرِي الْمَاءُ قَتَلَهُ أَوْ سَهْمُكَ " . قَالَ أَبُو عِيسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ .

general populace are doubtful sources at best. We cannot, and must not believe that this food comes from the people of the book when the establishments themselves do not even make such a claim.

Shaykh Abdul Aziz aal ash-Shaykh, the Grand Mufti of Saudi Arabia was asked about the ruling on meat slaughtered in a country mixed with “Christians, idol-worshippers, and non-practicing Muslims” and the uncertainty if the name of Allah was pronounced, he replied: *“Praise be to Allah. If the matter is as described, with the meat being slaughtered by a mixture of people that includes people of the Book, idol-worshippers and ignorant Muslims, and you cannot tell who has slaughtered what and it is not known whether the name of Allah was mentioned at the time of slaughter or not, then it is haraam to eat the meat when you are confused about who did the slaughtering, because the basic principle is that animals of the an’aam class (i.e., camels, cattle, sheep and goats), and animals that come under the same rulings, are haraam unless they are slaughtered in the proper manner as prescribed in sharee’ah. In this case there is doubt as to whether the slaughtering is done in the proper shar’i manner or not, because of the mixture of slaughterers, some of whose meat is permissible and some is not permissible – such as the idol-worshippers and innovators among the ignorant Muslims whose bid’ah involves shirk.”*<sup>26</sup>

### The Tool of Slaughter

In this section, we will discuss the permissibility that our *shari’a* grants to utilize various tools for the purpose of the slaughter. This section also rebuts arguments that claim only a hand-tooled knife can be used to accomplish *dhabh* (the slaughter). It was narrated by Rafi` bin Khadij: *The Prophet (ﷺ) said, “Eat (what is slaughtered) with whatever makes blood flow out, except what is slaughtered with a tooth or a nail.”*<sup>27</sup> The Messenger of Allah (ﷺ) said to me: *AbuTha’labah, eat what returns to you by your bow and your dog. Ibn Harb’s version adds: “The trained (dog), and your hand, then eat, whether it has been slaughtered or not slaughtered”.*<sup>28</sup> It was narrated by Ka`b bin Malik: *A lady slaughtered a sheep with a stone and then the Prophet (ﷺ) was asked about it and he permitted it to be eaten.*<sup>29</sup> It was narrated by Adi ibn Hatim: *“I asked: ‘Messenger of Allah, tell me when one of us catches game and has no knife; may he slaughter with a flint and a splinter of stick?’ He said: ‘Cause the blood to flow with whatever you like and mention*

<sup>26</sup> Al-Lajnah al-Daa’imah, 22/450–451.1

<sup>27</sup> حَدَّثَنَا قَبِيصَةُ، حَدَّثَنَا سُفْيَانُ، عَنْ أَبِيهِ، عَنْ عُبَايَةَ بْنِ رِفَاعَةَ، عَنْ زَافِعِ بْنِ خَدِيجٍ، قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " كُلُّ . يَعْنِي . مَا أَهْرَ الدَّمُ إِلَيْهِ السِّبْغُ وَالظُّفْرُ . " . Reference: Sahih al-Bukhari 5506

<sup>28</sup> حَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَنَّفِيِّ، حَدَّثَنَا مُحَمَّدُ بْنُ خَزْبٍ، ح وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَنَّفِيِّ، حَدَّثَنَا بَقِيَّةُ، عَنِ الرَّبِيعِيِّ، حَدَّثَنَا يُونُسُ بْنُ سَيْفٍ، حَدَّثَنَا أَبُو إِدْرِيسَ الْحَوْلَايِيُّ، حَدَّثَنِي أَبُو نَعْلَبَةَ الْحَمَشِيُّ، قَالَ قَالَ لِي صَحِيح (الألباني) (Sahih (Al-Albani) Grade: Sahih (Al-Albani) – رسول الله صلى الله عليه وسلم " يَا أَبَا نَعْلَبَةَ كُلِّ مَا رَدَّتْ عَلَيْكَ قَوْسُكَ وَكَلْبُكَ " . زاد عن ابن خزيمة " الْمَعْلَمُ وَيَدُكَ فَكُلْ ذَكِيًّا وَعَبْرَ ذَكِيٍّ " . Reference: Sunan Abi Dawud 2856

<sup>29</sup> حَدَّثَنَا صَدَقَةُ، أَخْبَرَنَا عَبْدُهُ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ لِكَعْبِ بْنِ مَالِكٍ، عَنْ أَبِيهِ، أَنَّ امْرَأَةً، دُبِحَتْ شاةٌ بِحَجَرٍ، فَسُئِلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ، فَأَمَرَ بِأَكْلِهَا. وَقَالَ اللَّيْثُ حَدَّثَنَا نَافِعٌ أَنَّهُ حَدَّثَنَا رَجُلًا مِنَ الْأَنْصَارِ يُحْبِرُ عَبْدَ اللَّهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ جَارِيَةً لِكَعْبٍ بَعْدًا. Sahih al-Bukhari 5504

Allah's name.<sup>30</sup> Also narrated by `Adi bin Hatim: "I asked Allah's Messenger (ﷺ) about the **Mi'rad (a heavy featherless blunt spear)**. He said, "If you hit the game with its sharp edge, eat it, but if the Mi'rad hits the game with its shaft with a hit by its broad side do not eat it, for it has been beaten to death with a piece of wood. (i.e. unlawful)."<sup>31</sup>

The above *ahadith* clearly demonstrate that various tools are permitted. Specifically, the Prophet ﷺ says "Cause the blood to flow with whatever you like", which is an *amm* (general) statement. There are only 2 tools not permitted, which are the tooth and the nail, as Rasulullah ﷺ mentions in the text. This clearly demonstrates the general rule; that every kind of tool is permitted for slaughter, besides that which is mentioned either explicitly, or implicitly, or is a violation of some rule of Islam.

That being said, some modern mechanical tools have been questioned for usage. Arguments that claim that it is not permissible due to it not being a hand knife are weak in light of the aforementioned text. Others, however, argue against its usage due to the *tasmiyyah* not being pronounced over every individual animal. This argument will be discussed in the next section.

### The Method of Slaughter

The conditions of the Islamic method of slaughter are as follows:

1. Slaughterer must be a Muslim, Jew or Christian
2. Intention must be present for the specific slaughtering tool
3. Animal must be alive
4. The *tasmiyyah* (Slaughtering in the name of Allah) must be mentioned
5. Severing at least 3 of the 4 ventricles (Trachea, Oesophagus, and 1 of the two Jugular Veins) to allow blood to flow
6. If the slaughterer is a Jew or a Christian, all conditions including mentioning the *tasmiyyah* apply

#### The Tasmiyyah In Detail

The *tasmiyyah* is the testimony that the Muslim verbalizes ritualistically, and represents an intrinsic belief that the slaughter is only performed for Allah's sake. Not for sport, nor for any other related purpose. Amongst the schools of thought, there are 3 distinct positions that are mentioned.

<sup>30</sup> حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ، حَدَّثَنَا حَمَّادٌ، عَنْ يَحْيَى بْنِ حَزْبٍ، عَنْ مُرَيْبَةَ بْنِ فَطْرِيٍّ، عَنْ عَبْدِ بْنِ حَاتِمٍ، قَالَ قُلْتُ يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنْ أَخَذْنَا أَصَابَ صَيْدًا وَلَيْسَ مَعَهُ سِكِّينٌ أَيْدِيْعُ بِالْمَرْوَةِ وَشِقَّةُ الْغَصَا - Grade: Sahih (Al-Albani) (الألباني) - Reference: Sunan Abi Dawud 2824

<sup>31</sup> حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي النَّافِرِ، عَنِ الشَّعْبِيِّ، قَالَ سَمِعْتُ عَبْدَ بْنَ حَاتِمٍ. رَضِيَ اللَّهُ عَنْهُ. قَالَ سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمِغْرَاضِ فَقَالَ " إِذَا أَصَبْتَ بِحَدِيدٍ فَكُلْ، فَإِذَا أَصَابَ بِغَرَضِيهِ فَقَتَلْ فَإِنَّهُ وَقِيدٌ، فَلَا تَأْكُلْ ". فَكُلْتُ أُرْسِلُ كُلِّي. قَالَ " إِذَا أُرْسِلَتْ كَلْبِكَ وَسَمِيَتْ، فَكُلْ ". قُلْتُ فَإِنْ أَكَلَ قَالَ " فَلَا تَأْكُلْ، فَإِنَّهُ لَمْ يُمْسِكْ عَلَيْكَ، إِنَّمَا أُمْسَكَ عَلَى نَفْسِهِ ". - Reference: Sahih al-Bukhari 5476

1. The *tasmiyyah* is an integral requirement whose intentional omission renders the slaughter invalid, but if it is omitted by mistake the animal will still be halal. This is the opinion of Imam Abu Hanifah, Imam Malik, and the well-known view of Imam Ahmad.
2. The *tasmiyyah* is a sunnah. Omitting it, intentionally or unintentionally, does not negatively affect the validity of slaughter, and hence the halal status of the animal. This is the position of Imam Shafi'i. It is also one of various opinions transmitted from Imam Ahmad.
3. The *tasmiyyah* is an indispensable requirement whose intentional or unintentional omission will make the slaughter invalid. This is another opinion transmitted from Imam Ahmad.

Before we can determine the most preponderant view, we must look to the source texts to guide us along the way. Allah says in the Holy Quran: **“And eat not of that whereon Allah's name hath not been mentioned, for lo! it is an abomination. Lo! the devils do inspire their minions to dispute with you. But if ye obey them, ye will be in truth idolaters”**<sup>32</sup> **“They ask thee (O Muhammad) what is made lawful for them. Say: (all) good things are made lawful for you. And those beasts and birds of prey which ye have trained as hounds are trained, ye teach them that which Allah taught you; so, eat of that which they catch for you and mention Allah's name upon it, and observe your duty to Allah. Lo! Allah is swift to take account”**<sup>33</sup> **“Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked a name other than Allah's; ...”**<sup>34</sup>

It was narrated by 'Adi bin Hatim: **“I asked the Messenger of Allah (ﷺ) about the game caught by a trained dog. He said: 'If you mention the Name of Allah when you send your trained dog, then eat from what it catches for you. But if it eats from it, then do not eat it, for he only caught it for himself.' I said: 'O Messenger of Allah! What do you say about when our dogs get mixed with other dogs?' He said: 'You only mentioned the Name of Allah over your dog, you did not mention it over the others. 'Sufyan said: “He disliked for him to eat it.”**<sup>35</sup>

The highlighted statement is a *jumla shartiyyah* (conditional sentence). The *mathoom mukhallafah* (inverse meaning) can be used as a supporting evidence. Its inverse meaning is **“If you do not mention the name of**

<sup>32</sup> (Quran 6:121)

<sup>33</sup> (Quran 5:4)

<sup>34</sup> (Quran 5:3)

<sup>35</sup> حَدَّثَنَا ابْنُ أَبِي عُمَرَ، حَدَّثَنَا سُفْيَانُ، عَنْ مَجَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ بْنِ حَاتِمٍ، قَالَ سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ صَيْدِ الْكَلْبِ الْمَعْلَمِ قَالَ " إِذَا أُرْسِلَتْ كَلْبُكَ الْمَعْلَمِ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مَا أَمْسَكَ عَلَيْكَ فَإِنْ أَكَلَ فَلَا تَأْكُلْ فَإِنَّمَا أَمْسَكَ عَلَى نَفْسِهِ " . فَلَمْ يَأْخُذْ رَسُولُ اللَّهِ ﷺ إِذْ خَالَطَتْ كِلَابَنَا كِلَابَتْ أُخْرَى قَالَ " إِنَّمَا ذَكَرْتَ اسْمَ اللَّهِ عَلَى كَلْبِكَ وَلَمْ تَذْكُرْ عَلَى غَيْرِهِ " . قَالَ سُفْيَانُ أَكْرَهُ لَهُ أَكْلَهُ . قَالَ أَبُو عِيْسَى وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَغَيْرِهِمْ فِي الصَّيْدِ وَالذَّبِيحَةِ إِذَا وَقَعَا فِي الْمَاءِ أَنْ لَا يَأْكُلَ . وَقَالَ بَعْضُهُمْ فِي الذَّبِيحَةِ إِذَا قُطِعَ الْخَلْفُ فَوَقَعَ فِي الْمَاءِ فَمَاتَ فِيهِ فَإِنَّهُ يُؤْكَلُ وَهُوَ قَوْلُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ . وَقَدْ اختلف أهل العلم في الكلب إذا أكل من الصيد فقال أكثر أهل العلم إذا أكل الكلب منه فلا تأكل . وهو قول سُفْيَانَ وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ . Reference: Jami` at-Tirmidhi 1470 – Sahih

Allah when you send your trained dog, then do **not** eat from what it catches for you”. This helps to shape and build the case of the position that carries the most substantive weight.

It was narrated by 'Adi bin Hatim: *“I asked the Messenger of Allah (ﷺ) about hunting, so he said: **'Mention Allah's Name when you shoot your arrow.** Then, if you find it dead, eat from it, **unless you found that it has fallen in (some body of) water. Then do not eat it, for you do not know if the water killed it, or your arrow.**”*<sup>36</sup>

The general message of the prior two hadith is that if the *tasmiyyah* has been mentioned over some permissible means of slaughter, and thereafter another means, not having the *tasmiyyah* mentioned upon it, supersedes it, then the animal has not been properly killed, and cannot be deemed Halal. If the *tasmiyyah* has already been mentioned over the tool itself, then that which is slaughtered via it is additionally permitted.

Some textual counter arguments do arise, which must be considered: It was narrated by `Aisha: *The people said to the Prophet (ﷺ), “O Allah's Messenger (ﷺ)! Here are people who have recently embraced Islam and they bring meat, and we do not know whether they had mentioned Allah's Name while slaughtering the animals or not.” The Prophet (ﷺ) said, “You should mention Allah's Name and eat.”*<sup>37</sup>

The above hadith, also mentioned previously, discusses the issue of potential ignorance on the part of a new Muslim, and whether or not that ignorance is a justifiable ground for dismissal of their slaughtered meat. The prophet instructs his followers to accept their meat as halal on the basis of *Husn ul-Thun* (Having a good opinion). We should expect that our Muslim brethren are following proper shari'i rulings even if they are new Muslims. We should assume that they uphold the standards of the shari'a, unless there is some evidence to the contrary. Ibn Hajar Al Asqalani comments on this hadith *“This is a fundamental (text of scripture) about having good thoughts about Muslims, and about considering his affairs as complete, especially for the people of that era.”*<sup>38</sup> Therefore, this hadith does not relax the general rule that the *tasmiyyah* must be mentioned at the time of slaughter. It does not allow the Muslim to supplant the *tasmiyyah* at the time of eating with the *tasmiyyah* at the time of slaughter. Rather, saying the *tasmiyyah* at the time of eating is simply a good sunnah to practice.

Some cite the following two hadith to support the claim that the *tasmiyyah* is not an integral, and not required for slaughter: Abu Dawud It was narrated in a similar hadith that reads, *“The slaughtering (of an animal) by any Muslim is Halal (lawful) whether or not he mentioned Allah's name over it.”* Its narrators

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<sup>36</sup> Jami` at-Tirmidhi 1469 Sahih

<sup>37</sup> Sahih al-Bukhari 7398

<sup>38</sup> Fath-al-Bari: hadith no. 1916

are reliable, but its chain is weak (Mursal).<sup>39</sup> Ibn 'Abbas (RAA) said that it was narrated that the Messenger of Allah (ﷺ) said: “A Muslim's name is sufficient for him, so if he **forgets** to mention Allah's name when he slaughters an animal, he should mention Allah's name, then eat it.” Related by Ad-Daraqutni but there is a weak narrator in its chain. Also, there is Muhammad bin Yazid bin Sinan in its chain who is truthful but had a weak memory.<sup>40</sup> Both of these hadith are weak in chain, and some attribute the statement to a sahaabi as opposed to the Prophet ﷺ (Eberle, 2012). Therefore, it would be improper to extrapolate judgements and rulings using weak and doubtful hadith.

Some do however argue that the narration is only weak in chain but not in narrators, which can be conceded. This may mean that the statement is more confidently from the prophet, even if the confidence is not 100%. Be that as it may, these two weak hadith are ambiguous, and ambiguous texts are to be understood in light of the definitive and clear texts. It must be understood in a way that aligns with the unambiguous texts that have been previously mentioned, not the other way around. It could mean that the *tasmiyyah* is not necessary, or it could mean that the forgetful Muslim slaughterer is excused from his *tasmiyyah*, or it could mean that the *tasmiyyah* remains a necessary integral, but with a concession granted for the Muslim. The text is certainly not definitive, and should not be treated as such. The Prophet (ﷺ) said: “The Halal is clear and the Haram is clear, and in between them are (suspicious) doubtful matters. So, whoever forsakes those doubtful things lest he may commit a sin, will definitely avoid what is clearly illegal; and whoever indulges in these (suspicious) doubtful things bravely, is likely to commit what is clearly illegal. Sins are Allah's Hima (i.e. private pasture) and whoever pastures (his sheep) near it, is likely to get in it at any moment.”<sup>41</sup>

Let us, however, grant for a moment that these hadith are not weak. Some have argued that these hadith prove that the *tasmiyyah* is not necessary for any slaughterer, be they Muslim, Jew, or Christian. If this were the case, it must be clear that this concession (not mentioning the *tasmiyyah* at the time of slaughter) would not apply to the Jew nor the Christian. The statement, “ذَبِيحَةُ الْمُسْلِمِ” or, “The slaughter of the Muslim” is a *Muqayyid* (restricted) statement, which limits the set of valid slaughterers. This would only make it the exception to the *tasmiyyah* rule at the time of slaughter for the Muslim. This would be akin to a teacher who commands all of his students “Everyone gets detention!”. The command is general and applies

2 - ضعيف رواه أبو داود في "المراسيل" (378) عن الصلت - وَلَهُ شَاهِدٌ عِنْدَ أَبِي دَاوُدَ فِي "مَرَّاسِيلِهِ" بِلَفْظٍ: { "ذَبِيحَةُ الْمُسْلِمِ خَلَالَ، ذَكَرَ اسْمَ اللَّهِ عَلَيْهَا أَوْ لَمْ يَذْكُرْ" } وَرِجَالُهُ مُؤْتَفُونَ (1761).<sup>39</sup>  
English reference: Book 12, Hadith 1386 - السدوسي، قال: قال رسول الله صلى الله عليه وسلم: فذَكَرَهُ. قلت: وهذا مع كونه مرسلًا، فمرسله أيضًا "مجهول".

وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: { " الْمُسْلِمُ يَكْفِيهِ اسْمُهُ، فَإِنْ نَسِيَ أَنْ يُسَمِّيَ حِينَ يَذْبَحُ، فَلْيَسْتَمْ، ثُمَّ لِيَأْكُلْ" } أَخْرَجَهُ الدَّارِقُطِيُّ، وَفِي إِسْنَادِهِ مُحَمَّدُ بْنُ يُزَيْدَ بْنِ سِنَانَ، وَهُوَ صَدُوقٌ ضَعِيفٌ أَحْفَظُ. (1759).

2 - ضعيف. رواه الدارقطني (4 / 296 / 98). من طريق محمد بن يزيد، حدثنا معقل، عن عمرو بن دينار، عن عكرمة، عن ابن عباس مرفوعا. قلت: وفيه علة أخرى غير التي ذكرها الحافظ، فمعقل: هو ابن عبيد الله الجزائري، وهو إن كان من رجال مسلم إلا أنه أخطأ في رفع الحديث، وهو كما قال الحافظ في "التقريب": "صدوق يخطئ". وما يوضح خطأ مخالفة سفيان بن عيينة له كما في التعليق التالي.  
- English reference : Book 12, Hadith 1384

قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " الْحَلَالُ بَيِّنٌ، وَالْحَرَامُ بَيِّنٌ وَبَيْنَهُمَا أُمُورٌ مُشْتَبِهَةٌ، فَمَنْ تَرَكَ مَا شَبَّهَ عَلَيْهِ مِنَ الْإِثْمِ كَانَ لِمَا اسْتَبَانَ أَثْرُوكَ، وَمَنْ اجْتَرَأَ عَلَى مَا يَشْكُ فِيهِ مِنَ الْإِثْمِ أَوْشَكَ أَنْ يُوَاقِعَ مَا  
Reference: Sahih al-Bukhari 2051 - اسْتَبَانَ، وَالْمَعَاصِي جَمِى اللَّهُ، مَنْ يَتَّبِعْ حَوْلَ الْحِمَى يُوشِكُ أَنْ يُوَاقِعَهُ".<sup>41</sup>

to everyone, just like the mentioning of the *tasmiyyah* at the time of slaughter. The teacher then informs his students “*well-behaved students may go to recess*”. The “well-behaved students” are the exception to the rule.

Additionally, if we take into account the second hadith, it mentions that the name of the Muslim suffices. In the same manner as the first hadith, the *muqayyid* construct restricts all other entries from the set of slaughterman that can forgo the *tasmiyyah*. The *shahada* (testification of faith) of the Muslim is indicative of all of their actions being performed for Allah alone. It also mentions the *illa* (operative cause) as forgetfulness. This is a principled excuse which is present in almost every *fiqhi* scenario. The Prophet (ﷺ) said: “*Allah has forgiven my nation for mistakes and forgetfulness, and what they are forced to do.*”<sup>42</sup> If the slaughterman forgets to mention it, his *tasmiyyah* is pardoned. Therefore, if we consider these weak hadith in our *ijtihad* (struggle/study) of the issue, they can only tell us that the Prophet refers to someone who has left off the *tasmiyyah* by forgetfulness, and not intentionally.

To conclude, even if we considered these *ahadith* for extrapolation, the permission to forgo the *tasmiyyah* would not extend to the *kitaabi* (Jew or Christian). This line of logic, however, is countered by the following statements of the Prophet (ﷺ). It was narrated from 'Adiyy bin Hatim that he asked the Messenger of Allah about hunting and he said: “*If you release your dog, then, other dogs, **whereby you have not mentioned the name of Allah, join him, then do not eat**, because you do not know which of them killed it (the game).*”<sup>43</sup> If the *tasmiyyah* were merely a sunnah, then the prophet would not have forbidden the *sahabah* from consuming that meat which was slaughtered via a dog which did not have the name of Allah mentioned upon it. To consider it merely a sunnah would completely contradict this hadith. Instead, what we must do is understand the text in terms of the certainty of the language being used. Since the prohibition and the commands from both Allah and his Rasul (ﷺ) are clear, and unequivocal, we cannot subjugate them to the potential meaning of an outlying weak hadith.

Consider this, why would the Prophet got to such great length to tell the *sahaba* to mention the name of Allah before slaughtering animals both, when he was asked, and when he was not asked? The Prophet (ﷺ) said: “*Whatever causes blood to flow, and Allah's Name has been mentioned over it, then eat it*”<sup>44</sup>. The Prophet (ﷺ)'s statement regarding the tool for sacrifice is clearly unspecific and general, thus, the tool choice is not the main concern. Rather, the qualities are what are important; namely, that the name of Allah be mentioned over it and it cause the blood to flow. If it were the case that permission was granted to the slaughterman to leave off the *tasmiyyah*, then why did the Prophet (ﷺ) specify that the name be mentioned over it? Rather, we find only one weak hadith that *may* suggest a meaning that supports leaving

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<sup>42</sup> - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُضَمَّمِ الْحِمَاصِيُّ، حَدَّثَنَا أَبُو الْوَيْلِدِ بْنُ مُسْلِمٍ، حَدَّثَنَا الْأَوْزَاعِيُّ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. قَالَ " إِنَّ اللَّهَ وَضَعَ عَنْ أُمَّتِي الْخَطَأَ وَالْبِشْيَانَ وَمَا اسْتَكْرَهُوا عَلَيْهِ - Grade: Sahih (Darussalam) – English reference: Vol. 3, Book 10, Hadith 2045

<sup>43</sup> Grade: Sahih (Darussalam) – Reference: Sunan an-Nasa'i 4268

<sup>44</sup> Grade: Sahih Jami' at-Tirmidhi 1491

the *tasmiyyah*. Would the Prophet ﷺ not have made both the tool and the *tasmiyyah* general? The counter arguments to the claim that the *tasmiyyah* can be forgone are very strong. And Allah is the best of knowers.

### The Exceptional Case Regarding the Tasmiyyah

Some argue that due to the necessity of the *tasmiyyah*, mechanical slaughtering is not a permissible means of slaughter. This argument is rebutted by the following hadith: The Prophet (ﷺ) said: “*Slaughtering the fetus is (achieved by) the slaughtering of its mother.*”<sup>45</sup> In this instance, the Prophet (ﷺ) demonstrates that proper slaughtering of the mother suffices for the fetus as well. The termination of life cascades and the original means of death carries over collaterally and the original *tasmiyyah* is sufficient. This hadith is a strong textual support for the permission of utilizing mechanical tools whose function causes a series of consecutive and consequent deaths. It is also clear that the *tasmiyyah* is not mentioned twice for the permissibility of the fetus inside of the mother. Here, it is argued that the *illa* (operative cause or reason) for this ruling is that the tool of slaughter that the slaughterer intended to utilize, along with the mention of the *tasmiyyah*, remained the same, thus, it carries the *tasmiyyah* over to any subsequent animal. So long as the proper conditions are adhered to at the time of commencing the slaughter, the *tasmiyyah* suffices for the sequential slaughter that follows.

The second proof for this is the hadith previously mentioned which states to mention the name of Allah at the time the dog is released. This is additionally significant, in that the *tasmiyyah* is in a sense “attached” to the tool of slaughter, and not required at the time of death. This point is further explained by Shaykh Muhammad Taqi al-‘Uthmaani. He says “*Saying “Bismillah” over machines, which is drawing an analogy between turning on the machine and releasing a hunting dog. It is not obligatory to say “Bismillah” when the prey animal dies; rather it must be said when releasing the dog, and there may be a lengthy interval between the release of the dog and the death of the prey, and the hunting dog may kill a number of animals after being released once. So, it seems that saying “Bismillah” once is sufficient for all of them to be regarded as halal. Ibn Qudaamah (may Allah have mercy on him) said: If the hunter says “Bismillah” over one prey (when releasing his dog) but then he catches another, it is halaal, and if he says “Bismillah” over one arrow and shoots it, then he takes another and shoots it (without saying “Bismillah”), what he catches with it (the second arrow) is not halaal.*

*What we mentioned above has to do with necessity, and in the issue under discussion, there is no necessity. However, if we think of the need to produce a large amount within a short time, which is because of increased population and the rise in the number of consumers, and the small number of Slaughtermen, and the fact that sharee’ah waived the condition of specifying the prey in the case of hunting because it is too*

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<sup>45</sup> حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ مَجَالِدٍ، ح قَالَ وَحَدَّثَنَا سُفْيَانُ بْنُ وَكَيْعٍ، حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ مَجَالِدٍ، عَنْ أَبِي الْوَدَّاعِ، عَنْ أَبِي سَعِيدٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " ذِكَاةُ الْجَبِينِ ذِكَاةُ أَبِيهِ " . قَالَ وَبِ النَّبِيِّ عَنْ جَابِرٍ وَأَبِي أَمَامَةَ وَأَبِي الدَّرْدَاءِ وَأَبِي هُرَيْرَةَ . قَالَ أَبُو عَمِيرَةَ هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَقَدْ رُوِيَ مِنْ غَيْرِ هَذَا الْوَجْهِ عَنْ أَبِي سَعِيدٍ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنَ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَنْهُمْ وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَإِنِ الْمُنْبَارِكُ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ . وَأَبُو الْوَدَّاعِ اسْمُهُ جَبْرٌ بْنُ نَوْفٍ

*difficult, as Ibn Qudaamah (may Allah have mercy on him) said, and in such cases sharee'ah allows concessions to ward off hardship, in that case we may compare the issue under discussion to the issue of necessity (as in the case of hunting) with regard to mentioning the name of Allah, so as to ward off hardship and make things easier for people.* <sup>46</sup>

This opinion is not mentioned to be conclusive by the Shaykh, as many scholars hold out on passing a fatwa in concern of future findings, however, the opinion is solid and clear-cut. The likes of Bakr Abu Zayd, Saalih al-Fawzaan, 'Abdullah ibn Ghadyaan, 'Abd al- 'Azeez ibn 'Abdullah Aal ash-Shaykh, and many others all adopt this opinion. This is a strong opinion that Halal Watch World also adopts as it carries the weightiest proof. Thus, if a slaughterman mentions the *tasmiiyyah* before starting a mechanical device which has the ability to perform a proper ritual slaughter, then any subsequent animal killed as a result of the first action is Halal, and the *tasmiiyyah* is not twice or thrice required.

### **The Jewish Method of Slaughter**

The following details the Jewish methods of slaughter and shows how it is compatible with the Islamic method of slaughter.

1. There should be no interruption of the incision (*Shehiya*);
2. There should be no pressing of the chalaf against the neck (*Derasa*), this would exclude the use of an axe, hatchet or guillotine;
3. The chalaf should not be covered by the hide of cattle, wool of sheep or feathers of birds (*Chalada*), and therefore the chalaf has to be of adequate length;
4. The blessing in God's name (*b'rachah*) must be pronounced
5. The incision must be at the appropriate site to sever the major structures and vessels at the neck (*Hagrama*);
6. There must be no tearing of the vessels before or during the shechita process (*Ikkur*). (Wilhelm Bacher, n.d.)

Moses ben Maimon (also known as Maimonides), a medieval Sephardic Jewish philosopher was one of the most prolific and influential Torah scholars of the Middle Ages. He states: “*One must recite a b'rachah (blessing) upon slaughtering an animal, which is the typical practice when performing mitzvos (Hebrew word for a commandment of God)*”<sup>47</sup>. Eldad Ha-Dani, a 9<sup>th</sup> century Jewish Scholar, in his account of the religious practices of his claimed Jewish tribe in Africa, wrote that meat slaughtered without a b'rachah (blessing in Gods name) is forbidden. Rabbinical law states: אשר ברוך אתה ה' אלוקינו מלך העולם

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<sup>46</sup> Majallat Majma' al-Fiqh al-Islami, issue no. 10, vol. 1, p. 541-544

<sup>47</sup> (Rambam, Hil. B'rachos 11:15)

קדשנו במצוותיו וציוונו על השחיטה “Before slaughtering, the following blessing is pronounced: ‘Blessed art Thou our God who sanctified us with His commandments and commanded us concerning slaughtering.’ In case many animals are to be slaughtered at the same time one blessing is sufficient. After the blessing has been pronounced no irrelevant conversation is permitted.”<sup>48</sup> Allah says in the Quran: “And for all religions We have appointed a rite [of sacrifice] **that they may mention the name of Allah over what He has provided for them of [sacrificial] animals.** For your god is one God, so to Him submit. And, [O Muhammad], give good tidings to the humble [before their Lord]”<sup>49</sup> Therefore, Jewish law (which is also Christian law) requires that the name of God be pronounced over the animal prior to slaughter. Jewish slaughter (*Shechita*), clearly mimics Islamic slaughter (*dhabh*) practices, thus, they fulfill all of the *shurut* (conditions) of the *dhabh* (Slaughter). At the same time, there is nothing within the Jewish method of slaughter that contradicts the Islamic slaughter method.

There are some other methods of kosher slaughter that do not abide by these rules, which the shari’a necessarily rejects as not authentic Jewish law. If this is the case, and any Jewish organization does not practice upon their laws, or, abide by laws contradictory to Islamic law, then we reject their process and product outright. So long as Jewish law is adhered to and abided by, by either the Jew or the Christian, then the meat will be considered Halal.

It must be noted, however, that orthodox Jewish law has been watered down over time and many of its original teachings are no longer acted upon. Many have been lost to politics, corruption, misinformation, and the overreaching statements of their leaders. Many modern-day Jewish organizations that sanction kosher products do not adhere to shar’i standards, or are in conflict with it. Thus, many of them cannot be trusted for the purposes of Halal consumption.

For example, intoxicating alcoholic beverages that are processed in a particular way are deemed kosher by Jewish organizations. Also, many Jewish organizations do not concern themselves with the mention of the name of God before the slaughter. This is extremely problematic, thus, we, as Muslims, cannot rely upon kosher symbols, or certifications in order to determine if that food can be eaten or not. It is a dangerous assumption for a Muslim to consume in such a way.

## The Condition of the Animal

Our Prophet ﷺ expressly forbade the slaughter of specified categories of animal that do not pass a standard of healthiness. These animals are separated into two groups:

1. The ‘*Iyyb* (Vitiated/Defective animals) – العيب

<sup>48</sup> (Hul. 86b; Yoreh De’ah, 19)

<sup>49</sup> وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا لِيَذْكُرُوا اسْمَ اللَّهِ عَلَىٰ مَا رَزَقَهُمْ مِنْ خَيْمَةِ الْأَنْعَامِ ۗ فَلَهُمْ فِيهَا حُكْمٌ ۗ فَلَهُمْ فِيهَا حُكْمٌ ۗ فَلَهُمْ فِيهَا حُكْمٌ ۗ (22:34) –

2. The *Jallaalah* (Animal which feeds on filth) - الجمالة

### The 'Iyyb (العيب)

The 'iyyb are animals that have been rendered defective due to some intentional incident. The Prophet ﷺ said, “*There are four types of sacrificial animals, which are not permitted: A one-eyed animal which has obviously lost the sight of one eye, a sick animal which is obviously sick, a lame animal which obviously limps, and an old animal which has no marrow.*”<sup>50</sup> It was also narrated that 'Ali bin Abi Talib, may Allah be please with him, said: “*The Messenger of Allah forbade sacrificing an animal with its ears slit form the front, an animal with its ears slit form the back, an animal with its ears slit lengthwise, an animal with a round hole in its ear, or an animal with its nose cut off*”<sup>51</sup>

Here, the two hadith explicitly explain that a vitiated animal cannot be slaughtered, even if all of the other conditions for slaughter are met. Some have levied the argument that non-religious slaughter practiced in the US is permissible to consume as the FDA regulations call for the implementation of humane methods. In order to determine the condition of the animal for slaughter, we must look into an excerpt from the FDA regulations for clarification.

#### §1902. Humane methods

*No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:*

*(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a **single blow or gunshot** or an electrical, chemical or other means that is rapid and effective, **before being shackled, hoisted, thrown, cast, or cut;** or*

*(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering. (HUMANE METHODS OF LIVESTOCK SLAUGHTER, 1958)*

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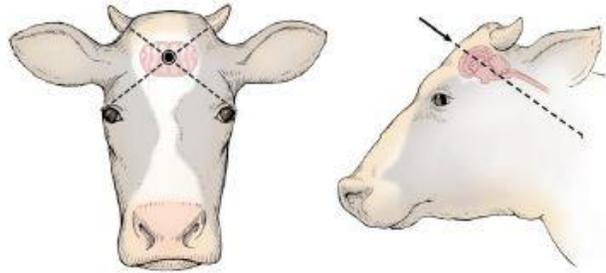
وَعَنْ الْأَبْرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَامَ فِيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: { "أَرْبَعٌ لَا تَجُوزُ فِي الصَّحَايَا: الْعَوْرَاءُ الْبَيِّنُ عَوْرَهَا، وَالْمَرِيضَةُ الْبَيِّنُ مَرَضُهَا، وَالْعَرْجَاءُ الْبَيِّنُ ظَلْعُهَا (1769) وَالْكَبِيرَةُ الَّتِي لَا تَنْفِي " } رَوَاهُ الْخُمْسَةُ (1770). وَصَحَّحَهُ التِّرْمِذِيُّ، وَابْنُ جَبَّانَ (1771) . At-Tirmidhi and Ibn Hibban graded it as Sahih.

<sup>51</sup> Grade: Hasan - Reference: Sunan an-Nasa'i 4374

Ever since the “Slaughter of Animals Act 1933” was passed in the United States of America, cattle and other such animals that are not



slaughtered according to religious law fall under the



mandate of secular humane laws. These animals are required to be stunned prior to slaughter. The most prevalent method of stunning is called *captive bolt stunning*. The stunner uses a pointed bolt propelled by pressurized air to penetrate the skull of the animal, enter its cranium, and catastrophically damage the brain. The animal becomes limp, unresponsive, and concussed. This method physically destroys brain matter, which can sometimes cause brain tissue to enter the blood stream. If it does, other tissue can become contaminated via bovine spongiform encephalopathy (BSE, colloquially known as mad cow

disease) (Captive bolt pistol, n.d.).

Via *Qiyas al awlawi* (Analogical deduction of a higher degree), to an even greater effect, it cannot be permissible to slaughter an animal that has been stunned via captive bolt stunning, or any other stunning method that causes such physical, irreversible damage to the body.

Certain conditions do apply to this however, as Allah SWT says in the Quran: *“Forbidden to you (for food) are that which hath been killed [...] by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); (5:3).*

Some have made the connection between this statement, and captive bolt stunning, however, other scholars note a clear distinction between the two cases. In the first case mentioned in the Hadith regarding the limp, lame, sick, ect., the defect of these animals relates to an animal that is caused either intentionally, or due to negligence on the part of the owner, as opposed to the animal mentioned in the Quran (the animal which falls headlong, struck via blunt trauma, or gored by another animal), which is unintentional.

In the case mentioned in the Quran, where the animal is permitted for slaughter, the *yyb* of the animal is not caused by way of neglect, nor is it intentional, unless the defect is absolutely necessary, such as the use of the spear, or bow. It should be noted as well that the animals’ faculties must be obviously impaired, such as the lame, sick, old, or blind animal. This is based upon the first hadith which mentions that the defect must be apparent and debilitating.

When a slaughterman begins captive bolt stunning, the animal completely loses all of its motor functions and the effect is fatally irreversible. Thus, with regards to US slaughter methods, the intentional vitiating of the animal pre-slaughter renders the animal unfit for *dhabh* (slaughter).

US law also does not require slaughterhouses to slaughter the animal immediately after lethal captive bolting, blunt trauma, or fatal shooting. One may shoot an animal with a handgun, and proceed to cut the skin and remove the innards without any legal consequence. This is problematic from an Islamic standpoint for a number of reasons, and shows that the law of this land does not align with the laws of *shari'a*. Therefore, permission cannot be granted to our Muslim brethren to consume any foods being processed outside of Halal or strict orthodox Jewish regulators that adhere to these rules. According to US law, Slaughtermen who do not follow Abrahamic religious ritual rites are not permitted to forego this type of stunning procedure before the end life of an animal. Their stipulated methods do not adhere to the requirements of the *dhabh*.

### The Jallaalah (الجلالة)

It was narrated that Ibn 'Umar said: “The Messenger of Allah (ﷺ) forbade the meat and milk of *Al-Jallaalah*.”<sup>52</sup> *Abu Dawud said: Jallaalah means an animal which eats filth and impurities.*<sup>53</sup> The animal discussed in this hadith is called *Al-Jallaalah*, or an animal that consumes filth in excess of 50% of its diet. It is not permissible to consume its meat, as all of its corporeal becomes filthy (*najas*) through the consumption of filth. This animal must be fed on a pure diet for a number of days stipulated in Islamic law that will allow it to become pure again for slaughter and consumption.

In summary of the above categories of animals, the animal for slaughter must be on a *tayyib* (clean) feed diet, and must be free of debilitating defects and missing or maimed body parts. The defect must not have been intentionally caused.

## Proofs Supporting the Positions in Summary

There is certainty that US Slaughterers do not:

1. Mention the name of Allah before slaughter
2. Do not use shar'i compliant methods of slaughter (*Maytah*)

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<sup>52</sup> - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ، حَدَّثَنَا أَبُو أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ ابْنِ أَبِي نُجَيْجٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ، قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . عَنْ لُحُومِ الْجَلَالَةِ وَأَبْيَانِهَا . Grade: Hasan - English reference: Vol. 4, Book 27, Hadith 3189

<sup>53</sup> . قَالَ أَبُو دَاوُدَ الْجَلَالَةُ الَّتِي تَأْكُلُ الْعَذِيرَةَ . Grade: Sahih - Reference: Sunan Abi Dawud 3719

**Proof Number 1:** There are two basic Islamic principles: الأمر يقتض الوجوب, that is, “a command necessitates a wajib (must do)”, and النهي يقتض التحريم or, “A prohibition necessitates a Haram (must not do)”. Allah commands the believers to “**mention Allah's name upon it**”<sup>54</sup>

And he prohibits them:

“**And eat not of that whereon Allah's name hath not been mentioned**”<sup>55</sup>

“**Forbidden to you are [...] that on which hath been invoked a name other than Allah's**”<sup>56</sup>

Via the above, we have a clear picture of what Allah demands from us. Say the name of Allah upon your sacrificial animals, and do not eat of that which Allah's name was not mentioned, nor other than Allah's name has been mentioned.

The only way to exit this general rule is via *takhsis*, or exclusion. In other words, we must find an exception to the rule that provides a *rukhsa* (concession) in other source text, i.e. Quran or Hadith. The *daleel* (proof) may be literal, or principled in application. None the less, it must be from the source text explicitly, or derived implicitly from it, otherwise it is *baatil* (null and void). When a concession is present, the concession is limited to the scope of its defined parameters, and it cannot extend beyond that. Thus, the only exclusion to this rule is the general concession of forgetfulness.

Beside this, some cite the two weak hadith to ground their opinion. This is in fact poor scholarship, as weak hadith cannot weigh in on matters of *fiqh* on their own merit. There must be other hadith that strengthen them and may raise its status to the level of *hasan* at most. This is not the case here, and even if the weakness is discarded, the hadith explicitly states that the concession only applies to the Muslim if he forgets. Thus, the concession would only extend to the Muslim slaughterman, and no one beyond that.

**Proof Number 2:** There is certainty that Allah prohibited the consumption of pork, and alcohol amongst other things. There is also certainty that Allah permitted us to consume the meat of the people of the book. In the science of textual exegesis, we make *jam'* (aggregation) of the available text. To utilize the available text without aggregating them would be a mistake, unless one applies an *usul* that discounts some of the text on some consistent and regular basis. There is no justifiable reason to discount the presented text of Quran and hadith, thus we consider all of it as *haqqan* (true).

To argue that we may eat anything from the people of the book is not comprehensive and based in an errant assumption. We know that swine is impermissible, though, it is a slaughtered consumable of the people of the book. This fact alone certainly does not make it permissible to consume. It is impermissible because Allah has made a prohibition against it. The same holds true with the animal that Allah's name has not been mentioned over at the time of slaughter, with the exception of the Muslim slaughterman when he

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<sup>54</sup> (Quran 5:4)

<sup>55</sup> (Quran 6:121)

<sup>56</sup> (Quran 5:3)

forgets, the animal killed in a collateral method, and the one in which the name of Allah is necessarily mentioned over the tool of slaughter.

**Proof Number 3:** We also have certainty that the US is a country of many faiths and denominations. Many people in the US do not believe in the concept of God entirely. This certainty throws into doubt all of the meat that is not expressly sanctioned via a Muslim or orthodox Jewish organization that adhere to strict protocol that mirror the shari'a.

## Summary

Finally,

1. It is permissible to consume the meat slaughtered by the people of the book if:
  - a. The name of Allah is mentioned at the time of slaughter, or when necessary, over the tool, or in a collateral method of slaughter, and
  - b. All of the other *shar'i* stipulated conditions are adhered to, such as the animal being alive, and the proper ventricles being slit.
2. If the Muslim slaughterman forgoes the *tasmiyyah* due to forgetfulness and not due to an aversion to its pronouncement, his slaughter is acceptable.
3. Since US slaughtermen are not required to abide by the same rules that are stipulated in our creed, general, non-religious meat slaughtered in the US is not permissible, and requires verification to determine its permissibility. Absent a declaration that the proper method of slaughter was performed, no permission to consume exists.
4. There is a high probability that US Slaughtermen are not Muslim, nor people of the book. This fact increases doubt, which further strengthens the position of its impermissibility for consumption.

## Transmutation and Subsummation

There are 2 exceptional cases that must be considered when discussing those products which are permissible that become haram, and those which are haram by default (such as alcohol and pork):

1. *Istihalah* (Transmutation)
2. *Istihlaak* (Subsummation)

### **Istihalah (Transmutation)**

*Istihalah* is the process by which a substance converts, alters, or changes into a different substance, such that the original attributes are no longer recognizable. Something which is naturally permissible to consume may alter, or change states and become impermissible via being soiled, improper expiration (i.e.: captive bolt stunning, natural death, improper method of slaughter, etc...), or other means.

When a substance becomes impermissible, that substance may convert back to a permissible state under certain conditions. This exception does not, however, extend to those things which are considered as impermissible by default. It was narrated that 'Aishah said: *“The Messenger of Allah was asked about the hides of dead animals.” He said: “Tanning it purifies it.”*<sup>57</sup> The Messenger of Allah (ﷺ) said: *“Any skin tanned, then it has been made pure.”*<sup>58</sup> Shaykh al-Islam Ibn Taymiyyah said: *“The milk of the jallaalah that feeds on impure things was forbidden by the Prophet (blessings and peace of Allah be upon him), but if it is kept until it becomes pure, then it becomes halal according to Muslim consensus, because before that the traces of impurity would appear in its milk, eggs and sweat, and the stench and foulness of the impurity would become apparent. But once that disappeared it would become pure. If the ruling applies because of a reason, it ceases to apply when that reason disappears.”*<sup>59</sup>

The above examples show how something which is naturally permissible to utilize, may lose its halal status, and can be returned once treated or processed in a rectifying manner. Another example of this can be found in the process making of vinegar. The Prophet (ﷺ) said: *“What an excellent condiment vinegar is.”*<sup>60</sup> It was also narrated by Anas bin Malik: *“I asked the Messenger of Allah (ﷺ) ‘Can wine be used for vinegar?’ He said: ‘No’”*<sup>61</sup> It was related from Ibn Al-Dailami that his father said: *“We said: ‘O Messenger of Allah, we have grapevines; what should we do with them?’ He said: ‘Make raisins.’ We said: ‘What should we do with the raisins?’ He said: ‘Soak them in the morning and drink them in the evening, and soak them in the evening and drink them in the morning.’ I said: ‘Can we leave it until it gets stronger?’ He said: ‘Do not put it in clay vessels, rather put it in skins, for if it stays there for a long time, it will turn into vinegar.”*<sup>62</sup> The Prophet ﷺ was quite fond of Vinegar as is expressed in many hadith including the one above. The Prophet ﷺ also forbade producing vinegar from alcohol, yet, permitted vinegar production from grapes.

Scientifically speaking, in order to produce vinegar, food which has a high sugar content is soaked in water (*called a Nabidh in Arabic*) and left to ferment, eventually creating a *Khamr* (intoxicating alcohol).

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<sup>57</sup> Sahih Sunan an-Nasa'i 4245

<sup>58</sup> Hasan Sahih - Jami` at-Tirmidhi 1728

<sup>59</sup> Majmoo' al-Fataawa, 21/618

<sup>60</sup> Sahih - Jami` at-Tirmidhi 1839

<sup>61</sup> Sahih - Jami` at-Tirmidhi 1294

<sup>62</sup> Sahih - Sunan an-Nasa'i 5736

If further fermentation occurs, the liquid converts into *Khallu* (Vinegar). This is the process by which all vinegar is made.

If one were to consume this liquid mid process, one would suffer the effects of intoxication due to the heightened levels of ethanol present. Essentially, this means

that the liquid went from being halal to haram and reverted back to being halal again.

The prophet forbade the conversion of alcohol to vinegar in cases where the substance was initially intended to be consumed as an intoxicant. However, he did not forbid the production, nor the consumption of vinegar.

This is significant because it demonstrates how things which are naturally halal, and pure have the potential to revert to their original state. It also emphasizes the role the *niyyah* (intention) plays in determining whether or not that thing may be reverted to a permissible thing.

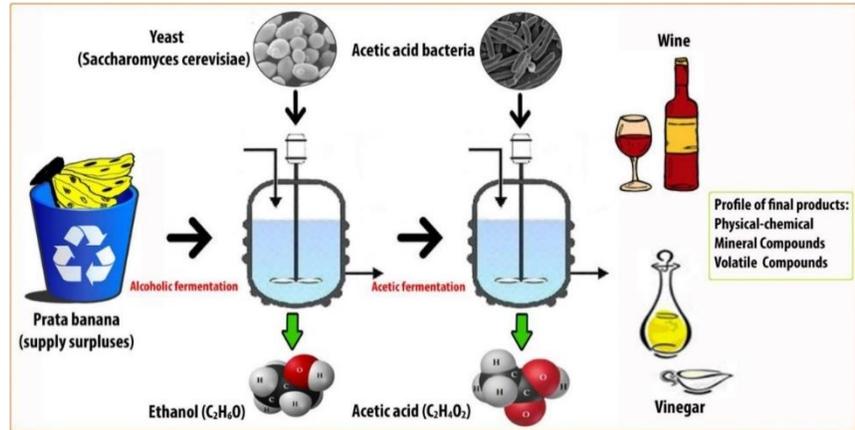
There are certain conditions that must be adhered to in order to allow the user to take advantage of this concession.

They are the following:

1. Intention
2. Smell
3. Taste
4. Color

### INTENTION

The intention is a necessary condition, in that the substances initial conversion from halal to haram mustn't have been the intended outcome. This is why the Prophet ﷺ forbade the conversion of wine to vinegar. Both wine and vinegar begin as permissible consumables, namely *nabidh* (fruit soaked in water), or *al-tila'* (concentrated juice). It was narrated that Ibn Sirin said: “*Sell juice to one who will make At-Tila' (thickened grape juice) with it, and not Khamr (wine) with it.*”<sup>63</sup> In the one case, the intention is to convert the juice to an alcoholic beverage, which is impermissible. In the other case, the intention is to convert it to a permissible substance, even though, it must necessarily pass through the alcohol phase.



<sup>63</sup> Sahih - Sunan an-Nasa'I, 5714

Anas Ibn Malik reported: *“I served drink to Allah's Messenger (ﷺ) in this cup of mine: honey, Nabidh (water with soaked fruit), water and milk.”*<sup>64</sup> Jabir b 'Abdullah reported: *We were with Allah's Messenger (ﷺ) and he asked for water. A person said: Allah's Messenger, may we not give you Nabidh to drink? He (the Holy Prophet) said: Yes (you may). He (the narrator) said: Then that person went out speedily and brought a cup containing Nabidh, whereupon Allah's Messenger (ﷺ) said: Why did you not cover it? – even if it is with a wood. He said that then he drank it.”*<sup>65</sup>

The primary intention in creating a Nabidh drink is to enjoy its flavor. Nabidh, over time, naturally converts into an alcohol. It was narrated that Sa'eed bin Al-Musayyab said: *“Drink juice so long as it does not have any foam.”*<sup>66</sup> It was also narrated that Ibn 'Abbas said: *“Nabidh of raisins would be made for the Messenger of Allah [SAW] at night, and he would put it in a water skin and drink it during the next day, the day after, and the day after that. At the end of the third day, he would give it to others to drink, or drink it himself, and if anything was left the following morning, he would pour it away.”*<sup>67</sup>

These *ahadith* show us that there is an amount of tolerance regarding the level of fermentation of a liquid content being consumed. The fruit of *nabidh* is added to water in a permissible way for the purpose of enjoying its flavor. In the same light, flavor companies use alcohol to extract flavors from different sources. It is only introduced as a carrier of the flavor, not for the purpose of intoxicating. If the intention is to intoxicate, and/or the substance has enough alcohol content to intoxicate, then the drink is not permitted to consume.

### SMELL, TASTE, AND COLOR

Scientific studies have been performed in order to determine what the threshold of the alcohol content is that will allow for the contents to be permissible to consume. (Jamaludin, 2016). This is based upon the 3 days that the Prophet ﷺ drank nabidh, and how much fermentation occurs during that time frame.

The number must be low enough such that primarily, the intoxicating effect of alcohol does not occur, no matter how much is consumed, no physical signs of fermentation can exist, such as foaming or frothing, (as mentioned in the hadith), and at least 2 of the 3 qualities of smell, taste, and color are non-detectable. According to the study, this percentage is under 0.5% according to US Islamic scholarship, and 0.1% according to the east Asian region scholarship.

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<sup>64</sup> Sahih Muslim, 2008

<sup>65</sup> Sahih Muslim, 2011 a

<sup>66</sup> Sahih – Sunan an-Nasa'i 5731

<sup>67</sup> Sahih – Sunan an-Nasa'i 5739

## Istihlaak (Subsummation)

*Istihlaak*, or subsummation, is the act by which a substance is overcome by a larger, more comprehensive substance such that it becomes indistinguishable from the parent substance. This phenomenon is demonstrated in *fiqh* in a number of instances. Ibn Umar narrated: “I heard Allah’s Messenger while he was being asked about water in open areas of the land, and predators and beasts come to it. So Allah’s Messenger said: ‘When the water is two *qull’ah* it does not carry filth.’”<sup>68</sup> Also, the people asked the Messenger of Allah (ﷺ): “Can we perform ablution out of the well of Buda’ah, which is a well into which menstrual clothes, dead dogs and stinking things were thrown?” He replied: “Water is pure and is not defiled by anything.”<sup>69</sup> These *ahadith* demonstrate how a lesser, impermissible substance can become subsumed into a larger substance, which does not affect its permissibility. Two *qull’ah* is the equivalent of 216 liters. Even though this amount is defined, scholars consider other text in light of this issue that define the principle of subsummation to be that at least 2 of the 3 qualities or characteristics of the original substance are not detectable.

It was narrated that Abu Hamzah said: “I used to interpret between Ibn ‘Abbas and the people. A woman came to him and asked him about *Nabidh* made in earthenware jars, and he forbade it. I said: ‘O Abu ‘Abbas, I make a sweet *Nabidh* in a green earthenware jar; when I drink it, my stomach makes noises.’ He said: ‘Do not drink it even if it is sweeter than honey.’”<sup>70</sup> As the hadith here mentions regarding alcohol in particular, there should be no intoxicating effect, or side effect of any sort, which even includes an unnatural reaction by the body. This is true, even if the qualities smell, taste, or color are not present.

### CLARIFICATION REGARDING ALCOHOL

The toxicological nomenclature for Alcohol is not necessarily equivalent to the prophetic description of Alcohol. الخمر (*Khamr*) is generally the English synonym for Alcohol. The etymology of the word “alcohol” is derived from the Arabic word “الكحل” (Al-co-hol) as defined by the 8th century Arabic chemist Abu Yūsuf Ya‘qūb ibn ‘Isḥāq aṣ-Ṣabbāḥ al-Kindī (/æl'kɪndi/; أبو يوسف يعقوب بن إسحاق الصبّاح الكندي). It was the term he used for the fine powdered eyeliner that we know of as *kohl*. The powder is distilled from a natural mineral. Over time, western nations borrowed the word and expanded its meaning to include any substance obtained via distillation. The name ultimately narrowed and now generally refers to intoxicating beverages such as beer, rum, and vodka.

Toxicologically, alcohol is defined as an organic compound in which the hydroxyl functional group –OH (Oxygen-Hydrogen) is bound to a carbon atom. (Chemistry, 1997). According to the tradition of the Prophet Muhammad (ﷺ), he says “كل مسكر حرام، و كل مسكر خمر” (Every intoxicant is impermissible, and every

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<sup>68</sup> Sahih - Jami` at-Tirmidhi 67

<sup>69</sup> Sahih - Sunan Abi Dawud 66

<sup>70</sup> Sahih - Sunan an-Nasa'i 5691

intoxicant is a *khamr* (alcohol)). In other words, the *علی* (*illa* – Operative cause or reason for its ruling) is the intoxicating effect.

Substances which are named in English as alcohols may only resemble it in name, but not in an Islamic legal sense. Substances such as Anisyl Alcohol, Hexyl Alcohol, Isoamyl Alcohol, Isobutyl Alcohol, Benzyl Alcohol, and Phenyl Alcohol do not have the same intoxicating property as Ethyl Alcohol. Chemically, ethyl Alcohol, (also known as ethanol) is the main substance of concern when discussing halal matters. This is the alcohol which causes intoxication and is problematic for consumption. N-butanol is another substance which has up to 6 times the intoxicating effect as Ethanol. N-butanol is another substance of concern and must be considered in all evaluations.

## **TRANSACTING**

In this chapter, we will discuss the permissibility to transact different commodities, and that which affects the permission to do so. The Messenger (ﷺ) taught us an important principle when he said: “*When Allah forbids a thing, He (also) forbids its price.*”;<sup>71</sup> The Messenger of Allah (ﷺ) said: “*Allah has cursed alcohol, the one who drinks it, the one who pours it, the one who sells it, the one who buys it, the one who squeezes (the grapes etc), the one for whom it is squeezed, the one who carries it and the one to whom it is carried.*”<sup>72</sup>

The permissibility to purchase, or sell any product relies mainly upon the permission or prohibition of its consumption. In Islamic law, any food items that are not permitted to consume are absolutely haram to transact. This includes both sales and distribution, whether to a Muslim or a non-Muslim, since the prohibition applies to the Muslim seller their self. This does not include hazardous substances, such as dangerous chemicals, pottery, or sharp metals. The permission to transact these items is not affected because they are not considered to be consumables to begin with.

According to some schools of thought, any items considered to be *najas* (filth), are also impermissible to transact. The majority of Muslims, however, adopt the Hanafi position on this matter, which states that its impermissibility is tied to the benefit of its utility. If it carries a benefit, then it remains permissible. This means that items such as manure are permissible to buy, sell, and utilize, as they have a beneficial use as a fertilizer. This is also the position that Halal Watch World adheres to.

The exception to these rules is generally granted for products that bare health and medicinal value, whilst the recipient is necessarily in need, or the life of the user is endangered. This is a general rule that applies, even if the consumable is pork. In other words, the *حفظ الحياء* (protection of life) is and Islamic

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<sup>71</sup> Abu Dawood, 3488 – Classed as Authentic

<sup>72</sup> Abu Dawood (3674) and Ibn Maajah (3380) – Classed as Authentic

principle that overrides the general ruling. This can be seen in the following text where Allah says in the Quran: “He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. **But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him.** Indeed, Allah is Forgiving and Merciful.”<sup>73</sup>

## UTILIZATION

In this chapter, we will discuss the permission to utilize a substance, whether that be as a tool, applying it to one’s body, or other than oneself. The permissibility factor depends upon the permission or prohibition of its consumption as in the previous section. In Islamic law, any prohibited thing that is haram to consume and transact, is also absolutely haram to utilize in any way. The Messenger of Allah (ﷺ) said: “Allah and His Messenger have forbidden the sale of alcohol, dead meat, pork and idols.” It was said: “O Messenger of Allah, **what do you think of the fat of dead animals, for ships are caulked with it and animal skins are daubed with it, and the people use it to light their lamps?**” He said: “No, it is **haram.**” Then the Messenger of Allah (peace and blessings of Allah be upon him) said: “May Allah curse the Jews, for when Allah forbade them animal fat, they melted it down and sold it, and consumed its price.”<sup>74</sup>

<sup>74</sup> It was also narrated by Abdullah ibn Amr ibn al-'As: On the day of Khaybar that the Messenger of Allah (ﷺ) **forbade** eating the flesh of donkeys, and the animal which feeds on filth: **riding it** and eating its flesh.

<sup>75</sup> These *ahadith* clearly indicate that usage in any way, including, but not limited to lighting lamps and calking ships, and riding, is not permissible. Via the principle of *Qiyas al awlai* (To a greater extent), it would thus be especially forbidden to apply any such substances to one’s self. Ibn 'Umar (May Allah be pleased with them) said: “The Messenger of Allah forbade riding or drinking the milk of Al-Jallaalah camels (camels that consume filth).”<sup>76</sup>

Here, it is clearly noted that not only is it impermissible to consume, but it is also impermissible to drink its milk, and even ride.

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<sup>73</sup> 2:173 - إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ، إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

<sup>74</sup> Narrated by al-Bukhaari, 1212; Muslim, 1581.

<sup>75</sup> Grade: Hasan Sahih – Sunan Abi Dawud 3811

<sup>76</sup> Hasan: Abu Dawud – Book 18, Hadith 182

# CERTIFICATION CONSIDERATIONS

In this chapter, we will discuss some of our certification standards, and the considerations that we filter every day matters through. There are 4 main questions that must be consider when determining the halal status of a product:

1. *Is the product/ingredient Halal Aslan (by default)?*

If the product is Halal by default, then the location it is harvested, produced, or manufactured in, even if done so by a non-Muslim, is not necessary to inspect.

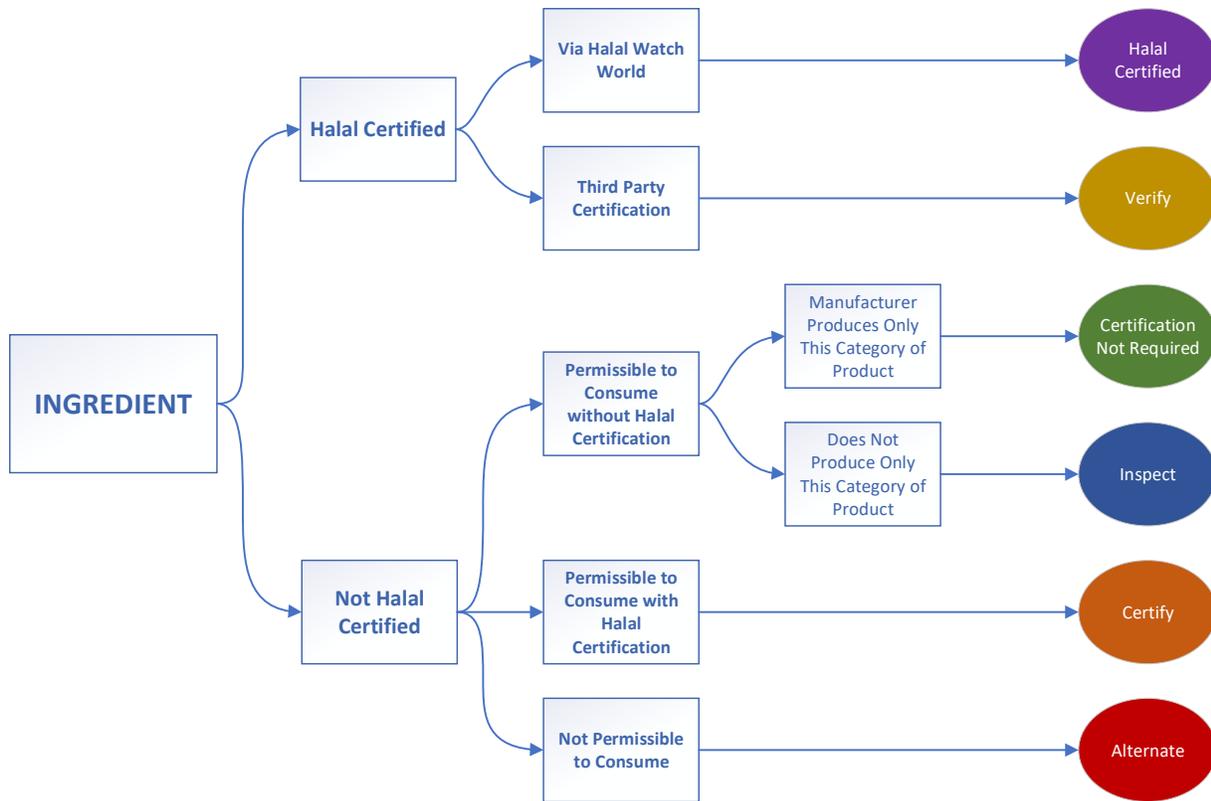
2. *Is the product/ingredient Halal certified via another organization?*

If another organization certifies the product as Halal, then it is incumbent upon us to perform a *tahqeeq* (verification) certification of the establishment. We must be able to ascertain that the certifying body is competent and capable of determining the status of such products. In the event that we are unable to gain this information, our organization must inspect the location of production before certifying.

3. *Are there any impermissible ingredients being produced in the same facility?*

As is the norm in Muslim minority societies, manufacturers produce both Halal and Non-Halal products in the same facilities. If other non-Halal items are produced in the same facility, an inspection may be required. In the event that an inspection is not possible, Halal Watch World reserves the right to utilize other forms of off-site audit procedures requiring documentation and the like in order to determine the facilities halal production capabilities. It is generally required for us to determine that the manufacturer prevents the following:

1. Product Contamination
2. Cleaning Method fulfils Islamic requirements
3. Separate storage locations between Halal and non-Halal products, or preventative measures are in place to remove the possibility of mislabelling
4. Halal certified label is visible either on the box or the product
5. Halal certificate from source meat supplier is valid



Regarding contamination, products cannot be cooked upon or within the same utensils without proper cleansing. This means that any liquid substance that interacts with non-halal products becomes contaminated. This includes oil, and other wet cooking surfaces. Thus, if a vat of oil is used to cook non-halal products (which is considered as filth), it cannot be used to cook Halal products without contaminating it.

4. Are there any contents in the product that contain impermissible ingredients?

We refer to the list of impermissible consumables on the previous pages. If the product under audit is found to contain any of the ingredients on the ban list, these products cannot be considered as halal.

# CONCLUSION

The above research serves as the textual fundamentals and standards employed by Halal Watch World LLC in its certification practices. We implore our Lord to guide us to the correct path, and to protect us from error and misunderstanding. May Allah accept this effort from us, and forgive us for any of our shortcomings in this work. Ameen.

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