



**PSSST...!**



## MODULE 9: HALAL & HARAM







# RULINGS OF ANIMALS WHOSE MEAT IS HALAL



*Dhakat*=ritual slaughter that permits the eating of the  
animal

# CONDITIONS OF DHAKAT

1. The slaughterer (mudhakki): sane, mature, Muslim or from Ahl al-Kitab, not in ihram.
2. The animal to be slaughtered must be halal to eat, lawfully acquired, and alive.
3. The slaughter must be with a sharpened tool
4. Having the intention to slaughter at the time of slaughter
5. Tasmiyya—pronouncing Allah's name at the time of slaughter.

# TASMIYYA

**Hanafi:** This is required for anyone who slaughters, each time, whether Muslim or Christian. Failure to mention Allah's name renders the animal unlawful to eat.

**Maliki:** If one remembers the *tasmiyya* at the time of slaughter and can say it but purposely omits it, the slaughtered animal is not halal to eat. If he forgot or was unable, it is still lawful. The *tasmiyya* is not required for one who is mute, unable to pronounce Arabic, or one who is from Ahl al-Kitab.

**Shafi'i:** If one intentionally omits the *tasmiyya* it is still halal. However, if one omits it considering it insignificant (*istikhfafan*), it is haram.

# RULINGS

The proof for the obligation of tasmiyya is the verse

وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفُسْقٌ

*“Do not eat from that upon which Allah’s name has not been pronounced, for indeed it is immoral.”*

According to the Malikis and Shafi’is, forgetting the tasmiyya does not render the animal haram to eat because the Prophet (Allah bless him and give him peace) said, ‘Indeed Allah has overlooked from my Umma mistakes, forgetfulness, and what they are compelled to do under duress.’

For the tasmiyya, it is enough to mention Allah by any of His Names. If he said Bismillah alone, or Allah akbar alone, or La ilaha illa Allah, or Subhanallah, it would be permitted. It is best, however, to say Bismillah Allah akbar.

# METHODS OF SLAUGHTER

1. *Dhabh*—to slaughter with a knife side-ways across the neck. This is done for small domesticated animals.
2. *Nahr*—to pierce the base of the neck with a spear or sharp instrument. This is only for large animals like camels, which are difficult to pin down. A cow can be slaughtered by *dhabh* or *nahr*; however, a sheep or goat can only be killed by *dhabh*.

# OBLIGATIONS OF DHABH AND NAHR

Cutting the neck for dhabh, and piercing it for nahr.

The neck consists of four parts: two arteries, the windpipe (trachea), and the throat. In the Maliki school the obligation is to cut the two arteries and the throat. The cutting must be done in one moment. If one cuts part of the neck, then lifts his hand, then goes back to it, it is nullified.



# NULLIFIERS OF DHABH AND NAHR

1. The basmalla is deliberately omitted
2. The basmalla is replaced with the name of a false god
3. The required parts of the neck are not cut
4. The cutting is not done continuously
5. The cutting is done from the back of the neck

(Any of these nullifiers renders the meat carrion (mayta) and unlawful to eat.)

# THE MEAT OF AHL AL-KITAB

**Or: “Can I eat at Chic-fil-a?”**

## **Summary:**

- If you commit yourself to follow a single legal school (madhab), your school may or may not allow eating such meat.
- If you do not commit yourself to follow a single legal school outside of ‘ibadat, you can take the position that would allow it, but there are two factors to consider:
  1. The fiqh (which schools would allow it according to their positions?)
  2. The fact (does the meat in restaurants and supermarkets really meet those conditions?)

# BASIS

طُيُورَ الْيَوْمِ أَجِلٌ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ

*Today all good, pure foods have been made lawful for you. Similarly, the food of the People of the Book is permissible for you and yours is permissible for them. (5:5)*

Allah granted a dispensation for Muslims to eat the foods of Ahl al-Kitab. This verse is general and includes meat, produce, and other foods. All of these are halal for us, excluding what is haram in and of itself, such as carrion, pork, and flowing blood—all of which are haram regardless of whether they are obtained from a Muslim or Kitabi.

The general permission to eat the meat of Ahl al-Kitab in 5:5 is qualified by the other conditions for a valid slaughter mentioned in other verses (*‘am makhsus*)

# RULINGS

## **The Gold Standard (Hanafi, Maliki Hanbali)**

- A Kitabi slaughters the animal while mentioning the name of God
- He slaughters it properly according to Islamic standards
- It is witnessed by a Muslim

(If these three are fulfilled, there is no question that the meat is halal to eat)

# RULINGS

## **The Gold Standard (Shafi'i)**

- The slaughterer is Kitabi with an uninterrupted Christian lineage all the way back to pre-Islamic times. If the Christian is of non-Israelite descent, his lineage is known and is Christian going all the way back to the time of Prophet Jesus.
- This Kitabi slaughters the animal while mentioning the name of God.
- He slaughters it properly according to Islamic standards.
- It is witnessed by a Muslim.

(If these three are fulfilled, there is no question that the meat is halal to eat)



# WHAT IF THE KITABI MENTIONS OTHER THAN THE NAME OF ALLAH?

It would be prohibited because of the verse:

*He has only forbidden you 'to eat' carrion, blood, swine, and what is slaughtered in the name of any other than Allah. (2:173)*

Sayyiduna 'Ali said: "If you hear a Jew or Christian mentioning other than Allah (on their animal) do not eat it. If you did not hear them mentioning other than Allah on it, eat it because Allah has permitted their animal for us and He knows what they utter." (Jassas, *Ahkam al-Quran*)

# WHAT IF THE KITABI MENTIONS OTHER THAN THE NAME OF ALLAH?

This is not a common problem today. In the earlier days, it was customary for the people to slaughter only for their personal needs. If they slaughtered a large animal and were unable to use all the meat, they would share it with their friends and neighbors. It was not customary to slaughter many animals for sale or trade. So when they slaughtered for their personal needs, they used to pronounce the name of God at the time of slaughter.

Now slaughtering is divided into two categories, [1] slaughtering for sale and [2] slaughtering for personal use. Most of the available meat is of the first category, meat that has been slaughtered for sale.

SO...CAN WE EAT AT CHIC-FIL-A?



## SO...CAN WE EAT AT CHIC-FIL-A?

**Hanafi:** No, because the slaughterer does not mention the name of Allah.

**Shafi'i:** No, unless the slaughterer is Kitabi with an uninterrupted Christian lineage all the way back to pre-Islamic times. If the Christian is of non-Israelite descent, his lineage must be known and his descendants must be Christian going all the way back to the time of Prophet Jesus.

## SO...CAN WE EAT AT CHIC-FIL-A?

**Maliki:** Yes, because omitting the tasmiyya does not render the meat carrion, and they are Ahl al-Kitab. According to al-Qadi Abu Bakr b. al-‘Arabi, as long as the meat is customarily eaten by Ahl al-Kitab it is permissible for them, even if the method of slaughter is different from ours.

(This is based on an Usuli point that when a general revealed text comes after a specific revealed text, the former abrogates the latter

Former (specific) ‘*He has only forbidden you ‘to eat’ carrion, blood, swine, and what is slaughtered in the name of any other than Allah.*’ [khass]

Latter (general): ‘*the food of the People of the Book is permissible for you.*’ [‘amm]



# SO...CAN WE EAT AT CHIC-FIL-A?

The early Maliki opinion required one to witness the slaughter of Ahl al-Kitab; however, the view of al-Qadi Abu Bakr, drawn from some of the early Maliki imams and principles in the school, holds that it is not required. This view was supported by the latter Maliki scholars such as Imam al-Wansharishi in his Mi'yar.

إن فتوى ابن العربي لم يزل الطلبة والشيوخ يستشكلونها ولا إشكال فيها عند التأمل لأن الله تعالى أباح لنا أكل طعامهم الذي يستحلونه في دينهم على الوجه الذي أبيح لهم من ذكاة فيما شرعت لهم فيه الذكاة على الوجه الذي شرعت، ولا يشترط أن تكون موافقة لذكاتنا

Basis:

‘A’isha related that some people said to the Prophet (Allah bless him and give him peace): ‘Some people bring meat to us, and we do not know whether they mentioned the name of Allah over it or not.’ The Messenger of Allah (Allah bless him and give him peace) said: ‘Mention the name of Allah over it and eat.’ She said: ‘They were new in Islam.’ (Bukhari)

The Prophet (Allah bless him and give him peace) told them to eat without asking, even though those who brought the meat to them may not have been aware of the rulings of Islam because they were new in Islam.

## “BUT THEY AREN’T ACTUAL CHRISTIANS!”

The verse allowing us to eat the meat of Ahl al-Kitab was revealed concerning Christian trinitarians, so the actual beliefs of the Christians slaughtering is immaterial. As long as they are broadly considered Christians, their meat is halal.

In the US the majority of slaughterers are from areas where Christianity is still practiced, and a sizable number of slaughterers are immigrants from South and Central America, where Christianity is the norm.

In Europe, atheism is largely the default, so there is serious doubt about the religious identity of those slaughtering the animals. (This is region specific as well)

# STUNNING

- Stunning with a captive-bolt-gun is to render the cow unconscious, allowing for the safe handling of the animal for the slaughter.
- If more than one stun is required, it is termed an ‘egregious event’ and may result in penalties. Thus, the norm is that the stunning is done once, and the animal must be deemed unconscious and not dead or conscious before the slaughter is completed.
- This is supervised by USDA personnel at all facilities.
- The stunning is not meant to kill the cow, but to render it unconscious so it doesn’t feel any pain at the time of slaughter.
- There are concerns about cows being adequately stunned (one study put it at 84 percent), but those improperly stunned are still alive at the time of slaughter.

# HAND SLAUGHTER VS MACHINE SLAUGHTER

- A knife is a tool, and mechanical slaughter is a tool.
- If a Muslim or a Kitab administers the machine and completes the slaughter of chickens that do not get cut on the machine, the animal is killed by hand.
- In the Maliki school, a single tasmiyya is sufficient when the intention is to slaughter a large batch of animals.
- Therefore, although there may be concerns about the ratio of animals successfully slaughtered via machine and those that are not, as long as the latter are killed by hand, machine slaughter in general is permissible.
- This is a question of fiqh and fact: if one is in doubt, it is better to avoid.

# ETHICAL QUESTIONS

- Treatment of animals prior to slaughter (living conditions)
- Building the halal base in North America and keeping our money in the local Muslim economy
- Avoiding anything that causes us to feel uneasy or doubt
- Many of the chain restaurants in the US are fully in support of ideologies and ways of life that are at odds with Islam

