A Research on Mechanical Slaughter

Question:

Dear Respected Scholar,

I hope this letter reaches you in the best of health and faith.

The issue of 'Machine Slaughter / Mechanical Slaughter' has become very controversial not least because of the recent KFC dilemma. There is confusion within the Muslim community about the permissibility of this mode of slaughter whilst many scholars are unaware of the different ways of Mechanical Slaughter. We therefore seek your guidance in this matter and hope you can clarify the Islamic position regarding the mode of Mechanical Slaughter prevalent in the British Halal and Non-Halal Market.

What is Mechanical Slaughter?

In brief, hundreds of live chickens are transported and delivered in large trucks to the slaughterhouse. The chickens are transferred through a conveyor belt to the place of slaughter. Each chicken is hung by its legs on the belt, with its legs attached to the hook of a shackle (hanger) whilst the rest of its body hangs upside down. The throat and beak faces the ground. The shackles with the chickens fastened unto it move along the line. The heads then enters into a water tub containing electricity which stuns the chickens. The shackles then move to the central point of slaughter wherein there is a knife/blade rotating at an extremely high speed. This rotating knife is placed such that the necks of the chickens can easily be cut. When the shackles reach this point, the chickens move around the rotating blade in a circular way allowing more chickens to make contact with the blade's edge. The knife automatically cuts every throat that hits it, and the shackles continue to move.

Soon after slaughter, there is a point where they are immersed into a hot water dip to remove the chickens' feathers. After the de-feathering stage, there are other stages of processing, cleaning and cutting which are handled by the machine but are not of direct concern from an Islamic perspective.

The electric machine continues to run throughout the day killing thousands of chickens (up to 100,000 a day), not stopping unless required to do so. The Tasmiyah is not read on every animal slaughtered as there is no human slaughtering. Instead, different methods have been introduced as an alternative to the Tasmiyah and they differ in each slaughterhouse. They are as follows:

. No Tasmiyah at all
. Recorded Bismillah is played through a tape or CD
. Bismillah is written or engraved on the rotating blade
. Bismillah is written on the nearside wall
. A person stands near the slaughter point and merely recites Bismillah.

A person is appointed to recite Bismillah as he switches the machinery on at the beginning of the day (which is deemed sufficient for the slaughter of thousands of chickens before the machine is switched off). In summary, the slaughter is carried out by mechanical rotating blades with no Muslim slaughterman present either to perform the slaughter, or to recite the Tasmiyah on each individual slaughter.

Issues of concerns:

The issues of concern in the aforementioned process from a shar'i perspective are:

1. The passage of chickens through electrified water to stun prior to slaughter Prior to slaughter, the chickens are immersed (stunned) in a water tank (or electrified water is poured over them) containing a current of electricity. This current may cause death prior to slaughter. The electric current is commonly very strong for the obvious reason - The chickens have to be very calm and steady to be slaughtered by the speedy rotating blade otherwise it would be unhygienic and inhumane particularly if the chickens were to move and stir. As a result of the stunning process and rationale, there is very high risk of the chickens dying before slaughter. Chickens have to be stunned in the mechanical process. However, many Fatawa fail to take this into account. Questions do not mention this point and the answer is given without considering the whole process. It therefore comes as a surprise that some Muftis permit machine slaughter whilst abhorrently oppose any form of stunning. It is clear they are unaware of the fact that chickens have to be stunned before machine slaughter.

2. The cutting of throats with a rotating blade / knife

A single rotating blade would cut thousands of chickens in a day. Even though the rotating blade does cut the jugular veins most of the time, it is possible that some of the chickens' necks do not reach and make full contact with the blade. In such cases, it would not cut their necks at all, or only cuts them partially, and so their jugular veins remain uncut. In some instances, the blades chop off the entire neck completely including the spinal cord. Also, if the chickens are not in line with the blade (due to the size differences), it is possible that the blade miss the throat and cut elsewhere e.g. the head or the beak.

This short video explains http://www.youtube.com/watch?v=i8Gpr3nLEPo

3. The obligation of mentioning Allah's name

As indicated above, it is impossible to recite the name of Allah over every chicken. The different methods adopted do not seem to fulfil the requirements of the Islamic law. In the Holy Qur'an, Almighty Allah says, "and do not eat from animals on which the name of Allah is not mentioned" (6:121). It is understood from this verse that Tasmiyah should be read on each animal. In the case of machine slaughter, only one Tasmiyah is read at the beginning for the hundreds and thousands to come. Also, is it true that there should not be much time difference between the Tasmiyah and the slaughter? Is it imperative that Tasmiyah is read prior to the slaughter of each chicken? Would any of the aforementioned methods (Page 1) suffice? Within this context, it is important to remember that at the time of the operator reciting Tasmiyah whilst switching the machine on; thousands of chickens that are to be slaughtered by the same machine may not have arrived at the slaughterhouse. Would one Tasmiyah suffice for the chickens that are yet to arrive? If one Tasmiyah is deemed to suffice for more than one animal and the process is permissible, for how long will the Tasmiyah suffice? What if the machine pauses? Where would the line be drawn? What if in future the process evolves to a computerised system, which would enable the machine to start by clicking the computer button from the office? Would the Tasmiyah from the office suffice for the first animal, all of the animals or none?

4. The delay between Tasmiyah and the Dhabh

As understood from the above.

5. Can the function of automated mechanical knife be attributed to the operator?

During mechanical slaughter, the physical strength and intention of the person is not used, rather, the person appointed presses a button or releases a switch on the machine, which in turn causes electricity to pass through the cables of the machine giving motion to the motor, which in turn gives motion to the pulleys, which in turn gives motion to the blade causing the animal to be slaughtered. Neither is the motor, nor the blade brought into motion by the direct strength of the person operating the machine. If there is no electricity, then the motor would not run, therefore, not allowing the blade to operate and slaughter the animal. It is thus evident that the machine operator is not directly linked to the motion of the blade nor the actual slaughtering of the animal. Further to that the actual slaughter of chickens is performed by the automated machine without any direct human action – conditions of religion, intellect and tasmiyah are absent. In light of the above, can the act of the machine be equated to the act of a human being? Can the person putting the machine into motion be termed as a فاعل and مباشر or would he merely be termed as a سبب ? Can all the functions of the electrically powered plant be attributed to the operator? Is direct manipulation of an instrument a condition of slaughter? Is there a difference between a knife, arrow, spear etc and an automated machine? Is the operator only the causer / initiator (المسبب) of the process and not the active subject (الفاعل) / direct practitioner (المباشر) of the slaughter?

6. The passage of chickens through hot water after slaughter

This is not an issue in European countries as the temperature of the hot water has to be much below boiling point according to statutory regulations. The Hygiene Inspectors regularly check this.

Many people argue that mechanical slaughter is necessary to meet the consumer demand. Whilst this is not a valid excuse, it is important to note that by making two modifications to the system, both the consumer demand and the requirements of the Islamic Law can be fulfilled. Firstly, to avoid any form of stunning, and secondly instead of using automated rotating blades, to station several Muslims to take turns in slaughtering the chickens – with their hands and with a mention of Allah's name over every chicken. All the other procedures can be handled by the machine as normal. This procedure has been practised in a number of countries where the objective of mass production was never harmed or adversely affected. This method would however be slightly expensive as slaughtermen have to be employed. However, the slaughter would be accepted to all schools of thought. On this note, in the globalised world we live in especially in the United Kingdom with people of all schools of thought, what would you advise in the light of Islamic Law? It should be kept in mind that majority of mechanical slaughtered chickens in the UK are slaughtered in abattoirs owned by non Muslims. These chickens are labelled as Halal and some certifiers claim that there is no need for Tasmiyah!

Kindly provide a detailed response relating to all six various forms of Mechancal Slaughter.

Jazakallahu Khayran.

Answer:

In the Name of Allah, the Most Gracious, the Most Merciful.

As-salāmu ʻalaykum wa-rahmatullāhi wa-barakātuh.

To understand the Shariʿah ruling with regards to machine-slaughter, one must remember that for an animal to be considered Islamically lawful (halāl), the *Fuqahā'* state the following conditions:

1) The slaughterer must be either a Muslim or from the People of the Book (*Ahl al-Kitāb*).[1] According to contemporary research, kosher meat fails to meet the criteria of an Islamic slaughter. Thus, it is not permissible to eat meat slaughtered by the people of the book in this era.[2]

2) Any three of the following four veins must be cut with a knife, blade or any tool that is sharp and has a cutting edge[3]:

a) the trachea (windpipe)
b) oesophagus (food-pipe)
c) the two jugular veins

3) The name of Allah (*tasmiyah*) must be pronounced at the time of slaughtering.[4]

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[1] (وَمِنْهَا) أَنْ يَكُونَ مُسْلِمًا أَوْ كِتَابِيًّا فَلَا تُؤْكَلُ ذَبِيحَةُ أَهْلِ الشِّرْكِ وَالْمَجُوسِيِّ وَالْوَثَنِيِّ وَذَبِيحَةُ الْمُرْتَدِّ (بدائع الصنائع ج ٦ ص ٢٢٤ دار الكتب العلمية)

[2] Legal Rulings on Slaughtered Animals (Mufti Taqi Usmani), Page 159-174: Maktaba-e-DaruI-Uloom)

[3] في حالة القدرة إذا قطع الحلقوم والمرىء والودجان فقد أتم الذكاة وإن قطع الأكثر من ذلك حل أكله واختلفت الروايات في تفسير ذلك وروى الحسن عن أبي حنيفة رضي الله تعالى عنه وهو قول أبي يوسف الأول إنه إذا قطع الثلاث من الأربعة أي ثلث ما قطع فقد قطع الأكثر ثم رجع أبو يوسف عن هذا وقال يشترط قطع الحلقوم والمرىء وأحد الودجين وعن محمد رحمه الله تعالى أنه يعتبر قطع الأكثر عن كل واحد من هذه الأشياء الأربعة وعنه أيضا إذا قطع الحلقوم والمرىء والأكثر من كل الودجين يحل وما لا فلا قال مشايخنا وهو أصح الجوابات (المحيط البرهاني ج ٨ ص ٤٤٩ إدارة)

قال رحمه الله (وقطع الثلاث كاف) والاكتفاء بالثلاث مطلقا هو قول الإمام وقول أبي يوسف أولا وعن أبي يوسف أنه يشترط قطع الحلقوم والمريء واحد الودجين وعن محمد لا بد من قطع الأكثر من كل واحد من هذه الأربعة وأجمعوا أنه يكتفي بقطع الأكثر من هذه العروق الأربعة (البحر الرائق ج ٨ ص ١٩٣ المعرفة)

والعروق التي تقطع في الذكاة أربعة الحلقوم وهو مجرى النفس والمريء وهو مجرى الطعام والودجان وهما عرقان في جانبي الرقبة يجري فيها الدم فإن قطع كل الأربعة حلت الذبيحة وإن قطع أكثرها فكذلك عند أبي حنيفة رحمه الله تعالى وقالا لا بد من قطع الحلقوم والمريء وأحد الودجين والصحيح قول أبي حنيفة رحمه الله تعالى لما أن للأكثر حكم الكل كذا في المضمرات (الفتاوى الهندية ج ٥ ص ٢٨٧ رشيدية)

With reference to the question, there are multiple areas of concern in the conventional method of mechanical slaughter.

Areas of concern:

1) **The passage of chickens through electrified water prior to the slaughter**

As explained thoroughly in the question, chickens have to be stunned in the mechanical process. Research clearly shows many chickens die due to the high voltage applied to the water tanks. In such a scenario, it will not be permissible to consume chickens from such a processing plant even if some chickens did not die as a result of the high voltage.[5] The Fuqahā' state that if there is a mixture of Islamically slaughtered animals and unislamically slaughtered animals with a dominance of unislamically slaughtered animals, then none of the animals will be lawful for consumption.

However, when low voltage is applied, the chickens do not die as a result. Hence, they will be permissible to consume.

As for the ruling related to the application of low voltage electrification , the Fuqahā' state that if the slaughterer commits an act which induces pain to the animals for a valid reason, then such an action will be overlooked.[6]

2) **The cutting of the throat with a rotating blade**

As mentioned above, any three of the following four veins must be cut with a knife, blade or any tool that is sharp and has a cutting edge[7]:

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[٤] (وَتُشْتَرَطُ) التَّسْمِيَةُ مِنْ الذَّابِحِ (حَالَ الذَّبْحِ) (الدر المختار في رد المحتار على الدر المختار ج ٦ ص ٣٠٢ أيج أيم سعيد)

وَأَمَّا شَرَائِطُ الرُّكْنِ فَمِنْهَا أَنْ تَكُونَ التَّسْمِيَةُ مِنْ الذَّابِحِ حَتَّى لَوْ سَمَّى غَيْرُهُ وَالذَّابِحُ سَاكِتٌ وَهُوَ ذَاكِرٌ غَيْرُ نَاسٍ لَا يَحِلُّ؛ لِأَنَّ الْمُرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذْكَرْ اسْمُ اللَّهِ عَلَيْهِ مِنْ الذَّابِحِ فَكَانَتْ مَشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

٥ وَمِنْهَا: لَوْ اخْتَلَطَتْ مَسَالِيخُ الْمُذَكَّاةِ بِمَسَالِيخِ الْمَيْتَةِ، وَلَا عَلَامَةَ تُمَيِّزُ، وَكَانَتْ الْغَلَبَةُ لِلْمَيْتَةِ أَوْ اسْتَوَيَا لَمْ يَجُزْ تَنَاوُلُ شَيْءٍ مِنْهَا، وَلَا بِالتَّحَرِّي إلَّا عِنْدَ الْمَخْمَصَةِ.وَأَمَّا إذَا كَانَتْ الْغَلَبَةُ لِلْمُذَكَّاةِ فَإِنَّهُ يَجُوزُ التَّحَرِّي. (الأشباه والنظائر ج ١ ص٣٠٥)

[٦] (وَ) كُرِهَ كُلُّ تَعْذِيبٍ بِلَا فَائِدَةٍ مِثْلُ (قَطْعِ الرَّأْسِ وَالسَّلْخِ قَبْلَ أَنْ تَبْرُدَ) أَيْ تَسْكُنَ عَنْ الِاضْطِرَابِ وَهُوَ تَفْسِيرٌ بِاللَّازِمِ كَمَا لَا يَخْفَى (وَ) كُرِهَ (تَرْكُ التَّوَجُّهِ إلَى الْقِبْلَةِ) لِمُخَالَفَتِهِ السُّنَّةَ. (الدر المختار من حاشية ابن عابدين ج ٦ ص ٢٩٦ أيج أيم سعيد)

[٧] في حالة القدرة إذا قطع الحلقوم والمرىء والودجان فقد أتم الذكاة وإن قطع الأكثر من ذلك حل أكله واختلفت الروايات في تفسير ذلك وروى الحسن عن أبي حنيفة رضي الله تعالى عنه وهو قول أبي يوسف الأول إنه إذا قطع الثلاث من الأربعة أي ثلث ما قطع فقد قطع الأكثر

a) the trachea (windpipe)
b) oesophagus (food-pipe)
c) the two jugular veins

Any chicken whose three veins have not been cut will be deemed unlawful.

The research in the question states, "In some instances, the blade chops off the entire neck completely including the spinal cord."

The Fuqahā state that to severe the entire neck including the spinal cord is reprehensible (*makrūh*).[8]

In addition, the act of striking the animal from the back of the neck is also reprehensible (*makrūh*).[9] Nevertheless, if the animal dies as a result of the necessary vessels being cut due to a strike from the back of neck, then the animal will be lawful for consumption. If the neck is struck from the back and as a

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ثم رجع أبو يوسف عن هذا وقال يشترط قطع الحلقوم والمرىء وأحد الودجين وعن محمد رحمه الله تعالى أنه يعتبر قطع الأكثر عن كل واحد من هذه الأشياء الأربعة وعنه أيضا إذا قطع الحلقوم والمرىء والأكثر من كل الودجين يحل وما لا فلا قال مشايخنا وهو أصح الجوابات (المحيط البرهاني ج ٨ ص ٤٤٩، إدارة)

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[8] الِاكْتِفَاءُ بِقَطْعِ الْأَوْدَاجِ وَلَا يُبْلَغُ بِهِ النُّخَاعَ وَهُوَ الْعِرْقُ الْأَبْيَضُ الَّذِي يَكُونُ فِي عَظْمِ الرَّقَبَةِ، وَلَا يُبَانُ الرَّأْسُ وَلَوْ فَعَلَ ذَلِكَ يُكْرَهُ لِمَا فِيهِ مِنْ زِيَادَةِ إيلَامٍ مِنْ غَيْرِ حَاجَةٍ إلَيْهَا، وَفِي الْحَدِيثِ «أَلَا لَا تَنْخَعُوا الذَّبِيحَةَ» وَالنَّخْعُ الْقَتْلُ الشَّدِيدُ حَتَّى يَبْلُغَ النُّخَاعَ. (بدائع الصنائع ج ٦ ص ٢٧٠ دار الكتب العلمية)

وَيُسْتَحَبُّ الِاكْتِفَاءُ بِقَطْعِ الْأَوْدَاجِ وَلَا يُبَايَنُ الرَّأْسُ وَلَوْ فَعَلَ يُكْرَهُ (الفتاوى الهندية ج ٥ ص ٢٨٧ دار الفكر)

[9] وَمِنْهَا أَنْ يَكُونَ ذَلِكَ مِنْ قِبَلِ الْحُلْقُومِ وَيُكْرَهُ مِنْ قِبَلِ الْقَفَا لِمَا مَرَّ. (بدائع الصنائع ج ٦ ص ٢٧٠ دار الكتب العلمية)

result the animal dies before the required vessels are cut, the animal will then be unlawful for consumption.[10]

The above ruling is based on the principle of life being a condition for the animal at the time of slaughter. In other words, an animal can only be *halāl* for consumption if the animal had life at the time when the slaughter was executed.[11]

3) The obligation of mentioning Allah's name:

As mentioned above, the name of Allah (*tasmiyah*) must be pronounced at the time of slaughtering.[12]

The Fuqahā' state the following in relation to the laws of *tasmiyah*:

a) The slaughterer has to recite the *tasmiyah*. The *tasmiyah* cannot be written anywhere or played on a tape. Many mechanical slaughter plants use a written *tasmiyah* or a tape recorded with the

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١٠ وَإِنْ ضَرَبَهَا مِنْ الْقَفَا فَإِنْ مَاتَتْ قَبْلَ الْقَطْعِ بِأَنْ ضَرَبَ عَلَى التَّأَنِّي وَالتَّوَقُّفِ لَا تُؤْكَلُ؛ لِأَنَّهَا مَاتَتْ قَبْلَ الذَّكَاةِ فَكَانَتْ مَيْتَةً وَإِنْ قَطَعَ الْعُرُوقَ قَبْلَ مَوْتِهَا تُؤْكَلْ لِوُجُودِ فِعْلِ الذَّكَاةِ وَهِيَ حَيَّةٌ إلَّا أَنَّهُ يُكْرَهُ ذَلِكَ؛ لِأَنَّهُ زَادَ فِي أَلَمِهَا مِنْ غَيْرِ حَاجَةٍ وَإِنْ أَمْضَى فِعْلَهُ مِنْ غَيْرِ تَوَقُّفٍ تُؤْكَلُ؛ لِأَنَّ الظَّاهِرَ أَنَّ مَوْتَهَا بِالذَّكَاةِ. (بدائع الصنائع ج ٦ ص ٢٠٧ دار الكتب)

١١ (وَمِنْهَا) قِيَامُ أَصْلِ الْحَيَاةِ فِي الْمُسْتَأْمَنِ وَقْتَ الذَّبْحِ قَلَّتْ أَوْ كَثُرَتْ فِي قَوْلِ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ - وَعِنْدَ أَبِي يُوسُفَ وَمُحَمَّدٍ رَحِمَهُمَا اللَّهُ لَا يُكْتَفَى بِقِيَامِ أَصْلِ الْحَيَاةِ بَلْ تُعْتَبَرُ حَيَاةً مَقْدُورَةً كَالشَّاةِ الْمَرِيضَةِ وَالْوَقِيذَةِ وَالنَّطِيحَةِ وَجَرِيحَةِ السَّبُعِ إذَا لَمْ يَبْقَ فِيهَا إلَّا حَيَاةٌ قَلِيلَةٌ عُرِفَ ذَلِكَ بِالصِّيَاحِ أَوْ بِتَحْرِيكِ الذَّنَبِ أَوْ طَرْفِ الْعَيْنِ أَوْ التَّنَفُّسِ وَأَمَّا خُرُوجُ الدَّمِ فَلَا يَدُلُّ عَلَى الْحَيَاةِ إلَّا إذَا كَانَ يَخْرُجُ كَمَا يَخْرُجُ مِنْ الْحَيِّ الْمُطْلَقِ فَإِذَا ذَبَحَهَا وَفِيهَا قَلِيلُ حَيَاةٍ عَلَى الْوَجْهِ الَّذِي ذَكَرْنَا تُؤْكَلُ عِنْدَ أَبِي حَنِيفَةَ - رَضِيَ اللَّهُ عَنْهُ -.(بدائع الصنائع ج ٦ ص ٢٤٩ دار الكتب العلمية)

وَمِنْهَا قِيَامُ أَصْلِ الْحَيَاةِ فِي الْمُسْتَأْنَسِ وَقْتَ الذَّبْحِ قَلَّتْ أو كَثُرَتْ في قَوْلِ أبي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى وَعِنْدَ أبي يُوسُفَ وَمُحَمَّدٍ رَحِمَهُمَا اللَّهُ تَعَالَى لَا يُكْتَفَى بِقِيَامِ أَصْلِهَا بَلْ تُعْتَبَرُ حَيَاةٌ مُسْتَقِرَّةٌ كَذَا في الْبَدَائِعِ الْمُتَرَدِّيَةُ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالشَّاةُ الْمَرِيضَةُ وَالنَّطِيحَةُ وَمَشْقُوقَةُ الْبَطْنِ إذَا ذُبِحَتْ يُنْظَرُ إنْ كان فيها حَيَاةٌ مُسْتَقِرَّةٌ حَلَّتْ بالذَّبْحِ بِالْإِجْمَاعِ وَإِنْ لم تَكُنْ الْحَيَاةُ فيها مُسْتَقِرَّةً تَحِلُّ بِالذَّبْحِ سَوَاءٌ عَاشَ أو لَا يَعِيشُ عِنْدَ أبي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى وهو الصَّحِيحُ وَعَلَيْهِ الْفَتْوَى كَذَا في مُحِيطِ السَّرَخْسِيِّ (الفتاوى الهندية ج ٥ ص ٢٨٦ دار الفكر)

١٢ (وَتُشْتَرَطُ) التَّسْمِيَةُ مِنْ الذَّابِحِ (حَالَ الذَّبْحِ) (من الدر المختار في رد المحتار على الدر المختار ٦ ص ٣٠٢ أيج أيم سعيد)
وَأَمَّا شَرَائِطُ الرُّكْنِ فَمِنْهَا أَنْ تَكُونَ التَّسْمِيَةُ مِنْ الذَّابِحِ حَتَّى لَوْ سَمَّى غَيْرُهُ وَالذَّابِحُ سَاكِتٌ وَهُوَ ذَاكِرٌ غَيْرُ نَاسٍ لَا يَحِلُّ؛ لِأَنَّ الْمُرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذْكَرْ اسْمُ اللَّهِ عَلَيْهِ مِنْ الذَّابِحِ فَكَانَتْ مَشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٥ ص ٤٨ دار الكتب العلمية)

recitation of the *tasmiyah*. A slaughter processed through such a plant will be unlawful to consume. The *tasmiyah* must be administered by the human slaughterer.[13]

b) The *tasmiyah* must be pure *dhikr*- free of any meaning denoting a *duʿā'*.[14]

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١٣ وَأَمَّا شَرَائِطُ الرُّكْنِ فَمِنْهَا أَنْ تَكُونَ التَّسْمِيَةُ مِنْ الذَّابِحِ حَتَّى لَوْ سَمَّى غَيْرُهُ وَالذَّابِحُ سَاكِتٌ وَهُوَ ذَاكِرٌ غَيْرُ نَاسٍ لَا يَحِلُّ؛ لِأَنَّ الْمُرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذْكَرْ اسْمُ اللَّهِ عَلَيْهِ مِنْ الذَّابِحِ فَكَانَتْ مَشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

(قَوْلُهُ مِنْ الذَّابِحِ) أَرَادَ بِالذَّابِحِ مُحَلِّلَ الْحَيَوَانِ لِيَشْمَلَ الرَّامِيَ وَالْمُرْسِلَ وَوَاضِعَ الْحَدِيدِ اهـ ح. وَاحْتَرَزَ بِهِ عَمَّا لَوْ سَمَّى لَهُ غَيْرُهُ فَلَا تَحِلُّ كَمَا قَدَّمْنَاهُ وَشَمِلَ مَا إذَا كَانَ الذَّابِحُ اثْنَيْنِ، فَلَوْ سَمَّى أَحَدُهُمَا وَتَرَكَ الثَّانِي عَمْدًا حُرِّمَ أَكْلُهُ كَمَا فِي التَّتَارْخَانِيَّة، وَسَيَذْكُرُهُ لُغْزًا مَعَ جَوَابِهِ نَظْمًا فِي آخِرِ الْأُضْحِيَّةِ (رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

١٤ (وَالشَّرْطُ) فِي التَّسْمِيَةِ (هُوَ الذِّكْرُ الْخَالِصُ) عَنْ شَوْبِ الدُّعَاءِ وَغَيْرِهِ (فَبِقَوْلِهِ اللَّهُمَّ اغْفِرْ لِي لَا تَحِلُّ ؛ لِأَنَّهُ مَحْضُ دُعَاءٍ (بِخِلَافِ: الْحَمْدُ لِلَّهِ وَسُبْحَانَ اللَّهِ بِقَصْدِ التَّسْمِيَةِ) فَإِنَّهُ ذِكْرٌ خَالِصٌ (فَلَوْ عَطَسَ فَقَالَ الْحَمْدُ لِلَّهِ لَا تَحِلُّ) لِعَدَمِ قَصْدِ التَّسْمِيَةِ (وَالْمَشْهُورُ) الْمُتَدَاوَلُ فِي الْأَلْسِنَةِ (وَهُوَ بِاسْمِ اللَّهِ وَاَللَّهُ أَكْبَرُ) مَنْقُولٌ عَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا (درر الحكام شرح غرر الحكام ج ١ ص ٢٧٩ مير محمد كتب خانه)

وَالشَّرْطُ هُوَ الذِّكْرُ الْخَالِصُ الْمُجَرَّدُ عَلَى مَا قَالَ ابْنُ مَسْعُودٍ جَرِّدُوا التَّسْمِيَةَ حَتَّى لَوْ قَالَ مَكَانَ التَّسْمِيَةِ اللَّهُمَّ اغْفِرْ لِي لَمْ تُؤْكَلْ لِأَنَّهُ دُعَاءٌ وَسُؤَالٌ، وَلَوْ قَالَ: سُبْحَانَ اللَّهِ أَوْ الْحَمْدُ لِلَّهِ أَوْ لَا إلَهَ إلَّا اللَّهُ يُرِيدُ التَّسْمِيَةَ أَجْزَأَهُ لِأَنَّ الْمَأْمُورَ بِهِ ذِكْرُ اللَّهِ تَعَالَى عَلَى وَجْهِ التَّعْظِيمِ، وَلَوْ عَطَسَ عِنْدَ الذَّبْحِ فَقَالَ: الْحَمْدُ لِلَّهِ لَا يُجْزِيهِ عَنْ التَّسْمِيَةِ وَكَذَا إذَا قَالَ: الْحَمْدُ لِلَّهِ يُرِيدُ الشُّكْرَ دُونَ التَّسْمِيَةِ لَا تُؤْكَلُ وَلَا يَنْبَغِي أَنْ يَذْكُرَ مَعَ اسْمِ اللَّهِ تَعَالَى شَيْئًا غَيْرَهُ مِثْلُ أَنْ يَقُولَ: بِسْمِ اللَّهِ مُحَمَّدٌ رَسُولُ اللَّهِ، (الجوهرة النيرة ج ٢ ص ٢٧٦ مكتبة حقانية)

م: (والشرط هو الذكر الخالص المجرد) ش: أي وشرط حل الذكاة هو الذكر الخالص لله سبحانه وتعالى المجرد عن غيره م: (على ما قال ابن مسعود - رَضِيَ اللَّهُ تَعَالَى عَنْهُ -: جردوا التسمية) ش: هذا غريب لم يثبت عن ابن مسعود - رَضِيَ اللَّهُ عَنْهُ -، وإنما ذكر عن أصحابنا في كتبهم م: (حتى لو قال عند الذبح: اللهم اغفر لي، لا يحل لأنه دعاء وسؤال) ش: فلم يكن ذكرا خالصا، وأشار به إلى أنه لو قدمه أو أخره لا بأس به م: (ولو قال: الحمد لله أو سبحان الله يريد التسمية حل) ش: بلا خلاف.
وقال محمد - رَحِمَهُ اللَّهُ - في " الأمالى ": أرأيت إن ذبح فقال الحمد على ذبيحته، و لم يزد على ذلك أو قال: الله أكبر، أو سبحان الله، قال: إن كان يريد بذلك التسمية فإنه يؤكل، وإن كان لا يريد بذلك التسمية فإنه لا يؤكل. قال شيخ الإسلام - رَحِمَهُ اللَّهُ - خواهر زاده في " شرحه ": وهذا لأن هذه الألفاظ ليست بصريحة في باب التسمية. والصريح في باب التسمية اسم الله، وإذا لم تكن هذه الألفاظ صريحة في الباب كانت كناية، وإنما تقوم مقام الصريح بالنية كما في كنايات الطلاق إن نوى الطلاق كان طلاقا، وإلا فلا فكذا. (البناية شرح الهداية ج ١٤ ص ٢٧٢ المكتبة الحقانية)

c) It is permissible to pronounce the *tasmiyah* in a language other than Arabic.[15]
d) The name of Allah must be said independently. Not even in the name of the Prophet salallahu alaihi wasallam should be mentioned in the same breath.[16]

وإذا قال مكان التسمية: الله أكبر، أو قال: سبحان الله، أو قال: الحمد لله، فإن أراد به التسمية يحل، وإن أراد به التسبيح والتحميد والتكبير؛ لا يحل، وإن قال: اللهم اغفر لي، اللهم تقبل مني؛ لا يحل. (المحيط البرهاني ج ٨ ص ٤٥١ إدارة القرآن)

[15] إذا سمى على الذبيح بالفارسية يجوز (المحيط البرهاني ج ٨ ص ٤٥١ إدارة القرآن)
قالَ – رَحِمَهُ اللَّهُ – (أَوْ ذَبَحَ وَسَمَّى بِهَا) أَيْ بِالْفَارِسِيَّةِ وَهُوَ جَائِزٌ بِالِاتِّفَاقِ؛ لِأَنَّ الشَّرْطَ فِيهِ الذِّكْرُ وَهُوَ حَاصِلٌ بِأَيِّ لُغَةٍ كَانَ (تبيين الحقائق ج ١ ص ١١١ المطبعة الكبرى الأميرية – بولاق)
وَلَوْ سَمَّى بِالْفَارِسِيَّةِ أَوْ الرُّومِيَّةِ وَهُوَ يُحْسِنُ الْعَرَبِيَّةَ أَوْ لَا يُحْسِنُهَا أَجْزَأَهُ.(الجوهرة النيرة ج ٢ ص ٢٧٦ مكتبة حقانية)
[16] قَالَ – رَحِمَهُ اللَّهُ – (وَكُرِهَ أَنْ يَذْكُرَ مَعَ اسْمِ اللَّهِ غَيْرَهُ وَأَنْ يَقُولَ عِنْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانٍ، وَإِنْ قَالَ قَبْلَ التَّسْمِيَةِ وَالْإِضْجَاعِ جَازَ) وَهَذَا النَّوْعُ عَلَى ثَلَاثَةِ أَوْجُهٍ: أَحَدُهَا أَنْ يَذْكُرَهُ مَوْصُولًا مِنْ غَيْرِ عَطْفٍ فَيُكْرَهُ وَلَا تَحْرُمُ الذَّبِيحَةُ مِثْلُ أَنْ يَقُولَ بِاسْمِ اللَّهِ، مُحَمَّدٌ رَسُولُ اللَّهِ بِالرَّفْعِ؛ لِأَنَّ اسْمَ الرَّسُولِ غَيْرُ مَذْكُورٍ عَلَى سَبِيلِ الْعَطْفِ فَيَكُونُ مُبْتَدَأً لَكِنْ يُكْرَهُ لِوُجُودِ الْوَصْلِ صُورَةً، وَإِنْ قَالَ بِالْخَفْضِ لَا يَحِلُّ ذِكْرُهُ فِي النَّوَازِلِ وَقَالَ: بَعْضُهُمْ هَذَا إذَا كَانَ يَعْرِفُ النَّحْوَ وَالْأَوْجَهُ أَنْ لَا يُعْتَبَرَ الْإِعْرَابُ بَلْ يَحْرُمُ مُطْلَقًا بِالْعَطْفِ؛ لِأَنَّ كَلَامَ النَّاسِ الْيَوْمَ لَا يَجْرِي عَلَيْهِ وَمِنْ هَذَا النَّوْعِ أَنْ يَقُولَ: اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانٍ؛ لِأَنَّ الشَّرِكَةَ لَمْ تُوجَدْ وَلَمْ يَكُنْ الذَّبْحُ وَاقِعًا عَلَيْهِ وَلَكِنْ يُكْرَهُ لِمَا ذَكَرْنَا. وَالثَّانِي: أَنْ يُذْكَرَ مَوْصُولًا عَلَى سَبِيلِ الْعَطْفِ وَالشَّرِكَةِ نَحْوُ أَنْ يَقُولَ بِاسْمِ اللَّهِ وَاسْمِ فُلَانٍ أَوْ بِاسْمِ اللَّهِ وَفُلَانٍ أَوْ بِاسْمِ اللَّهِ وَمُحَمَّدٍ رَسُولِ اللَّهِ بِالْجَرِّ فَتَحْرُمُ الذَّبِيحَةُ؛ لِأَنَّهُ أُهِلَّ بِهِ لِغَيْرِ اللَّهِ تَعَالَى وَقَدْ قَالَ تَعَالَى {وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ} [البقرة: ١٧٣] وَقَالَ – عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ – «مَوْطِنَانِ لَا أُذْكَرُ فِيهِمَا عِنْدَ الْعُطَاسِ وَعِنْدَ الذَّبْحِ» وَلَوْ رَفَعَ الْمَعْطُوفَ عَلَى اسْمِ اللَّهِ يَحِلُّ؛ لِأَنَّهُ مُبْتَدَأٌ وَاخْتَلَفُوا فِي النَّصْبِ وَيُكْرَهُ فِيهِمَا بِالِاتِّفَاقِ لِوُجُودِ الْوَصْلِ صُورَةً.
وَالثَّالِثُ: أَنْ يَقُولَ مَفْصُولًا عَنْهُ صُورَةً وَمَعْنًى بِأَنْ يَقُولَ قَبْلَ أَنْ يُضْجِعَ الشَّاةَ، أَوْ قَبْلَ التَّسْمِيَةِ، أَوْ بَعْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ هَذَا مِنِّي أَوْ مِنْ فُلَانٍ وَهَذَا لَا يُكْرَهُ لِمَا رُوِيَ «أَنَّهُ – صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ – قَالَ بَعْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ هَذَا عَنْ أُمَّةِ مُحَمَّدٍ مِمَّنْ شَهِدَ لَك بِالْوَحْدَانِيَّةِ وَلِي بِالْبَلَاغِ» وَكَانَ – عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ – يَقُولُ «إذَا أَرَادَ أَنْ يَذْبَحَ اللَّهُمَّ هَذَا مِنْك وَلَك، إنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ وَبِذَلِكَ أُمِرْتُ وَأَنَا أَوَّلُ الْمُسْلِمِينَ بِاسْمِ اللَّهِ وَاَللَّهُ أَكْبَرُ ثُمَّ ذَبَحَ» وَهَكَذَا رُوِيَ عَنْ عَلِيٍّ كَرَّمَ اللَّهُ وَجْهَهُ(تبيين الحقائق ج ٥ ص ٢٨٩ المطبعة الكبرى الأميرية – بولاق)

(وَمِنْهَا) تَجْرِيدُ اسْمِ اللَّهِ سُبْحَانَهُ وَتَعَالَى عَنْ اسْمِ غَيْرِهِ وَإِنْ كَانَ اسْمَ النَّبِيِّ – عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ – حَتَّى لَوْ قَالَ بِسْمِ اللَّهِ وَاسْمِ الرَّسُولِ لَا يَحِلُّ؛ لِقَوْلِهِ تَعَالَى {وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ} [المائدة: ٣] وَقَوْلِ النَّبِيِّ – عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ – «مَوْطِنَانِ لَا أُذْكَرُ فِيهِمَا: عِنْدَ الْعُطَاسِ، وَعِنْدَ الذَّبْحِ» ، وَقَوْلِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ – رَضِيَ اللَّهُ عَنْهُمَا – جَرِّدُوا التَّسْمِيَةَ عِنْدَ الذَّبْحِ؛ وَلِأَنَّ الْمُشْرِكِينَ يَذْكُرُونَ مَعَ اللَّهِ سُبْحَانَهُ وَتَعَالَى غَيْرَهُ فَتَجِبُ مُخَالَفَتُهُمْ بِالتَّجْرِيدِ، وَلَوْ قَالَ: بِسْمِ اللَّهِ وَمُحَمَّدٌ رَسُولُ اللَّهِ فَإِنْ قَالَ: وَمُحَمَّدٍ بِالْجَرِّ لَا يَحِلُّ؛ لِأَنَّهُ أَشْرَكَ فِي اسْمِ اللَّهِ عَزَّ شَأْنُهُ اسْمَ غَيْرِهِ، وَإِنْ قَالَ: مُحَمَّدٌ بِالرَّفْعِ يَحِلُّ؛ لِأَنَّهُ لَمْ يَعْطِفْهُ بَلْ اسْتَأْنَفَ فَلَمْ يُوجَدْ الْإِشْرَاكُ إلَّا أَنَّهُ يُكْرَهُ لِوُجُودِ الْوَصْلِ مِنْ حَيْثُ الصُّورَةُ فَيُتَصَوَّرُ بِصُورَةِ الْحَرَامِ فَيُكْرَهُ، (بدائع الصنائع ج ٦ ص ٢٤٥ دار الكتب العلمية)

e) The *tasmiyah* must be purely to pronounce the name of Allah without any ulterior motive like *duʿā'*.[17]

f) In a voluntary slaughter (الذكاة الاختيارية), the *tasmiyah* is administered on the animal. In an emergency slaughter (الذكاة الاضطرارية) , the *tasmiyah* takes place on the weapon.[18]

So in an emergency slaughter, whichever animal is hit with a bullet, that animal will be deemed lawful. In a voluntary slaughter, only that animal upon which the *tasmiyah* was administered specifically will be regarded to be permissible. Hence, even if a person changes the knife he uses, it will not make a difference as the animal has been administered with the *tasmiyah*.

g) The slaughterer must issue the *tasmiyah* upon the specific animal he is about to slaughter.[19] The *tasmiyah* must be administered on each and every animal individually in the scenario where animals are cut one after another. [20]

قَالَ: (وَيُكْرَهُ أَنْ يَذْكُرَ مَعَ اسْمِ اللَّهِ – تَعَالَى – اسْمَ غَيْرِهِ، وَأَنْ يَقُولَ: اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانٍ) ; لِأَنَّ الشَّرْطَ هُوَ الذِّكْرُ الْخَالِصُ، لِقَوْلِ ابْنِ مَسْعُودٍ: جَرِّدُوا التَّسْمِيَةَ، فَإِذَا ذُكِرَ اسْمُ غَيْرِ اللَّهِ – تَعَالَى – مَعَ اسْمِ اللَّهِ – تَعَالَى – فَأَمَّا إنْ ذَكَرَهُ مَوْصُولًا بِهِ أَوْ مَفْصُولًا، فَإِنْ فَصَلَ فَلَا بَأْسَ بِأَنْ ذَكَرَهُ قَبْلَ التَّسْمِيَةِ أَوْ قَبْلَ الْإِضْجَاعِ أَوْ بَعْدَ الذَّبِيحَةِ ; لِأَنَّهُ لَا مَدْخَلَ لَهُ فِي الذَّبِيحَةِ. وَرُوِيَ أَنَّهُ – صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ – «قَالَ بَعْدَ الذَّبْحِ: " اللَّهُمَّ تَقَبَّلْ هَذِهِ مِنْ أُمَّةِ مُحَمَّدٍ مِمَّنْ شَهِدَ لَكَ بِالْوَحْدَانِيَّةِ وَلِيَ بِالْبَلَاغِ» ، وَإِنْ ذَكَرَهُ مَوْصُولًا، فَأَمَّا إنْ كَانَ مَعْطُوفًا أَوْ لَمْ يَكُنْ، فَإِنْ كَانَ مَعْطُوفًا حُرِّمَتْ ; لِأَنَّهُ أَهَلَّ بِهِ لِغَيْرِ اللَّهِ بِأَنْ يَقُولَ: بِاسْمِ اللَّهِ وَاسْمِ فُلَانٍ، أَوْ بِاسْمِ اللَّهِ وَفُلَانٍ، أَوْ بِاسْمِ اللَّهِ وَمُحَمَّدٍ رَسُولِ اللَّهِ بِكَسْرِ الدَّالِ، وَلَوْ رَفَعَهَا لَا يَحْرُمُ لِأَنَّهُ كَلَامٌ مُسْتَأْنَفٌ غَيْرُ مُتَعَلِّقٍ بِالذَّبِيحَةِ، وَإِنْ كَانَ مَوْصُولًا غَيْرَ مَعْطُوفٍ بِأَنْ قَالَ: بِاسْمِ اللَّهِ مُحَمَّدٌ رَسُولُ اللَّهِ لَا يَحْرُمُ لِأَنَّهُ لَمَّا لَمْ يَعْطِفْ لَمْ تُوجَدِ الشَّرِكَةُ فَيَقَعُ الذَّبْحُ خَالِصًا لِلَّهِ – تَعَالَى – إلَّا أَنَّهُ يُكْرَهُ ; لِأَنَّهُ صُورَةُ الْمُحَرَّمِ مِنْ حَيْثُ الْقِرَانِ فِي الذِّكْرِ، وَلَوْ قَالَ عِنْدَ الذَّبْحِ: اللَّهُمَّ اغْفِرْ لِي، لَا يَحِلُّ لِأَنَّهُ دُعَاءٌ، وَلَوْ قَالَ: الْحَمْدُ لِلَّهِ أَوْ سُبْحَانَ اللَّهِ، يَنْوِي التَّسْمِيَةَ حَلَّ، وَالْمَنْقُولُ الْمُتَوَارَثُ مِنَ الذِّكْرِ عِنْدَ الذَّبْحِ: بِسْمِ اللَّهِ، اللَّهُ أَكْبَرُ، وَكَذَا فَسَّرَ ابْنُ عَبَّاسٍ – رَضِيَ اللَّهُ عَنْهُمَا – قَوْلَهُ: {فَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهَا صَوَافَّ} [الحج: ٣٦] . (الاختيار ج ٥ ص ١٠ دار الكتب العلمية)

[17] (وَمِنْهَا) أَنْ يَقْصِدَ بِذِكْرِ اسْمِ اللَّهِ تَعَالَى تَعْظِيمَهُ عَلَى الْخُلُوصِ وَلَا يَشُوبُهُ مَعْنَى الدُّعَاءِ حَتَّى لَوْ قَالَ: اللَّهُمَّ اغْفِرْ لِي لَمْ يَكُنْ ذَلِكَ تَسْمِيَةً؛ لِأَنَّهُ دُعَاءٌ وَالدُّعَاءُ لَا يُقْصَدُ بِهِ التَّعْظِيمُ الْمَحْضُ فَلَا يَكُونُ تَسْمِيَةً كَمَا لَا يَكُونُ تَكْبِيرًا، وَفِي قَوْلِهِ اللَّهُمَّ اخْتَلَفَ الْمَشَايِخُ كَمَا فِي التَّكْبِيرِ. (بدائع الصنائع ج ٦ ص ٢٤٥ دار الكتب العلمية)

[18] (قَوْلُهُ حَالَ الذَّبْحِ إلَخْ) قَالَ فِي الْهِدَايَةِ: ثُمَّ التَّسْمِيَةُ فِي ذَكَاةِ الِاخْتِيَارِ تُشْتَرَطُ عِنْدَ الذَّبْحِ، وَهِيَ عَلَى الْمَذْبُوحِ وَفِي الصَّيْدِ تُشْتَرَطُ عِنْدَ الْإِرْسَالِ وَالرَّمْيِ، وَهِيَ عَلَى الْآلَةِ حَتَّى إذَا أَضْجَعَ شَاةً وَسَمَّى وَذَبَحَ غَيْرَهَا بِتِلْكَ التَّسْمِيَةِ لَا يَجُوزُ، وَلَوْ رَمَى إلَى صَيْدٍ وَسَمَّى وَأَصَابَ غَيْرَهُ حَلَّ، وَكَذَا فِي الْإِرْسَالِ، وَلَوْ أَضْجَعَ شَاةً وَسَمَّى ثُمَّ رَمَى بِالشَّفْرَةِ وَذَبَحَ بِأُخْرَى أُكِلَ، وَإِنْ سَمَّى عَلَى سَهْمٍ ثُمَّ رَمَى بِغَيْرِهِ صَيْدًا لَا يُؤْكَلُ اهـــ (رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

[19] وَأَمَّا الذي يَرْجِعُ إلَى مَحَلِّ الذَّكَاةِ فَمِنْهَا تَعْيِينُ الْمَحَلِّ بِالتَّسْمِيَةِ في الذَّكَاةِ الِاخْتِيَارِيَّةِ وَعَلَى هذا يَخْرُجُ ما إذَا ذَبَحَ وَسَمَّى ثُمَّ ذَبَحَ أُخْرَى يَظُنُّ أَنَّ التَّسْمِيَةَ الْأُولَى تُجْزِئُ عنهما لم تُؤْكَلْ فَلَا بُدَّ أَنْ يُجَدِّدَ لِكُلِّ ذَبِيحَةٍ تَسْمِيَةً على حِدَةٍ (الفتاوى الهندية ج ٥ ص ٢٨٦ مكتبة الرشيدية)

(قَوْلُهُ حَالَ الذَّبْحِ إلَخْ) قَالَ فِي الْهِدَايَةِ: ثُمَّ التَّسْمِيَةُ فِي ذَكَاةِ الِاخْتِيَارِ تُشْتَرَطُ عِنْدَ الذَّبْحِ، وَهِيَ عَلَى الْمَذْبُوحِ وَفِي الصَّيْدِ تُشْتَرَطُ عِنْدَ الْإِرْسَالِ وَالرَّمْيِ، وَهِيَ عَلَى الْآلَةِ حَتَّى إذَا أَضْجَعَ شَاةً وَسَمَّى وَذَبَحَ غَيْرَهَا بِتِلْكَ التَّسْمِيَةِ لَا يَجُوزُ، وَلَوْ رَمَى إلَى صَيْدٍ وَسَمَّى وَأَصَابَ غَيْرَهُ

In fact, the *Fuqahā'* are so sensitive to this that they state if a person happened to gaze at his flock of sheep and recited the *tasmiyah*, he then selected one sheep and slaughtered it, the specific animal he slaughtered will be unlawful to consume.[21]
Imam Burhān al-deen rahimahullah states that if a person intends to slaughter multiple animals not simultaneously, then the *tasmiyah* administered on the first animal will not suffice for the rest of the animals.[22]

In the machine slaughter process, no specific animal is specified at the time of slaughter. The workers at the plant have hundreds of chicken in front of them. It is very difficult to single out each and every chicken with the *tasmiyah* at the time of the slaughter due to the speed of the process and the number of chickens passing by. Thus, it is very likely many chickens will be slaughtered without the *tasmiyah* being recited upon them in the machine slaughter process. This will render all such animals as unlawful. If this is the case with 50% of the animals or more, all the slaughtered meat will be unlawful to consume.[23]

حَلَّ، وَكَذَا فِي الْإِرْسَالِ، وَلَوْ أَضْجَعَ شَاةً وَسَمَّى ثُمَّ رَمَى بِالشَّفْرَةِ وَذَبَحَ بِأُخْرَى أُكِلَ، وَإِنْ سَمَّى عَلَى سَهْمٍ ثُمَّ رَمَى بِغَيْرِهِ صَيْدًا لَا يُؤْكَلُ اهـ (رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

(وَمِنْهَا) أَنْ يُرِيدَ بِهَا التَّسْمِيَةَ عَلَى الذَّبِيحَةِ فَإِنَّ مَنْ أَرَادَ بِهَا التَّسْمِيَةَ لِافْتِتَاحِ الْعَمَلِ لَا يَحِلُّ؛ لِأَنَّ اللَّهَ سُبْحَانَهُ وَتَعَالَى أَمَرَ بِذِكْرِ اسْمِ اللَّهِ تَعَالَى عَلَيْهِ فِي الْآيَاتِ الْكَرِيمَةِ وَلَا يَكُونُ ذِكْرُ اسْمِ اللَّهِ عَلَيْهِ إلَّا وَأَنْ يُرَادَ بِهَا التَّسْمِيَةُ عَلَى الذَّبِيحَةِ، وَعَلَى هَذَا إذَا قَالَ: الْحَمْدُ لِلَّهِ وَلَمْ يُرِدْ بِهِ الْحَمْدَ عَلَى سَبِيلِ الشُّكْرِ لَا يَحِلُّ، وَكَذَا لَوْ سَبَّحَ أَوْ هَلَّلَ أَوْ كَبَّرَ وَلَمْ يُرِدْ بِهِ التَّسْمِيَةَ عَلَى الذَّبِيحَةِ وَإِنَّمَا أَرَادَ بِهِ وَصْفَهُ بِالْوَحْدَانِيَّةِ وَالتَّنَزُّهِ عَنْ صِفَاتِ الْحُدُوثِ لَا غَيْرُ لَا يَحِلُّ لِمَا قُلْنَا. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

[20] لَوْ أَضْجَعَ شَاتَيْنِ إحْدَاهُمَا فَوْقَ الْأُخْرَى فَذَبَحَهُمَا ذَبْحَةً وَاحِدَةً بِتَسْمِيَةٍ وَاحِدَةٍ حَلَّا، بِخِلَافِ مَا لَوْ ذَبَحَهُمَا عَلَى التَّعَاقُبِ لِأَنَّ الْفِعْلَ يَتَعَدَّدُ فَتَتَعَدَّدُ التَّسْمِيَةُ ذَكَرَهُ الزَّيْلَعِيُّ فِي الصَّيْدِ (الدر المختار من نسخة رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)
وَأَمَّا الذي يَرْجِعُ إلَى مَحَلِّ الذَّكَاةِ فَمِنْهَا تَعْيِينُ الْمَحَلِّ بِالتَّسْمِيَةِ في الذَّكَاةِ الِاخْتِيَارِيَّةِ وَعَلَى هذا يَخْرُجُ ما إذَا ذَبَحَ وَسَمَّى ثُمَّ ذَبَحَ أُخْرَى يَظُنُّ أَنَّ التَّسْمِيَةَ الْأُولَى تُجْزِئُ عنهما لم تُؤْكَلْ فَلَا بُدَّ أَنْ يُجَدِّدَ لِكُلِّ ذَبِيحَةٍ تَسْمِيَةً على حِدَةٍ (الفتاوى الهندية ج ٥ ص ٢٨٦ مكتبة الرشيدية)

[21] وَلَوْ أَنَّ رَجُلًا نَظَرَ إلَى غَنَمِهِ فَقَالَ: بِسْمِ اللَّهِ، ثُمَّ أَخَذَ وَاحِدَةً فَأَضْجَعَهَا وَذَبَحَهَا وَتَرَكَ التَّسْمِيَةَ عَامِدًا وَظَنَّ أَنَّ تِلْكَ التَّسْمِيَةَ تُجْزِيهِ لَا تُؤْكَلُ؛ لِأَنَّهُ لَمْ يُسَمِّ عِنْدَ الذَّبْحِ وَالشَّرْطُ هُوَ التَّسْمِيَةُ عَلَى الذَّبِيحَةِ وَذَلِكَ بِالتَّسْمِيَةِ عِنْدَ الذَّبْحِ نَفْسِهِ لَا عِنْدَ النَّظَرِ، وَتَعْيِينُ الذَّبِيحَةِ مَقْدُورٌ فَيُمْكِنُ أَنْ يُجْعَلَ شَرْطًا وَتَعْيِينُ الصَّيْدِ بِالرَّمْيِ وَالْإِرْسَالِ مُتَعَذِّرٌ لِمَا بَيَّنَّا فَلَمْ يُمْكِنْ أَنْ يُجْعَلَ شَرْطًا. (بدائع الصنائع ج ٦ ص ٢٤٩ دار الكتب العلمية)

[22] وإذا أراد أن يذبح عددا من الذبائح لم تجزئه التسمية الأولى عما بعدها (المحيط البرهاني ج ٨ ص ٤٥٢ إدارة القرآن)

[23] وَمِنْهَا: لَوْ اخْتَلَطَتْ مَسَالِيخُ الْمُذَكَّاةِ بِمَسَالِيخِ الْمَيْتَةِ، وَلَا عَلَامَةَ تُمَيِّزُ، وَكَانَتْ الْغَلَبَةُ لِلْمَيْتَةِ أَوْ اسْتَوَيَا لَمْ يَجُزْ تَنَاوُلُ شَيْءٍ مِنْهَا، وَلَا بِالتَّحَرِّي إلَّا عِنْدَ الْمَخْمَصَةِ.وَأَمَّا إذَا كَانَتْ الْغَلَبَةُ لِلْمُذَكَّاةِ فَإِنَّهُ يَجُوزُ التَّحَرِّي. (الأشباه والنظائر ج ١ ص٣٠٥)

Thus, in a mechanical slaughter, it is very difficult to have the *tasmiyah* administered on every individual chicken.

4) The delay between the *tasmiyah* and the slaughter (*dhabh*)

The time of pronouncing the *tasmiyah* is at the time of slaughtering the animal.[24] If the pronunciation of the *tasmiyah* is not followed immediately by the slaughtering of the animal, the animal will be deemed unlawful.[25] The *Fuqahā'* have permitted only a short interval between the pronunciation of *tasmiyah* and slaughter based on necessity. The contemporary *Fuqahā'* state that a duration of half a minute to a minute between the pronunciation of the *tasmiyah* and the slaughter will be overlooked.[26]

To demonstrate the shortness of the window of opportunity, the *Fuqahā'* put forth an example of a slaughterer who is on the verge of slaughtering an animal and recites the *tasmiyah*. Thereafter he drinks water, or responds to somebody calling him or takes hold of a knife. Subsequently he slaughters the animal. Upon this the *Fuqahā'* mention that if these actions were for a short period of time, then the *tasmiyah* recited prior to these actions will suffice. If however, the slaughterer had a discussion with another person after reciting the *tasmiyah*, or he sharpened the blade of the knife or he challenged the animal to the ground after it was standing, the *tasmiyah* recited prior to these actions will not suffice due to the interval between the recitation of the *tasmiyah* and the slaughtering of the animal.[27]

In the mechanical slaughter process, thousands of animals are slaughtered every day. The machine is switched on with the *tasmiyah* at the beginning of the day. The machine keeps slaughtering animals the whole day. Hence, the animals slaughtered during the course of the day are hours apart from the

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[24] ثمَّ فِي ذَكَاة الِاخْتِيَار تجب التَّسْمِيَة لكل ذَبِيحَة عِنْد الحز وَالْقطع (تحفة الفقهاء ج ٣ ص ٦٦ دار الكتب العلمية)

(أَمَّا) وَقْتُ التَّسْمِيَةِ فَوَقْتُهَا فِي الذَّكَاةِ الِاخْتِيَارِيَّةِ وَقْتُ الذَّبْحِ لَا يَجُوزُ تَقْدِيمُهَا عَلَيْهِ إلَّا بِزَمَانٍ قَلِيلٍ لَا يُمْكِنُ التَّحَرُّزُ عَنْهُ لِقَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] وَالذَّبْحُ مُضْمَرٌ فِيهِ مَعْنَاهُ وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرْ اسْمُ اللَّهِ تَعَالَى عَلَيْهِ مِنْ الذَّبَائِحِ وَلَا يَتَحَقَّقُ ذِكْرُ اسْمِ اللَّهِ تَعَالَى عَلَى الذَّبِيحَةِ إلَّا وَقْتَ الذَّبْحِ (بدائع الصنائع ج ٦ ص ٢٤٥دار الكتب)

[25] (وَالْمُعْتَبَرُ) (الذَّبْحُ عَقِبَ التَّسْمِيَةِ قَبْلَ تَبَدُّلِ الْمَجْلِسِ) حَتَّى لَوْ أَضْجَعَ شَاتَيْنِ إحْدَاهُمَا فَوْقَ الْأُخْرَى فَذَبَحَهُمَا ذَبْحَةً وَاحِدَةً بِتَسْمِيَةٍ وَاحِدَةٍ حَلَّا، بِخِلَافِ مَا لَوْ ذَبَحَهُمَا عَلَى التَّعَاقُبِ لِأَنَّ الْفِعْلَ يَتَعَدَّدُ فَتَتَعَدَّدُ التَّسْمِيَةُ ذَكَرَهُ الزَّيْلَعِيُّ فِي الصَّيْدِ، وَلَوْ سَمَّى الذَّابِحُ ثُمَّ اشْتَغَلَ بِأَكْلٍ أَوْ شُرْبٍ ثُمَّ ذَبَحَ، إنْ طَالَ وَقَطَعَ الْفَوْرَ حَرُمَ وَإِلَّا لَا، وَحَدُّ الطُّولِ مَا يَسْتَكْثِرُهُ النَّاظِرُ، وَإِذَا حَدَّ الشَّفْرَةَ يَنْقَطِعُ الْفَوْرُ بَزَّازِيَّةٌ. (الدر المختار من نسخة رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

[26] أحسن الفتاوى ج ٧ ص ٤٦٧ أيج أيم سعيد

[27] وَلَوْ أَضْجَعَ شَاةً لِيَذْبَحَهَا وَسَمَّى عَلَيْهَا فَكَلَّمَهُ إنْسَانٌ فَأَجَابَهُ أَوْ اسْتَسْقَى مَاءً فَشَرِبَ أَوْ أَخَذَ السِّكِّينَ فَإِنْ كَانَ قَلِيلًا وَلَمْ يَكْثُرْ ذَلِكَ مِنْهُ ثُمَّ ذَبَحَ عَلَى تِلْكَ التَّسْمِيَةِ تُؤْكَلُ وَإِنْ تَحَدَّثَ وَأَطَالَ الْحَدِيثَ أَوْ أَخَذَ فِي عَمَلٍ آخَرَ أَوْ حَدَّ شَفْرَتَهُ أَوْ كَانَتْ الشَّاةُ قَائِمَةً فَصَرَعَهَا ثُمَّ ذَبَحَ لَا تُؤْكَلُ؛ لِأَنَّ زَمَانَ مَا بَيْنَ التَّسْمِيَةِ وَالذَّبْحِ إذَا كَانَ يَسِيرًا لَا يُعْتَدُّ بِهِ؛ لِأَنَّهُ لَا يُمْكِنُ التَّحَرُّزُ عَنْهُ فَيُلْحَقُ بِالْعَدَمِ وَيُجْعَلُ كَأَنَّهُ سَمَّى مَعَ الذَّبْحِ وَإِذَا كَانَ طَوِيلًا يَقَعُ فَاصِلًا بَيْنَ التَّسْمِيَةِ وَالذَّبْحِ فَيَصِيرُ كَأَنَّهُ سَمَّى فِي يَوْمٍ وَذَبَحَ فِي يَوْمٍ آخَرَ فَلَمْ تُوجَدْ التَّسْمِيَةُ عِنْدَ الذَّبْحِ مُتَّصِلَةً بِهِ. (بدائع الصنائع ج ٦ ص ٢٤٧ دار الكتب العلمية)

recitation of the *tasmiyah*. Therefore, in any mechanical slaughter where there is an interval between the slaughter and the *tasmiyah*, the slaughtered animals will be unlawful to consume.

5) Can the function of the automated mechanical knife be attributed to the operator?

The *Fuqahā'* state that for a slaughter to be valid, it is a pre-requisite that the influence, authority, power, pressure and strength in a slaughter be that of the human slaughterer.[28]

There is a difference of opinion amongst contemporary scholars in respect to whom the automated mechanical knife is attributed to?

Opinion 1:

Hadhrat Mufti Mahmood Sahib rahimahullah of Pakistan opines that the operator of the machine only lifts the barrier (رفع مانع) which inhibits the supply of electricity into machine. He does not play any active role in the slaughter per se.

By pressing the button to activate the machine, one is reconnecting the electricity to the machine which was temporarily disconnected. In reality, it is the electricity which is bringing the machine into motion. It is the influence, power and strength of the electricity which is governing the slaughter. Hence, when the strength and power (قوة محركة) behind the slaughter is the electricity and not the one activating the machine, the slaughtering will be attributed to the electricity and not the human operator.[29]

The scholars who are of this opinion state that the mechanical slaughter process is similar to a non-Muslim who holds a knife in his hand. Person X comes and holds the hand of the non-Muslim. A Muslim thereafter comes, recites the *tasmiyah* and releases the hand of the non-Muslim from the grasp of the person X. As the hand of the non-Muslim slaughterer is released, he slaughters the animal. Will such a slaughter be permissible?

In the above example, the Muslim played the role of removing the barrier (رفع مانع). The one who did the actual slaughtering was the non-Muslim. It was his strength and pressure which did the actual slicing and slaughtering of the animal. Therefore, such a slaughter will be impermissible as the act of slaughtering in such a scenario is clearly the non-Muslim's.

Another example given by the scholars of this opinion is of a rope attached with a knife suspended from the ceiling above an animal's throat. A Muslim recites the *tasmiyah* and cuts the rope. The rope due to its weight comes crashing down towards the animal. Will such a slaughter be permissible? Theses scholars state that the Muslim was again playing the role of removing the obstruction (رفع مانع) which was the suspension of the rope. It was the weight which actually brought speed and power into the knife. Therefore, such a slaughter will be impermissible.

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[28] أحسن الفتاوى ج ٧ ص ٤٧٠ أيج أيم سعيد

[29] أحسن الفتاوى ج ٧ ص ٤٧٠ أيج أيم سعيد

Another point raised by these scholars is that in a mechanical slaughter, even if we consider the act of slaughtering to be the action of the Muslim slaughterer, his involvement in the slaughter is limited only for the short period of pressing the button. When the actual slaughter is taking place, he is not involved at all.

Therefore, according to these scholars, a machine slaughter can never be permissible as the act of slaughter will always be attributed to the electricity and not the Muslim slaughterer.

Opinion 2:

Mufti Rasheed Ahmed Sahib Rahimahullah states that the activating of the machine is not removing the obstruction (رفع مانع). He is of the view that when one presses the button to operate the slaughtering machine, he joins two pieces of metal together which allows the electricity to flow and give birth to motion in the slaughtering machine. Hence, this is known as
إيصال آلة الذبح إلى المذبوح- administering the tool of slaughter upon the animal.

He further adds that there is a clear difference between رفع المانع and إيصال بواسطة as the first is إعدام الموجود and the second is إيجاد المعدوم. In other words, when there is رفع المانع, whatever is present is being removed- here the barrier is being removed. Whereas in إيصال بواسطة, something is being originated- a connection is being brought into existence.

A barrier (مانع) will be considered to exist when a cause (سبب) is present but it is inhibited from influencing and exhibiting its affect due to the presence of a barrier (مانع).

The example of this is when a knife is attached to a rope and suspended from a ceiling; the cause (سبب) is the weight of the knife which is present, but the barrier is the rope preventing the knife's weight from showing it's influence of falling onto the ground. Hence, in this scenario you can say there is a barrier preventing the knife to fall.

However, this example cannot be used to as an analogy for the mechanical slaughter process. In the mechanical slaughter method, there is no path for the electricity to flow as the two metal ends are not meeting one another. They only fuse together when the button is pressed. The cause (سبب) – the meeting of the two metal ends only materialises with the pressing of the operating switch.

Therefore, as a barrier can only be considered when there is a cause present, and no cause is present in the mechanical slaughter process, thus there is no barrier. As a result, this reasoning will not apply.

Another example of this is if there is a fire which is travelling on the ground but a piece of metal is blocking the path of the fire. The piece of metal will be regarded as a barrier (مانع). Moving this piece of metal would be regarded as رفع مانع. Whereas, if a piece of metal was not blocking the way but instead there was no fuel on the ground for the fire to consume and move forward, then this is not regarded as مانع, instead this will be انعدام السبب – nothing to induce the fire to proceed. If a person then places some

fuel for the fire to proceed further, then this will not be رفع مانع, instead this will be مباشرة الفعل – direct inducing.

In the same manner, when a person switches the machine on; he is directly inducing the slaughter as he is the causing the electricity to flow across to the rotating blades which slaughters the animal.

Opinion 3:

إذا اجتمع المباشر والمتسبب أضيف الحكم إلى المباشر

When the direct pursuant (person who is directly involved) and the means come together, the ruling will be attributed to the direct pursuant.[30]

Based on the above principle, Mufti Khalid Saifullah Daamat Barakatuhum states that the direct pursuant (المباشر) is the electric current which is lifeless. Therefore, it is not possible to ascribe the ruling to the electric current. As a result, the ruling will be ascribed to the human being who is the المتسب.[31]

6) The passage of chickens through hot water after slaughtering

The last issue related to the mechanical slaughter process is the issue of the chickens passing through hot water after the slaughtering. After passing through the rotating blade, the chickens are brought to a zone where hot water is released from above in order to remove their feathers. There are two possible issues of contention related to this hot water:

1. When the throat of the chicken is not cut by the rotating blade in a manner which is acceptable in Islamic law, then when it is brought to the area where it will be immersed in hot water it will still have some life left in it. Thus, it is not far-fetched for such a chicken to die because of the heat of the water, making it unlawful to consume.

2. Some object to this method of slaughter because the animal is submersed in the hot water before all the impurities and filth are removed from the stomach of the chicken. Therefore, there is a possibility that these impurities and filth will sometimes seep through and penetrate the meat of the animal because of the boiling temperature of the water. The scholars of Fiqh have said that such a chicken is definitely unlawful to consume. It is mentioned in ad-Durr al-Mukhtār,

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[30] " إِذا اجْتمع الْمُبَاشر " للْفِعْل، أَي الْفَاعِل لَهُ بالذَّاتِ " والمتسبب " لَهُ، أَي المفضي والموصل إِلَى وُقُوعه " يُضَاف الحكم إِلَى الْمُبَاشر " لما تقدم فِي الْمَادَّة السَّابِقَة، من أَن الْفَاعِل هُوَ الْعلَّة المؤثرة، وَالْأَصْل فِي الْأَحْكَام أَن تُضَاف إِلَى عللها المؤثرة لَا إِلَى أَسبَابهَا الموصلة، لِأَن تِلْكَ أقوى وَأقرب، إِذْ المتسبب هُوَ الَّذِي تخَلّل بَين فعله والأثر الْمُتَرَتب عَلَيْهِ، من تلف أَو غَيره، فعل فَاعل مُخْتَار، والمباشر هُوَ الَّذِي يحصل الْأَثر بِفِعْلِهِ من غير أَن يَتَخَلَّل بَينهمَا فعل فَاعل مُخْتَار، فَكَانَ أقرب لإضافة الحكم إِلَيْهِ من المتسبب. قَالَ الرَّمْلِيّ فِي حَاشِيَته على جَامع الْفُصُولَيْنِ (فِي الْفَصْل / ٣٣ صفحة ١٢٤) : إِذا اجْتمع الْمُبَاشر والمتسبب فالمباشر مقدم، كالعلة وَعلة الْعلَّة، وَالْحكم يُضَاف إِلَى الْعلَّة لَا إِلَى عِلّة الْعلَّة.(شرح القواعد الفقهية ص ٤٤٧ دار القلم)

[31] جديد فقهي مسائل ج ٢ ص ١٤٤ زمزم

"The same law will apply to a chicken which is placed in water in order to remove its feathers before it is cleaned."[32] Ibn Abidīn says in his commentary,

"Ibn al-Humām says that this animal can never become lawful, but there is a narration from Imam Abū Yūsuf saying that it is lawful. The cause for this animal becoming unlawful – Allah knows best- is the impurities being absorbed by the meat due to the boiling temperature of the water."[33]

However, this last objection can only apply where the temperature of the water reaches boiling point. In many abattoirs, the temperature of the water does not reach boiling point. The temperature is far below 100 degrees Celsius. Furthermore, the chicken only remains in this hot water for a few minutes, and this is not long enough for the meat to absorb the impurities.

The scholars who hold the view that the chicken becomes unlawful have based their ruling on the fact that the temperature of the water reaches boiling point and the chicken stays in the water long enough for the meat to absorb the impurities. Ibn Abidīn says after mentioning this ruling,

"Based on this principle, it has become famous that the Samīt meat of Egypt is unlawful. However, this will only be the case if the meat is kept in the boiling water for such a period of time in which the impurities normally seep through and penetrate the inside of the meat. This does not occur in the Samīt meat because the water which is used to cook this meat does not reach boiling point and the animal is only kept in the water long enough for the heat to reach the outer skin in order to dilate the pores of the wool. If the animal is left in the water longer, it would become difficult to remove the hair."[34]

Conclusion:

The question and answer reflect multiple issues of concern with the conventional mechanical slaughter procedure. Even if one angle is modified and customised to Sharī'ah standards, others are left requiring urgent attention. Therefore, as a whole, the mechanical slaughter process is not permissible unless the following issues are reviewed and adjusted to meet Sharī'ah standards:

1) The throat is cut correctly with the necessary veins cut each time.
2) The animal dies as a result of the vessels being cut and not as a result from a strike from the back.

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[32] وَكَذَا دَجَاجَةٌ مُلْقَاةٌ حَالَّةٌ عَلَى الْمَاءِ لِلنَّتْفِ قَبْلَ شَقِّهَا فَتْحٌ. (الدر المختار من حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أيم سعيد)

[33] (قَوْلُهُ: وَكَذَا دَجَاجَةٌ إلَخْ) قَالَ فِي الْفَتْحِ: إنَّهَا لَا تَطْهُرُ أَبَدًا لَكِنْ عَلَى قَوْلِ أَبِي يُوسُفَ تَطْهُرُ، وَالْعِلَّةُ – وَاَللَّهُ أَعْلَمُ – تَشَرُّبُهَا النَّجَاسَةَ بِوَاسِطَةِ الْغَلَيَانِ، (حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أيم سعيد)

[34] وَعَلَيْهِ اُشْتُهِرَ أَنَّ اللَّحْمَ السَّمِيطَ بِمِصْرَ نَجِسٌ، لَكِنَّ الْعِلَّةَ الْمَذْكُورَةَ لَا تَثْبُتُ مَا لَمْ يَمْكُثْ اللَّحْمُ بَعْدَ الْغَلَيَانِ زَمَانًا يَقَعُ فِي مِثْلِهِ التَّشَرُّبُ وَالدُّخُولُ فِي بَاطِنِ اللَّحْمِ، وَكُلٌّ مِنْهُمَا غَيْرُ مُحَقَّقٍ فِي السَّمِيطِ حَيْثُ لَا يَصِلُ إلَى حَدِّ الْغَلَيَانِ، وَلَا يُتْرَكُ فِيهِ إلَّا مِقْدَارُ مَا تَصِلُ الْحَرَارَةُ إلَى ظَاهِرِ الْجِلْدِ لِتَنْحَلَّ مَسَامُّ الصُّوفِ، بَلْ لَوْ تُرِكَ يَمْنَعُ انْقِلَا عَ الشَّعْرِ؛ فَالْأَوْلَى فِي السَّمِيطِ أَنْ يُطَهَّرَ بِالْغَسْلِ ثَلَاثًا فَإِنَّهُمْ لَا يَتَحَرَّسُونَ فِيهِ عَنْ النَّجِسِ، وَقَدْ قَالَ شَرَفُ الْأَئِمَّةِ بِهَذَا فِي الدَّجَاجَةِ وَالْكِرْشِ وَالسَّمِيطِ اهـــ وَأَقَرَّهُ فِي الْبَحْرِ. حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أيم سعيد)

3) Each and every animal is singled out with the *tasmiyah*.
4) The *tasmiyah* is administered by the slaughterer himself and not played on a tape or written somewhere.
5) The slaughter follows the *tasmiyah* without the intervention of a long pause.
6) The issue of whether the functioning of the machine can be attributed to the human or not is a critical point of consideration. Whilst some scholars affirm that the functioning of the machine can be attributed to the human slaughterer, others disagree. This leads us to the issue of difference of opinion among the Muftis.

Hadhrat Mufti Ebrahim Desai Sahib's personal opinion is that machine slaughter is not permissible in the current setup. His view is that manual slaughter can be very efficient and the production can meet the current global demand if organised and configured accurately. Many slaughterhouses in South Africa and other parts of the world are proofs that manual hand slaughter can be very efficient if structured properly. This view is also endorsed by Hadhrat Mufti Taqi Sahib Daamat Barakatuhum.[35]

And Allah Ta'āla Knows Best

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[35] Contemporary Fatawa p.288 Idara-e-Islamiat