

## **AN IN-DEPTH LOOK AT ZABIHA**

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18 SAFAR 1422 - 12 MAY 2001

There are special requirements for the meat to be halal. Tasmiyah is the most important of them.

Almighty Allah Ta'ala in His infinite Mercy has made certain animals halal (permissible) for this Ummah. We are required to be thankful to Him by following; the dictates of the Qur'an and Sunnah by ensuring that His name is taken upon slaughtering of the animal. Allah Ta'ala states in the noble Qur'an:

*"For every nation We have specified a rite (for slaughtering) so that they may take the name of Allah Ta'ala upon (the slaughter of) the animals granted to them as sustenance." (AI-Hajj 22:34)*

*"And consume not of that whereupon the name of Allah Ta'ala was omitted (at the time of slaughter). Indeed it is a transgression. Verily the Shayateen inspire their friends to cause division with you. If you obey them, you are indeed Mushriks (ascribing partners to Allah)." (AI-An'am 6:121)*

*"So take the name of Allah upon them (at the time of slaughter) while they stand in rows." (AI-Hajj 22:36).* In reference to Camels which are slaughtered by Nahr (a swift stab of the neck which severs the four arteries) while standing.

*".. .and such animals upon which they mention not the name of Allah only to fabricate a lie against him." (AI- An'am 6: 138)*

*"Forbidden to you are Maytah (carrion), flowing blood, the flesh of swine and that slaughtered for other than Allah as well as the (animal) expiring by strangulation, illness or pain, falling (from a height), by a wound (sustained through fighting) and by falling to a predator and (about to be consumed), excepting those (animals) upon which you effect Zakah (Shar'ee slaughter)." (AI-Maidah 5:3)*

From the above verses the following points are understood:

Meat is not in the same category as other food items.

The most important condition is that tasmiyah (pronouncing the name of Allah) be performed at the time of slaughter. The verses clearly explain the impermissibility of the meat of those animals whose slaughter was not preceded by tasmiyah.

The impermissibility of the meat of those animals whose lives were ended means other than Zabah (Shar'ee slaughter) of which tasmiyah is a condition. All such animals are Maytah (carrion) and are expressly forbidden.

The Zabiha (animal slaughtered) by a Kafir (non-believer) or Mushrik (polytheist) is haram (unlawful). However, those Ahlul Kitaab (People of the Book) who also believed in the requirement of tasmiyah at the time of slaughter have been excluded from the Kuffaar majority.

The verse number 121 of Al-An'am explains consumption of meat not slaughtered with tasmiyah as fisq - transgression and disobedience. The verse then explains that to regard consumption of such meat as halal is nothing but a teaching of Shaytaan to cause division among the Ummah. The verse also warns that obedience of Shaytaan in this matter is akin to Shirk (ascribing partners to Allah).

Imam Bukhari has quoted this same verse in his magnum opus under the chapter, "Intentional Omission of the Tasmiyah at the Time of Slaughter" to the same import as explained by Hafiz ibn Hajar, the renowned commentator of Sahih Bukhari in the following words:

*"Imam Bukhari (RA) wishes to point out by citing this verse the reproach against using it as proof to legalize omission of tasmiyah by inventing baseless interpretations of the verse and understanding it in a manner contrary to clear import." (Fathul Bari vo1.9 pg.778; Qadeemi)*

#### *Intentional Omission of Tasmiyah*

**The Jurists (Fuqahaa) have unanimously** agreed that consumption of an animal slaughtered by a Muslim with intentional omission of tasmiyah or out of Istikhfaa (regarding it as insignificant) is unlawful (haram). Imam Shaafee (RA) has also concurred with this view. (Jawaahirul Fiqh vo1.2 pg.388; Daml Uloom from Kitaabul Umm and Tafseer Mazhari)

Imam Abu Yusuf states:

*"The ruling regarding the animal upon which tasmiyah was omitted (at the time of slaughter) is not subject to Ijtihad (independent deduction of a ruling from Qur'an and Hadith). If a judge rules the permissibility of its sale, his ruling will not be given effect due to it being contrary to consensus of opinion." (Ibid pg.390; Hidaaya)*

*It should be noted significantly* that the above discussion of impermissibility is with regard to a Muslim slaughterer who intentionally omits pronouncing the name of Allah upon slaughter, not to speak of a non-Muslim.

In the case of a Muslim forgetfully omitting the tasmiyah, the animal will be permissible for consumption as is the ruling of all the four Madhaahib based on the Hadith of Nabi (SAW). "A believer always slaughters upon the name of Allah, whether he (remembers to) recites it or not" (Fathul Bari vol9 pg. 793; Qadeemi)

Animals Slaughtered by Modern Day **Jews and Christians**

**"The food of Ahlul Kitaab (People of the Book) is lawful for you as is your food for them."**  
(Al-Maidah 5:5)

*Regarding the word 'Ta'aam' (food) Ibn Abbaas, Ibn Umamah, Mujaahid and others, Radi-Allahu anhum, say that it refers to slaughtered animals. This matter (permissibility of these animals) is unanimously agreed upon by all scholars since they also hold the belief of the prohibition of slaughter save in Allah's name and also due to the fact that they mention only the name of Allah Ta'ala upon their animals of slaughter. (Jawaahirul Fiqh vol2. pg 4040; from Ibn Katheer).*

Concerning the present day Christians there is no doubt that their methods do not fulfill requirements of Shar'ee slaughter.

The reason for permissibility has been explained clearly by Allaamah ibn Katheer that due to the unity of belief regarding slaughter between Muslims and the Jews and Christians of that particular time, Allah Ta'ala had permitted consumption of their slaughter. The Ulama of the time had based their rulings on this very same reasoning.

When this unity of belief came into doubt, many great Sahaba, Radi - Allahu anhum, had not hesitated to rule prohibition.

*"With regards to a Kitaabi, when he omits tasmiyah (the name of Allah) upon his slaughter and takes some other name, his slaughter is not consumable. This is the ruling of Abu Darda, Ubadah bin Saamit and large faction of the Sahaba, Radi Allahu anhum."*  
(Jawaahirul Fiqh vol2 pg407; Darul Uloom - from Bahrul Muheet)

Regarding the Christian tribe of Banu Taghlib, Sayyidna Ali, Radi-Allahu anhu, ruled the following:

*"Hafiz ibn Jawzi (RA) has narrated with his Sanad (chain of narrators) from Ali, Radi-Allahu anhu, 'Do not consume the slaughter of the Christians of Banu Taghlib since they have not held to any*

*more of Christianity than their drinking of wine." (Ibid pg.460 - from Tafseer Mazhari)*

It is a well-known fact that the majority of present day Christians and Jews no longer hold this Aqeedah (belief) regarding slaughter. They do not hesitate to consume meat slaughtered by even Pagans and Mushriks (polytheists) and atheists. They have held to even less of Christianity than the Banu Taghlib. Most of them are just Christians and Jews by name, "atheistic" in their beliefs and actions. Their abattoirs employ machine slaughter wherever possible and do not hesitate to employ pagans and polytheists, e.g. Chinese, Koreans, etc. to carry out slaughter.

### The Ruling

Based on the above **juridical** references, Qadhi Thanauallah (RA) a renowned Juris of his time states the following:

*"The correct and accepted view according to us is the first one that the slaughter of the Ahlul Kitaab with intentional omission of tasmiyah (taking the name of Allah or slaughter in some other name (besides that of Allah) is not consumable, if this fact is ascertained with certainty or this is the condition prevailing among them. By this, the prohibition (of the Sahaba) from consuming the slaughter of the Christian Arabs can be easily understood. Likewise, the ruling of Ali, Radi -Allah anhu, (regarding the Banu Taghlib)' becomes clear. It is likely that Ali, RadiAllahu anhu, had ascertained their omission of tasmiyah upon slaughter or that they slaughtered in some other name (besides Allah). A similar ruling has been issued regarding the non-Arab Christians that if it is their normal habit to slaughter without tasmiyah, their slaughter is not consumable. Concerning the present day Christians there is no doubt that their methods do not fulfill requirements of Shar'ee slaughter, but they usually cause the death of their animal by other lethal measures, e.g. machine slaughter, etc. hence, their slaughter is impermissible." (Jawaahirul Fiqh vo1.2 pg 411; from Tafseer Mazhari)*

### The Correct Understanding of **the Hadith of Bukhari**

**Let us now turn to the hadith** in Bukhari that is often by many people to justify the claim that tasmiyah is not required. The hadith is as follows:

"It has been narrated from *Aisha, Radi-Allahu anha*, that some persons said to *Nabi (SAW)* 'People bring to us meat. We know not whether the name of *Allah Ta'ala* has been taken (upon its slaughter) or not? *Nabi (SAW)* replied, 'You people say *Bismillah* and eat it.' *Aisha, Radi-Allahu anha*, says, 'the people referred to (in this Hadith) were new Muslims.'" (Bukhari vo1.2 pg.828; Deoband)

It is clear that the slaughterers were Muslims, not disbelievers.

### The Narration of Imam Tahawi (RA)

**Some of the Sahaba, Radi-Allahu anhum**, asked *Rasulullah (SAW)* that, "Some Bedouins bring to us *meat, cheese and fat*. We know not the condition of their Islam, (i.e. they are Muslims but of what caliber, we are unaware)." *Nabi (SAW)* replied, "Check that which is prohibited by Allah and abstain therefrom. In whatever Allah Ta'ala has not discussed, he has given you a concession. Your Rabb (Lord) does not forget. Thus, say *Bismillah* (and partake)." (Ibid pg 794)

Explaining this Hadith, Allaamah ibn Teen comments:

"Concerning *tasmlyah* upon slaughter carried out by others of which they are unaware, there is no obligation upon them regarding it. The (slaughter) will only be held incorrect when such evidence is established. Allah Ta'ala has not made it obligatory upon any Muslim to be aware of *tasmlyah* upon the slaughter of another Muslim, since the slaughter of another Muslim will be always regarded as correct (accompanied by *tasmlyah*) unless evidence is established to the contrary." (Ibid pg. 794)

The above should be sufficient to clarify any doubt in the meaning of the Hadith of Bukhari.

### Importance of Muslim Unity with Regards to Halal Meat

**Shaytaan is ever prepared** to bring about division as this will inevitably lead to the collapse of the Muslim Ummah. In his untiring efforts, he has overlooked no sphere of life to cause his mischief even to the extent of nourishment. Allah Ta'ala has warned us of Shaytaan's inroads in this regard as has been explained already. Shaytaan, possessed of a keen intelligence and discernment knows full well that once the Muslims cannot interact and mix with one another due to suspicion in regards to halal and haram, this will bring about the much awaited split in the global

community of Islam. To combat this, it is required that Muslims take courage and band together to solve this problem, irrespective of color and race, since the commands of Allah Ta'ala are universal. Due to this solidarity, the Muslims of South Africa, although a minority (around 3 - 4 %) have progressed far ahead in eliminating this problem. With a bit of extra physical and monetary sacrifice, they have managed to establish their own abattoirs in different parts of the country.

If Muslims in other parts of the world who have, Alhamdulillah, become a sizeable community were to show such unity and get together, there is every confidence that the problem would be eliminated with little difficulty.

To conclude this, let us ponder upon the following words of Nabi (SAW)

*"The lawful is clear and the unlawful is clear. Between these lie matters of confusion. Regarding these, many are ignorant. Whomsoever falls into these, falls into the unlawful, like a shepherd grazing (his flock) upon a sanctuary's perimeter very soon falls into trespass. Beware! Every king possesses a sanctuary and the sanctuary of Allah Ta'ala are His prohibitions. Take note! In the body there is a piece of flesh such that when it is good the entire body is good; when it is corrupt the whole body is corrupted. Listen! It is the heart." (Arba'een Nawawiy)*

And Allah Ta'ala Knows Best