



MACHINE SLAUGHTERING AND THE SHARIAH

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INTRODUCTION

Among the signs of the impending Hour of Qiyaamah is the commercialization of institutions of the Deen. Worldly and monetary motives will underline even acts of Ibaadat. Among such institutions of Islam which have become thoroughly commercialized are Hajj, Madaaris, and Thabah (Islamic slaughter). Mentioning the signs of Qiyaamah, Rasulullah (sallallahu alayhi wasallam) said:

“The world will be pursued with acts of the Aakhirah.”

Acts of ibaadah will be made the media for achieving worldly and monetary goals. Of all the commercialized Deeni institutions, the Islamic system of *Thabah* (*Slaughtering of animals*) has suffered the most. No other Islamic institution has become so commercialized, so mutilated, and destroyed as the holy system of *Thabah*.

The last couple of decades have seen some of the worst scoundrels, thugs, deceits and even munaafiqeen manipulating the Deen’s institution of *Thabah* for the realization of their mercenary agenda. Men who are the scum of mankind have ganged up in the form of carrion ‘halaalization’ outfits. The congeries of these vile outfits operating in a drunken stupor, driven to insanity by their inordinate lust for money, have destroyed every Deeni vestige with which the Qur’aan and Sunnah have adorned the holy system of *Thabah*.

Nothing – absolutely nothing – remains today of the Islamic institution of *Thabah* whose only purpose has become to parasitically suck from the business sector millions of rands for halaalizing carrion in the name of *Thabah*, and to promote the business empires of the Yahood and Nasaara. The commercialized so-called ‘halaal’ slaughtering is nothing but pure brutal torture, suffering and haraam killing of billions of chickens and animals world-wide in the name of Islam when in fact the chief supervisor of this sordid killing is Shaitaan himself.

Just as *saahireen* (sorcerers – perpetrators of black magic) are subservient to Iblees, so too are all these ‘halaal’ outfits the slaves of the Devil-in-Chief. – that Devil, *Mardood*, *La-een*, *Iblees* who had flagrantly refused to prostrate for Aadam (alayhis salaam) at the

Divine Command. These carrion and pork halaalizers are the illegitimate progeny of that Devil.

Not satisfied with the multi-million rand income annually flowing into its coffers, one pork and carrion halaalizing outfit in pursuit of more haraam boodle is contemplating halaalization of carrion produced by machine-slaughter.

Millions of animals are killed by machine in foreign countries, such as Europe and Australia. The satanic haraam agencies are exploring foreign markets to augment the haraam millions they are currently netting. Thus they are planning their evil case for the halaalization of the carrion produced by machine-slaughter.

In this brief discourse the Shariah's view and ruling on the prohibition of machine-slaughtering is explained. It is hoped that Muslims will wake up from their slumber and struggle to rid themselves of the addiction of carrion meats, and not plunge further into the cesspool of iniquity by consuming the filth which machine-slaughtering produces and which some haraam 'halaal' outfits are scheming to halaalize.

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WHO IS THE THAABIH (SLAUGHTERER)

Of vital importance in understanding the Shar'i ruling on this question is to establish who actually is doing the slaughtering (thabah). Is the machine doing the slaughtering or the operator of the machine? There is no difficulty in establishing who or what is doing the actual slaughtering of the animal. The operator of the machine merely presses a button and the machine comes into action. The assistant/s merely usher the animal or bird into the slaughtering machine. Human action then ceases and the animal is automatically slaughtered by the power-operated machine. The only relationship which the human operator has with the process is to switch on the machine. The only relationship which the handler of the animal has is to steer the animal into the machine. Beyond this, they have no participation in the actual act of thabah. The act of thabah is effected SOLELY by the machine operating automatically, i.e. the actual cutting of the neck-vessels is done by only the machine. No reasonable person can deny this indisputable fact that the animals are slaughtered by the machine and not by any human being. Hence, in regard to the actual slaughtering it is conclusively proven that this is effected by the machine. We have now established that the slaughterer (the thaabih) in this case is the automatic machine and not the operator of the machine or the one who drives or ushers the bird/animal into the machine.

About the thaabih (actual slaughterer), the Shariat decrees:
"And, among its (Shar'i thabah's) conditions is that the thabih be a person of the' millat of tauhid....." (Hidayah)

"Among its conditions is that the thaabih is a Muslim or a Kitabi."
(Raddul Muhtaar)

There is absolutely no difference of opinion on this issue. Unanimously – according to all Matha-hib – has it been established that an absolute and obligatory condition for the validity of Shar'i thabah is that the act of thabah MUST be effected by a human slaughterer (thaabih).

Elaborating further on this Fardh (compulsory) requirement, the Shariat states:

"Among its conditions is that the thabih be an understanding person. Hence, the slaughtered animal of an insane person and a child who does not understand will not be consumed."

(Raddul Muhtaar)

Elaborating on the unlawfulness of the animal slaughtered by an insane person, Raddul Muhtaar states:

"Because an insane person has no intention. And, the validity of intention (qasd) is with that which we have mentioned, viz., the author's statement: 'When he is able to understand the Tasmiah, realizes the animal and possesses the ability (to slaughter).' It is for this reason that he says in Jauharah: 'The thabeedah (slaughtered animal) of a child who does not understand, of an insane person and of an intoxicated person who does not understand will not be consumed.' (Shurambulaliyah)"

"Verily, an insane person has no intention (qasd.)"

(Raddul Muhtaar)

"The slaughtered animal will be halaal if the thabih understands the Tasmiah and the thabeedah." (Hidayah)

"If he (the thabih) does not understand the Tasmiah nor understands (perceives or realises) the thabeedah, it (the animal so slaughtered) is not halaal." (Hidayah)

"And, qasd (conscious intention) has been decreed a condition in thabah." (Minhajut Talibeen of Imam Nawawi)

The aforementioned references indicate very clearly that according to the Shariat, the thabih (the actual slaughterer) must be a human being who possesses understanding or intelligence so that he may discharge the condition of qasd (intention) and understand what act he is executing. He, himself, i.e. the actual slaughterer MUST

understand that he is slaughtering; reciting the Tasmiah, and he must perceive the animal. In short, one of the essential requisites of valid and lawful Shar'i thabah (slaughtering) is consciousness of the slaughterer. The following facts will be clear from the references cited above:

(a) The thabah (slaughtering) of an insane person although Muslim reciting the Tasmiah at the time of thabah and severing the required four vessels, is not valid. An animal slaughtered by an insane Muslim will not be halaal notwithstanding the fact that he has slaughtered "correctly".

(b) If a child who is not of proper understanding effects thabah "correctly" by reciting Tasmiah and severing the four neck vessels, the animal will nevertheless be haraam.

"THE ANIMAL SLAUGHTERED BY A CHILD WHO DOES NOT UNDERSTAND, BY AN INSANE PERSON AND BY AN INTOXICATED PERSON WHO DOES NOT UNDERSTAND, WILL NOT BE CONSUMED"

(Jauharah, Shurambulaliyah, Raddal Mukhtar)

The Shar'i emphasis on the essentiality of CONSCIOUSNESS, INTENTION and UNDERSTANDING of the slaughterer (thabih) is abundantly manifest. It has already been established that the actual slaughterer in machine-slaughtering (the mode of automatic slaughtering effected by machines) is the automatic power-driven machine, not the one who ushers the animals into the machine. In so far, as the machine is concerned the essential Shar'i requirement for the validity of Shar'i thabah, viz., consciousness is absolutely non-existent. The animals slaughtered unconsciously by the machine being haraam is, therefore readily comprehensible and indisputable on the basis of Shar'i proofs. When the Shariat brands as haraam animals slaughtered "correctly" by children and insane persons who happen to be members of Islam, then to a greater degree will the Shariat apply its ruling of haraam to animals slaughtered by an inanimate and an unconscious machine. An inanimate machine does not enjoy a status higher than a child or an insane Muslim.

The reference cited above informs us that another compulsory condition for the validity of Shar'i thabah is that the slaughterer be a Muslim or a Kitaabi, but the slaughterer in automatic machine slaughtering is not a human being. The slaughtering force in this case is an inanimate machine. Thus, in the absence of this condition too, the slaughtered animal of the machine is haraam.

The Shariat emphasises much the demand that slaughtering MUST be effected by a human being and that animals slaughtered by non-humans are haraam. It should not be assumed (as some supposedly learned people have done) that because of the non-existence of power-driven, electrically-operated slaughtering machines in the time of Rasulullah (sallallahu alayhi wasallam), the Shariat is silent or ambiguous on the slaughtering effected by such machines. The Shariat of Islam is the Law of Allah Ta'ala which brings within the ambit of its decree all and every exigency and development until the Day of Qiyamat. Declaring its emphasis on human-slaughtering in negation of machine or inanimate and unconscious slaughtering, the perfect and all-embracing Shariat of Muhammadur Rasulullah (sallallahu alayhi wasallam) says:

"The shart (i.e. a compulsory stipulation for the validity of Shar'i slaughtering) is that a human being wounds the animal (in case of thabah idhtirari) or slaughters it. Without this (human slaughtering) it (the animal) will be like an animal which has been gored to death or an animal which has fallen to its death."

(Raddul Muhtaar)

The slaughtering accompanied by all its Shar'i conditions (shurut) must be executed consciously and intentionally by direct action of a human being. And, by direct action, the Shariat means that the act of severing the required neck-vessels must be executed manually-the instrument (alah) of cutting to be wielded and directly manipulated by the hand of the thabih (slaughterer). The actual act of cutting must be effected by the instrument operated by the power of the human hand and not by mechanical power or some other external force. The Shariat emphasises the condition of human power for the validity of thabah to such an extent that human power – man's personal act – is

stipulated as a condition for the validity of even thabah idhtirari (viz., killing the animal by means of an arrow or sharp instrument in case of game or even domesticated animals which have gone wild and out of man's control). Thus Imam Shafi (rahmatullah alayhi) states in Kitaabul Umm, Vol. 2:

*"Thakat (i.e. Shar'i thabah) is of two kinds. One kind pertains to animals over which man has control. In this class is thabah (actual slaughtering accompanied by all Shar'i conditions) and nahr. (The second class of slaughter-thakat), pertains to animals not in man's control. In this class (of thakat) the human being captures (or kills) an 'animal by means of a silaah (sharp weapon) with HIS HAND (bi-yadihi); or a human being with his HAND shoots the animal with an arrow. Hence, it (Shar'i Thakat or slaughter) is the **ACT OF MAN'S HAND.**"*

Imam Shaafi's repeated use of the phrase, "bi-yadihi" or "with his hand" indicates the Shar'i emphasis on human power – the power of the human hand actually driving the knife or instrument to bring about thabah. Therefore, a type of "slaughter which is not the direct consequence of the power of man's hand – a slaughter in which the required neck-vessels are severed by an instrument NOT driven by the power of a human hand, but by mechanical power or some other external force," will not be Shar'i thakat.

In defining Shar'i slaughter, Imam Shafi (rahmatullah alayhi) stresses,

"THUS IT IS THE ACT OF MAN'S HAND"

If human hand-power was not a stipulation for the validity of Shar'i thabah, then Imam Shafi (rahmatullah alayhi) would not have defined such thabah as "the act of man's hand" nor would he have stressed that the weapon must be wielded by man's hand; neither would he have said that the arrow must be shot with man's hand. If the driving force of man's hand in effecting the thabah was not a Shar'i stipulation then it would have sufficed if Imam Shaafi (rahmatullah alayhi) had said: "with a weapon or with an arrow". There would then have been no need to condition the wielding of the

weapon and the shooting of the arrow with "man's hand". The Shariat thus very clearly negates automatic slaughtering in which an inanimate machine NOT driven by human power, executes the act of slaughter.

Thabah--not an automatic act

Automatic slaughtering has been invalidated by the Shariat in unambiguous terms. Stating the invalidity of automatic slaughtering, the authoritative and famous Book of Islamic Jurisprudence, Hidayah states in Volume 4:

"Thabah (slaughtering) is not attained (i.e. not valid) by means of only the instrument, but (is valid) by means of isti'mal (use). And, that (i.e. use) in both (the hunting dog and the hunting falcon) is by means of irsal (intentionally despatching or setting loose the dog or falcon in pursuit of the game). Hence, the irsal takes the place of shooting the arrow and driving the knife."

Here two terms of utmost significance appear, viz., "isti'mal" and "imrarus sikkeen". Isti'mal means "to employ"; "to use" and "imrarus sikkeen" means "the driving of the knife" or "to drive the knife". This employment and driving of the knife must be effected by means of the human hand as appears elsewhere in the books of the Shariat, e.g. Kitaabul Umm cited above. Besides the clear text of the Shar'i verdicts on this issue, the grammatical connotation of the term, "isti'mal" a member of the word-class, Istif'al renders the translation of the term as: to seek use; to make use; to bring into action. The word-category to which "isti'mal" belongs negates automatic use or automatic action from its meaning. An instrument could be used manually – by man's direct force or it can operate automatically, without the direct force of man. If the instrument – the knife in our case – is driven by the force of man's hand, it will be described as "Imrarus sikkeen", and the term "isti'mal" will apply. But if the instrument operates of its own accord – i.e. automatically – then it will not be described as imrarus-sikkeen nor will the word isti'mal be applicable to it. On the contrary, the phrase, *bimujarradil alah* which

appears in the aforementioned quotation from Hidayah will then apply to it. The meaning of the phrase is: "by means of only the instrument", in other words, automatic operation of the instrument or the operation of the instrument without human power or force. Hence, it is stated explicitly:

"Thabah (Shar'i slaughter) is not attained (not valid) by means of only the instrument, but by (it being) employed (or used)."

It is further clarified that the meaning of this "employment" or isti'mal is "to drive the knife":

In case someone attempts to fallaciously argue that by switching on the machine, man is employing or "using" it, thereby fulfilling the requirement of isti'mal, and hence imrarus sikkeen, we better exhibit the fallacy of such argument. Firstly, it will only be one not versed in Arabic who will resort to such a baseless argument. Secondly, only one ignorant of the clear-cut Shar'i meanings assigned to these terms, will argue thus. Thirdly, the statement of the Shariat, viz.(Thabah is not attained by means of only the instrument, negates this argument.

What does the Shariat mean by saying that slaughtering is not valid if the instrument is not used? The inference from this statement is clear. If the instrument is used, thabah is valid. If the instrument is not used, thabah is not valid. But, the question remains: If the instrument is not used, how could slaughtering be effected? In rejecting slaughter in which the knife is "not used", but operates of its own accord – automatically – the Shariat negates the assertion that isti'mal exists in automatic operation. In saying:

i.e. slaughter by the instrument itself is not thabah, the Shariat accepts the fact that an instrument can slaughter or kill without the direct action of man, i.e. without the power of the human hand although such instrument is set-up or set into motion by man's operation or activity. In this case man's operation is confined to setting the instrument into motion and is not extended to the actual cutting of the neck-vessels. The Shariat has beautifully illustrated such automatic slaughtering for us to ensure that we remain in no doubt and to

protect adherents of the Deen from being hoodwinked by "fatwas" of the nafs.

In the following citation appears an example of automatic slaughter – slaughtering achieved by the operation or activity of man, but not with the hand-power of man. Man's operation is merely confined to setting up the apparatus which executes the slaughter.

"Thus, a pit dug (to trap game) is none of the two kinds of thakat (Shar'i slaughter) whether a weapon (silah – a sharp instrument, e.g. spear, sword, dagger) is fixed in the pit or not."

In this illustration a man sets up the apparatus to trap and wound/kill a wild animal. In the process his action is confined to the setting up of the apparatus and is not related to the actual wounding or killing. Since the animal was killed in the trap automatically and not by the power of the human hand, the Shariat proclaims the animal haraam and excludes this automatic form of killing from the definition of Shar'i thabah. On the contrary, if the man had killed the wild animal by directing the weapon to the animal with his own hands, then the animal would have been halaal. The Shariat gives as its reason for proclaiming this automatic killing haraam, the fact that human force was not utilized to kill the animal:

"The condition (shart) for the validity of Shar'i thakat is that the animal must be wounded by a human being or that a human being must slaughter it. Without this (human action), the animal will be like an animal gored to death or like an animal which was killed by falling." (Raddul Muhtaar)

Illustration (b)

"A man sets up a spear (or any other instrument in a trap) for the purpose of hunting a zebra. After a while he finds the zebra dead (having been killed by the spear-trap). The zebra is not halaal . . . because the condition (for the validity of Shar'i thakat which renders an animal halaal) is that a human being wounds it or slaughters it. Without this (human action) the animal will be like one gored to death or having fallen (from a height) to its death."

(Raddul Muhtaar)

In this example, no pit was dug. The apparatus of slaughter, viz., a spear was set up in a way which would wound or kill an animal passing by it. An animal was trapped in this spear-trap and killed. The Shariat brands the animal thus killed as haraarn because the act of killing was NOT the effect of direct human force. If on the other hand the animal was killed by the spear driven by the force of the man's hands, then it (the animal) would have been halaal. This illustration furnished by the Fuqaha also clearly negates the validity of automatic killing.

Illustration (c)

"If a person sets up a sword or a spear (as a trap to kill game), then drives the game towards it (the sword or spear) and it reaches the sword/spear which slaughters it (the animal), its consumption is not halaal because the slaughter is without the killing of any person."

(Kitaabul Umm)

In this illustration too, the apparatus of killing is set up by a human being but in the actual killing of the animal, human force is not a feature. The killing is by the inanimate cutting device. The human being's action in the process is confined to setting up or setting in motion the apparatus. Hence, the Shariat brands the automatically killed animal haraam and furnishes as its grounds:

"BECAUSE ITS SLAUGHTERING IS WITHOUT THE KILLING OF ANY HUMAN."

In illustration (c), above, the operator of the apparatus (no matter how primitive the method of automatic slaughtering is in this illustration) is a Muslim who recites the Tasmiah when setting up the apparatus which will bring about the death of the animal. He then drives the animal towards the instrument which will kill. In other words, he operates his automatic-killing apparatus and drives the animal towards it. The animal is then killed automatically by the

sword. The Shariat brands the animal as haraam since the cause of the killing is attributed by the Shariat to the apparatus and not to the man who operates the apparatus or the automatic machine. Automatic slaughter in terms of the Shariat is killing effected by any means without the direct force or power of the human being:

"The condition being that a human being must wound the animal or slaughter it. . ." (Raddul Muhtaar)

Illustration (d)

"A goat brushed against the knife which is in the hand of a person. As a result, it's gullet and wind-pipe are severed. The goat will not be halaal." (Minhajut Talibeen of Imam Nawawi)

In this illustration, the animal is killed, not by the act of a human being, but by the goat brushing against the knife. The killing is thus executed automatically, and the Shariat proclaims it haraam despite the fact that the knife is held in the hand of a human being and the required vessels are severed. (According to the Shafi Math-hab the vessels required to be compulsorily severed are the gullet and the wind-pipe, hence we have said, "required" here. However, according to the Hanafi Math-hab the required vessels to be severed are at least three.) The slaughtering although effected by a knife held in the hand of a Muslim, is nevertheless not valid according to the Shariat because such killing was not by the force of the human hand.

ALLAAMAH MAHMOOD ON MACHINE-SLAUGHTERING

(In refutation of a fatwa which had declared the carrion produced by machine-slaughtering to be halaal.)

Hadhratul Allamah Maulana Mufti Mahmood Sahib, Mufti and Shaikhul Hadith of Madrassah Qasimul Uloom, Multan, Pakistan states about the automatic machine-slaughtering:

"After the explicit fatwa of the animal slaughtered by this (automatic) method being halaal, it is absolutely meaningless to merely say that this method is contrary to the Sunnat. Makruh, cruel or that the thaabih's (slaughterer) act in slaughtering by this means is bad. Even if the one who presses the button be a Muslim and recites the Tasmiah at the time of pressing the button, then too the thabeedah (slaughtered animal) of the machine will not be halaal. On the contrary. It will be carrion.

It is evident that the only act of the one who presses the button is the restoration of the electrical power which was disconnected from the machine when it was switched off. In pressing the button, the operator has merely removed the impediment which restrained the activation of the machine. He merely removed this impediment thereby permitting the action of the machine. In reality, the blade of the machine and the cutter of the neck of the animal will be driven by electrical power and not the driving force of the hand of a Muslim. Thus, the slitting of the throat of the animal is the act of the electrically driven machine and not the act of a Muslim.

In thabah, it is a shart (a compulsory condition) that the direct act, i.e. the driving force of the hand, of the thabih be effective in rendering the slaughter. But in regard to the machine, the act of the one who presses the button is confined to removing the Impediment. How then can the act of Tabah by removal of the impediment be asserted to be the act of the remover? How can the remover of the impediment be described as the thaabih? The following example will clarify this more.

(1) A Majusi (fire-worshipper) with knife in hand is about to slaughter an animal. Another person grabs hold of his hand restraining him from executing the act of slaughtering. A Muslim, then, reciting, Bismillahi Allahu Akbar, releases the Majusi's hand from the refraining force (the grip of the one who was holding the

Majusi's hand) and he (the Majusi) simultaneously executes the slaughter, slitting the throat of the animal. Will the animal be halaal? In this example the act of removing the impediment was rendered by a Muslim reciting the Tasmiah, nevertheless, in view of the fact that the actual driving force in slaughtering the animal was the Majusi, the animal thus slaughtered is branded haraam. The act of the remover of the impediment has not been considered here.

(2) Similarly, a sharp instrument or knife is suspended by rope. An animal is positioned under it. A Muslim reciting the Tasmiah cuts the rope and the instrument by virtue of its impact when it strikes the animal slits the throat of the animal. Will the animal be halaal? Will the actual act of slaughtering be attributed to the Muslim who removed the impediment? Will he be described as the thaabih and will it be said that the slaughtered animal is the thabeedah of a Muslim?

Most assuredly, the animal in both these examples will not be halaal. How can it then be said that animals slaughtered by a machine are halaal? What is the difference between the animal slaughtered by the methods in the examples and by the machine?

Even if for a brief moment this reality be overlooked and it be accepted that pressing the button is an affective and voluntary act (in so far as the slaughtering is concerned), it should be well understood that the act of the button presser for the switch-operator) ceases upon him having pressed the button. His act is non-existent in the motion of the machine and at the time of the machine cutting the throat. The machine moves continuously while throats are being cut. The machine-operator ceases his action prior to the slaughtering.

The fundamental difference between Thabah idhtirari (pertaining to game and animals out of control) and Thabah Ikhtiyari, the act of slaughtering is in fact, imrarus sikkeen (a Muslim driving the knife with his power), and in Thabah Idhtirari, rami (the act of shooting the arrow) and irsal (the act of setting loose the trained hunting animal) is proclaimed by the Shariat to be the substitutes of thabah. Imam Shafi

(rahmatullah alayhi) also stipulates "human action" for the validity of Thabah Ihtiyari. In Kitabul Umm, page 198, Vol. 2, he states:

"Thakat is of two kinds. (1) That in which man has control over the animal. This form is thabah and nahr. (2) That in which man has no control over the animal. This form is that man kills the animal by means of a weapon with his hand or he shoots an arrow with his hand. Thus, it (Thakat) is the act of the hand. And, that which Allah Azza Wa Jal has made halaal by means of trained hunting animals which catch (game) with the act of man is like the arrow which strikes (with the act of man). But, a pit dug (to trap game) is none of the two kinds of thakat whether there be a weapon in it or not. If a man sets up a sword or spear, then drives the game (towards the sword-trap) and the animal reaches it and is thus slaughtered, its consumption is not lawful because it is slaughtered without the act of anyone (any human being)."

There is absolutely no doubt in the fact that animals slaughtered by the automatic slaughtering machine are not slaughtered by the act of a human being not does the power of man's hand operate in slitting the throat. It is precisely for this reason that even a person of the least understanding will not attribute the cutting of the throat to the act of man, but will say that it is an animal slaughtered by the machine.

