

It is in "Jawhirah Nay'yira" that in general business matters, the word of a Kaafir is acceptable only if it is confirmed that he is telling the truth and if one thinks that he is lying, then his word should not be accepted. (Bahare Shariat, Vol. 6, pg. 37)

Allama Shaami (radi Allahu anhu) has stated that if his (the servant's) word is not definite, then to act upon it is disallowed.

The gist of my argument is this, that if imported and exported meat from the time of Zibah up to the time of importing is not in the care of a Muslim, during export it is also out of the sight of a Muslim. Even those involved in exporting do not keep it in their sight. Thus, as soon as this meat is hidden from the sight of a Muslim, then there is no way in which it can be accepted as permissible. If it is known that it is the Zabiha of a Christian of this time and that it is the product of machine slaughter, then such meat is Haraam in the first degree.

May Almighty Allah save us from consuming that which has been forbidden by the Shari'at-e-Mutaharrah. Ameen.

Wallaahu Ta'ala Aalam

سندھی زبان میں

دینی معلومات، جدید موضوعات پر مضامین، سوانح بزرگان دین و دیگر سلسلے

ماہنامہ صراط میں پڑھئے

پروفیسر ڈاکٹر غلام عباس قادری صاحب کے زیر سرپرستی
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قاسم فیضانِ رضا، قائد ملتِ اسلامیہ، مجددِ مائتہ حاضرہ علامہ الشاہ احمد نورانی صدیقی رحمۃ اللہ علیہ کے مجددانہ کارناموں، اور مجددانہ شواہد پر ایک جدید تحریر آئینہ شماره میں ملاحظہ فرمائیے۔

there is doubt of his message being true in general business affairs, then also one should not act on his words. (Bahare Shariat, vol. 12, page 37) However, if it is confirmed from the time of slaughter till the time of sale that the meat was not hidden, even for a minute, from the sight of a Muslim, then such meat is Halaal. Likewise, if a person sends his Mushrik servant or slave to buy meat, then such meat will be accepted as Halaal after these three conditions are confirmed:-

1. The Kaafir who purchases and brings the meat is your servant or slave.
2. He must also say that he purchased and brought the meat from a Muslim.

N.B.: It is in "Hidaayah" that if a Muslim sends his Majusi servant or slave to purchase meat, then the servant must say that he has purchased this meat from a Muslim or Kitaabi, then only will it be permissible to eat. Since the word of a Kaafir is accepted in general business affairs and if the saying of a Kaafir is in the matter of Diyaanat (Integrity and Trust) - Halaal and Haraam - then his word would have been unacceptable.

It is in "Hidaayah" and other Kitaabs that the pre-requisites of them being slaves or servants is in the basis of Sharaa'it (Necessary Conditions being fulfilled), since the Fuqaha have stated that the meat of the butcher or of the invitation of the house of a Kaafir is Haraam even if they claim it to be the Zabiha of a Muslim.

It is in "Fatawa Qazi Khan" as follows: "If a Christian or a Majusi invites you to eat meat at his house, then for a Muslim to eat this meat, is Makruh-Tahreemi, even though he says that he purchased it from the market-place since the Majusi either strangles or beats the animal to death, and the Christian Zabiha is not valid for Muslims for he kills the animal through strangulation or eats the Zabiha of Muslims." In exception to this, with regards to meat, where even a slight doubt can make it Haraam, then in such conditions, servant-and slave-purchases would have to be abstained from, then it would be quite difficult. For this reason, in business matters only, their word is accepted and if one is not under your command, his word is unacceptable.

It is stated in "Fatawa Alamgiri" that the word of a Kaafir is accepted in general business matters and unacceptable in matters of religion and integrity. However, if for this reason in Muamilaat, the word of a Kaafir is accepted, then in connection with the words of Diyanat will be accepted since in this time on the basis of necessity, Diyanat on the basis of Muamilaat is accepted.

3. If the person's heart is sure and confirms that there is no doubt in his heart concerning his servant telling the truth.

امام محمد بن ادریس شافعی فرماتے ہیں : فقہ میں مجھ پر سب سے زیادہ احسان امام محمد بن حسن کا ہے

consumption of meat, then it is definitely Makruh to eat their Zabiha. Another reason for their Zabiha to be Haraam is that many Christians of this age have either become Mulhid (heretics) or Communists. For further details on this topic, peruse "Fatawa Razwiyah", Vol. 8, pages 329-331.

IS THE MEAT WHICH IS HIDDEN FROM THE SIGHT OF A MUSLIM HALAAL OR NOT?

For meat to be Halaal, it depends on the proper Islamic method of slaughtering carried out by a Muslim or by a Kitaabi, of an animal which is permitted for Muslim consumption by invoking on it the Name of Allah at the time of Zibah. If there is even an atom of doubt in the meat being Islamically slaughtered then such meat will be considered as Haraam.

As long as the Zabiha of a Muslim is in the sight of a Muslim, then it is accepted as Halaal. If it is out of the sight or possession of a Muslim then it is doubted and to eat such meat is Haraam for this reason, that as long as an animal is alive it's consumption is Haraam. It only becomes Halaal after Zibah-e-Shar'i (Slaughtering according to Shari'ah). If there is no proof of Shari'ah whether the animal was slaughtered in accordance with the Laws of Shari'ah then the meat of such an animal is Haraam, since it is proven with Yaqeen that the animal is Haraam, thus how can it be accepted as Halaal only by presuming that the animal was slaughtered by a Muslim. It is in "Al-Ashbah" as follows concerning the purchasing of meat from Majusis: "The meat of a live animal is Haraam, thus the purchaser is bound by the originality of it being Haraam and unless the proper Zibah of such an animal is not proven, it will remain Haraam."

If a Kaafir says that the meat purchased by him is the Zabiha of a Muslim, then his word will not be acceptable since Halaal and Haraam deal with the matters of Deen and trust. It must be known that in the circumstances of Deen and trust, the word of a Kaafir is unacceptable. It is therefore, stated in "Fathul Qadeer" as follows: "The meat from the butcher of a Polytheist is not Halaal until such time it is proven to be the Zibah of a Muslim, since such meat is in reality Haraam, and the proper slaughter of such an animal becomes doubted."

Allah Shaami (radi Allahu anhu) has stated as follows in "Raddul Muhtar": "By the person being a Majusi, it is enough to establish such meat as Haraam even if he claims that it is the Zabiha of a Muslim. The reason for this is that on the basis of trust, integrity, and honesty his word is unacceptable."

In "Muamilaat" (General Business Affairs), the message of a Kaafir is only accepted on the condition that honesty prevails without doubt. If

کسی سر زمین پر ایک حد کے نفاذ کی ہر کت وہاں چالیس روز نازل ہونے والی بارش کی ہر کت سے بچ رہے

a difference of opinion amongst the Ulema on whether their Zabiha is Halaal or not. Most of the Mashaa'ikh (Learned Scholars) have declared their Zabiha as Haraam, whereas a few of them have declared their Zabiha to be Halaal. The former view is the principle of the Hanafi Madhab and the proof pertaining is more stronger in this argument. Imaam ibne Humaam has stated in "Fathul Qadeer": "Except in the case of extreme necessity, the Zabiha of the Ahle Kitaab should not be eaten."

It is stated in "Majma-ul-Anhur" as follows: "The Christians of our present times openly declare Hazrat Isa (alaihis salaam) as the son of Allah and we have no dire need for their Zabiha, whereas to avoid (their Zabiha) is Waajib (Compulsory), since the Ulema have difference of opinion concerning their Zabiha and since there is no consensus, it will be taken as forbidden to eat."

The difference of opinion of the Ulema is on this condition that the slaughter should be in accordance with the conditions of Zibah, meaning that all the necessary vessels should be severed and that the Zibah must be made only and only in the Name of Allah. The Zabihah of a Muslim will not be Halaal if he does not adhere to the proper condition of Islamic Zibah, how then will the Zabihah of the Christians be considered as Halaal?

The Zibah of the Christians has not been in accordance with the Shari'ah for years since they neither say Takbeer nor do they slaughter in accordance with the laws of Zibah. Rather, they usually consume the Zabihah of Muslims. They either strangle poultry and birds or stab a knife through the neck of live sheep, thus not allowing the prescribed vessels to be severed. This makes their Zibah unacceptable. It is in "Fatawa Qazi Khan" as follows: "Christians do not make Zibah, but they strangle the animal or they eat the Zabihah of Muslims."

A'la Hazrat (radi Allahu anhu) quoted his personal experience as follows: "In Zil-Qadah, 1295 A.H. I saw a ram on board the ship which belonged to a Christian from Samur. He was selling the ram for 40 Rupees. I desired to eat meat and thus requested to purchase the animal in cash. He refused to sell the animal to me, but said that I should purchase the meat after Zibah. When slaughtering, he stabbed the knife through one side of the neck not even allowing the required vessels to be severed. I then said that this meat was now as bad as swine and was not good enough for our consumption." (Fatawa Razwiyah, Vol. 8, page 331)

Thus, the Zabiha of Christians of the present age are lacking in these methods, thus making their Zabiha totally Haraam. As for the Jews, they too leave out the Takbeer and change the method of Zibah, thus, even their Zabiha is Haraam. If there is no dire need for the

abstain from imported meat that is doubtful. Such people never step back in clarifying that which is Haraam.

REASONS FOR EXPORTED MEAT BEING HARAAM

1. In exported meat, the method of mechanical slaughter which I have already explained as being Haraam is foremost.
2. Most of the meat being imported is from Europe, America, Australia, etc. and most of those controlling abattoirs and the exporters of the meat are Christians and the Zabiha of todays Christians is Haraam, as I will prove further in my argument.
3. Exported meat enters Customs where it is immediately hidden from the sight of a Muslim and the exporter. This meat, which is stored on Cargo Carriers, is also hidden from the sight of a Muslim. The majority of the Custom officials and the sailors on the ships from these countries are either Mushriks, Mulhids or Christians of the present day. The Shari'ah has stated that if the meat is hidden from the sight of a Muslim for even one moment, then the meat is Haraam. If the exported meat is the Zabiha of a Muslim, and is sent by a Muslim, such meat is still accepted as Haraam. Proof of this will be furnished as we proceed.
4. Abattoirs which export meat also place labels of "HALAAL" on the meat of animals which die through other bodily injuries during Zibah. By I'jma, such meat is regarded as Haraam.

While in Saudi Arabia, I discovered the difference in price of imported and locally slaughtered meat and I found that imported meat was sold at six to seven Riyals per kilogram, whereas locally slaughtered meat was sold at twenty five to thirty Riyals per kilogram. It is for this reason, that in most Hotels, Restaurants and Hajj Tour Agencies, imported meat is served to Hujjaaj. The pious people of Saudi Arabia abstain from this meat. I have seen many conscious Hujjaaj, who for the same reason, abstain from consuming meat in Saudi Arabia.

One should remember that the consumption of Haraam sustenance causes wretchedness in a person. It is also due to this that Du'a is not accepted. How then will the Ibaadah and the Ziyaarah of the Haajis be accepted? Therefore, it is extremely important for the Hujjaaj, when in the court of Allah and His Rasool (sallal laahu alaihi wasallam) to be more particular in what they eat. Even if it means not eating meat for a few days, it will not cause any difference in one's physical condition and health.

SLAUGHTERING OF THE AHLE KITAAB

According to the Holy Quran and Ahadith, only the Yahud (Jews) and Nasaara (Christians) are referred to as the "People of the Book". With the exception of these two, no Kaafir in the world can claim to have brought Imaan on any Book or Nabi of Almighty Allah. There has been

فضل العالم علی العابد کفضل القمر علی سائر الکواکب (سنن ابوداؤد و ترمذی)

may enhance their business dealings? It is obvious that the abattoirs had no desire to conduct such research, since their aim was solely for production and mass distribution!

It must also be noted that those countries to which such meat was exported the masses were not informed of the animal being mechanically slaughtered, but rather, they covered their tracks by placing labels of "HALAAL MEAT" on these products to mislead the masses. After much time, when the unsuspecting public found out that they were consuming meat from animals which were mechanically slaughtered, they questioned the learned and pious Ulema who said that such meat was Haraam. On the other hand, there were those who tried to prove it being Halaal so that they may monopolise and keep a steady hold on those consuming meat. These Molvis played with the Shari'ah to satisfy the abattoir authorities by whom they were patronised.

CONTEMPTFUL BEHAVIOUR OF SO-CALLED MUSLIM GOVERNMENTS

It is an accepted fact that Saudi Arabia and other Middle East countries are at the forefront in welcoming such meat into their countries. Just as they research all other products entering their country, it was the essential duty of these governments and their religious authorities to first research the permissibility of this meat before it entered their country. Actually, they should have been even more responsible in this issue, since it dealt with the eating of Halaal and Haraam products.

Instead of looking into this matter in the light of the Shari'ah, they established an improper procedure which stated that if such meat was purchased from Muslim stores and possessed a Halaal label, then the product was certified as Halaal. Thus, it caused all doubts to be removed from the minds of the people regarding from where and how the Muslim shopkeeper had imported the products.

I would like to say that when the authorities and Muslim religious leaders are well aware of the fact that meat is being imported into their countries, then is it not their responsibility to make sure that the meat is Halaal without any doubt? How is it that they have certified such meat as permissible for Muslim consumption? In reality, these so-called Muslim governments have become the slaves of Europe and the followers of the European nation. Such slavery has blinded them to such an extent that they do not see right from wrong. It is obvious that they have no intent of keeping the pristine Islamic principles alive. Thus, they feel that whatever they do is proper.

THE LAW CONCERNING EXPORTED MEAT

With regards to the present situation, I feel it necessary to briefly explain the forbidden factors involved in imported and exported meat, so that those person who wish to consume only Halaal meat will

ایک عالم پر عالم کی فضیلت ایسی ہے جیسے کہ چاند کی فضیلت دوسرے تمام ستاروں پر (سنن ابوداؤد و ترمذی)

imprisoned while others are issuing decrees on the basis of their Western ideologies in loyalty to the Egyptian government. In other words, the pious, truthful and outspoken Ulema are imprisoned by the government, whereas those Ulema who issue decrees are on the payroll of the government. It seems to me that in implementing mechanical slaughter, it is the western lobby that are working with Egypt and other Middle East countries.

I cannot understand how the movement of the blade has been authorised as an equivalent to the slaughterer himself. Such stubbornness against the Shari'ah is totally disallowed.

ANOTHER VALID REASON PROVING HURMAT (SUCH MEAT BEING HARAAM)

Up to now, the point of discussion has been that the machine does the slaughtering and not the slaughterer himself with his action and intention. From past experience, I have also found that during mechanical slaughter, the blade sometimes misses its target due to mechanical error and runs over the breast or head of the animal and sometimes over other parts of the animal's body. In such cases, where the head is partially severed or the breast severed, etc. these animals' parts jam in the chain of the machine, which are usually removed and replaced by other slaughtered animals.

Those animals which are severed at a point other than at the required vessels, even if by a Muslim, are Haraam according to Ijma (Consensus). Let us, for this reason, presume that mechanical slaughter is Halaal, even though it is not, then due to the mixing of the so-called Halaal and the Haraam portions, in the machine, all such animals have become Haraam due to contamination.

Due to experience, it has been proven that instead of Zibah, other body parts are severed during the mechanical slaughter. How then do those who claim mechanical slaughter to be permissible did not discuss in their arguments this valid point? The answer to this, I think, only they will know.

DETRIMENTAL POLITICS CONCERNING FORBIDDEN MEAT

To substantiate their arguments, one of those who sanctioned mechanical slaughter, quoted the following in his opening statements: "Due to the demand for Halaal meat from Muslim countries, abattoirs have turned to the use of mechanical slaughter".

After scrutinising this part of the argument, the question which arises here is: When the demand for meat from the Muslim countries increased, did these abattoirs first research the basis of mechanical slaughter in the light of Shari'ah. or did they just accept it so that they

☆ الحکم بتبع المصلحة الراجحة ☆ علم مصلحہ الہی کے تابع ہوا کرتا ہے ☆

accepted as the equivalent of the hand of the slaughterer, and such Zabiha will be accepted as Halaal, and if these conditions are not fulfilled, then the Zabiha is not Halaal". (Fatawa Islaamia, Darul Ifitl Asariya, Vol. 7, pg. 2616)

The laws concerning the Ahle Kitaab will be explained as we proceed with our argument. My question here is: when the person saying the Tasmiyah is not slaughtering the animal himself, and is not responsible for personally performing the action of Zibah, then to assert that the moving knife is an equivalent of the hand of the slaughterer is a mere claim without valid evidence from Shari'ah. Indeed, it has been proven that the Ulema in Egypt have themselves accepted that the Zibah should be done by hand, thus they have for the same reason permitted the moving blade to be equivalent to the hand of slaughterer.

I have already presented proof that in Zibah-e-Ikhtiyaari the slaughtering must be done by the slaughterer himself, with his own action and intention. No proof contradictory to this has ever been furnished. It seems as if the Ulema in Egypt have accepted the means of action to be the equivalent of the person performing the action. It is for this reason that they have accepted the person operating the machine to be the Zaabih (Slaughterer), as he is the "means" for the Zibah. It seems as if they have no knowledge of the fact that in Zibah-e-Ikhtiyaari the Shari'ah has not accepted the means as an equivalent to the slaughterer, but rather the Shari'ah has commanded personal slaughter as a condition for Zibah. I have already presented proof on this argument.

At this juncture, it must also be understood that one "means" is being used as the "means" of the next. In other words, the operator presses the switch, making him the "means". If there is power, then electricity passes, making it as a "means" for the pulleys to move, which becomes a "means" for the blade to run, consequently allowing it to slaughter the animal. How then, can the "means" for a "means" for a "means" can be accepted as the equivalent of the slaughterer. Is the action of the operator known as electrical current? Is the operator himself another name for the machine?

Experience has proven that the machine works with such speed that in the time it takes to say one Bismillah, one hundred animals can be slaughtered (commonly as in poultry). Due to this, it is obvious that 99 of the 100 hundred animals did not have Bismillah recited at the time of their Zibah. In reality, none of these animals can be considered as proper Zabiha, since it will not be known over which one of the animals the Bismillah was read.

Concerning the Ulema in Egypt, I have also been informed from authentic sources that the righteous and pious Ulema in Egypt are

☆ ما حرم اخذه حرم اعطاؤه ☆ جس چیز کا لینا حرام ہے اس کا دینا بھی حرام ہے۔ ☆

even recite the Bismillah, is also part and parcel of the Zibah. This makes the Zabiha Haraam.

4. The slaughterer should slaughter with his own intention and action, as I have quoted Imam Zaili and Allama Shaami (radi Allahu anhumaa). The Holy Quran has stated: "Except that which you have slaughtered." (Sura Mai'da, Verse 3)

Almighty Allah has clearly commanded that the Zibah be done by the Muslim himself, with his own intention and action. It is on this that there is trust.

5. It is also a condition that the Tasmiyah be said with the intention Zibah. If Bismillah was read with any other intention, and if Zibah was made, then the animal is not Halaal. (Durr Mukhtar, Vol. 5, pg. 191)

From this, it has become clearly evident that the Niyyah of Zibah is also necessary and to take Almighty Allah's Name for this reason alone is also a necessity. It is obviously clear that the machine has no intention nor power to control itself. In reality, how then can the machine make Zibah with the intention of taking Allah's Name for the reason of Zibah alone?

After studying all the above mentioned arguments, it is requested that you look over a few statements of those who say that the mechanical method of slaughter is allowed:

1. According to Islamic slaughter, the person present may say Bismillah from any position and allow the vessels to be severed by the sharp instrument thus causing blood to flow. Whether this is done personally or by the machine, both cause the Zibah to be Halaal.

2. There is no reason to condemn mechanical slaughter as un-Islamic and its Zabiha as Haraam, since the sharp blade of the machine is severing the vessels. While this is happening, a Muslim is reading Tasmiyah with the intention of Zibah, thus no valid reason can be found to make mechanical slaughter Haraam.

N.B.: This argument for mechanical slaughter is totally inappropriate. The argument presented implies that as long as the vessels are severed, blood has flowed and that any person is present saying Bismillah, then the Zibah is proper, whether the person slaughtering is a Muslim or Kaafir or whether he is neither Mu'min nor Kaafir. This is totally against the command of the Holy Quran "Illa Maa Zakaytum - Except that which you have slaughtered." (Sura Mai'da, Verse 3)

Certain Ulema in Egypt have also sanctioned mechanical slaughter. Their argument is as follows: "If the person in-charge, or the operator of the machine is a Muslim or Ahle Kitaab, and if the machine has a blade which causes the necessary vessels to be severed, then in this case, the person saying Bismillah should do so individually for each animal being slaughtered, then the equipment (blade of the machine) is

☆ إذا اجتمع الحلال والحرام غلب الحرام ☆ جب حلال و حرام جمع ہو جائیں تو حرام غالب ہو گا ☆

According to the Shari'ah and its terminology, the Faa'il (one doing the action, the subject) is that person who performs an action with his own strength and intention, thus it is deduced that the slaughterer is that person who, with his own strength and intention, slaughters the animal. Thus, it is clearly evident that in mechanical slaughter, the act of Zibah is neither carried out by the person saying Bismillah, nor by the operator of the machine, but by the moving blade showing that the severing of the vessels is the act of the machine. This is a clear fact that cannot be refuted by any intelligent person. Even those who sanction mechanical slaughter agree to this.

GIST OF MY ARGUMENT

Amongst those conditions which are required for proper Islamic Zibah, many of the conditions are totally absent in the method of mechanical slaughter. I would therefore like to list a few of these conditions:-

1. It is necessary that the slaughterer is of sane mind and aware of the laws of Zibah. It is for this reason that the Zabiha of an insane person or of a young child with no knowledge of the laws of Zibah, is Haraam (Hidaaya Akhirain, pg. 434; Tabeen, Vol. 5, pg. 287; Majmaul Anhur, Vol. 2, pg. 598)

N.B.: It is evident that electricity, the machine and the blade which is set into motion, are free from sanity or insanity and such equipment are not even aware of the intention of Zibah.

2. It is necessary for the person making Zibah to recite Bismillah himself. If Bismillah is recited by any other person, Zibah will be improper and the animal will not be taken as Halaal. (Raddul Muhtar, Vol. 5, Pg. 192)

N.B.: When the machine and the electricity which controls it does not have the power of saying Bismillah, then how is it possible for the operator or a person standing on the side to recite Bismillah on behalf of the machine?

3.1 If a person other than the slaughterer places his hand on the knife to assist the slaughterer, then both have to recite the Bismillah. If one of them abstains from saying the Bismillah, then the Zabiha is Haraam. (Raddul Muhtar, Vol. 5, pg. 192; Durr Mukhtar, Vol. 5, pg. 212)

3.2 If while a Muslim is slaughtering an animal, and a person held the knife who is neither a Muslim nor a Kitaabi (People of the Book) or neither Muslim nor Kaafir, then the Zabiha is Haraam. (Al Ashba Anil Khaaniya, Vol. 1, pg. 145)

N.B.: Now, let us presume that the slaughter is carried out both by the action of the Muslim and that of the machine, then it has to be accepted that the machine, which is neither Muslim nor Kitaabi and does not

switching on by a person, and in some way, man is part and parcel of this procedure.

In clarifying these doubts, all I want to say is that it is enough to understand, that the law derived from "Durr Mukhtar" and other Kitaabs is specifically for those animals in the category of Zibah-e-Iztiraari and the laws of hunting are totally non-presumptuous (Ghair Qiyaasi), which cannot be applied on livestock, which are in the possession of humans.

In reality, even if a wild animal is captured and is in the possession of a Muslim, even then such an animal cannot be slaughtered in accordance with Zibah-e-Iztiraari, as it is now in possession and will fall into the category of Ikhtiyaari.

In this case, without doubt the animal of mechanical slaughter is in possession, and the law of Iztiraari is not applicable on such an animal. Such animals (in possession) fall into the category of Ikhtiyaari and must be slaughtered by the persons own action and intention. If it were allowed to slaughter livestock on the law of game animals, then it would also be permissible to severe livestock anywhere on the body causing its death. Whereas, to do so is disallowed.

With the exception of this, there is Ikhtilaf (difference of opinion) amongst the Fuqahaa (Muslim Jurists) on the law of Hunting Game. It is stated in "Khulaasa" and "Muheet": "If a hunter places a knife in a trap and then leaves, after which an animal is caught and killed in the trap, then it is Haraam, and if the Hunter places the knife and is watching the trap, then such game is Halaal." Differing on this, Imam Zaili (radi Allahu anhu) and various other Jurists say that in both circumstances the animal is Haraam. Thus, Imam Shulbi (radi Allahu anhu) writes that the argument of "Kanz" presented by Imam Zaili (radi Allahu anhu) infers that after the hunter places a small saw and whether he leaves or is present makes no difference, since in both cases the animal, through its own strength, was severed and killed by itself and not by the hunter, thus rendering it Haraam. From this it can be well understood that Imam Zaili (radi Allahu anhu) does not accept the opinion of "Khulaasa", and other Kitaabs in this matter. (Tabeenul Haqaiq, Vol. 6, pg. 226)

In this instance, Imam Shaami (radi Allahu anhu) has stated that in Zibah Iztiraari it is not a condition for the person making Zibah to do so himself. (Shaami, Vol. 5, pg. 192)

It must be understood that a difference of opinion exists in the matter of Zibah-e-Iztiraari, but in the matter of Ikhtiyaari it is unanimously agreed that the Zibah must be made by the person himself for the animal to be Halaal.

☆ لا ینکر تغیر الاحکام بتغیر الازمان ☆ زمانہ کی تبدیلی کے سبب احکام کی تبدیلی کا انکار نہیں کیا جائے

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.

For a moment, let us presume that a person places a sharp weapon firmly into a wall or ties it to some object with the intention of Zibah, after which livestock is chased in the direction of the knife, whereby it crashes into the knife in a manner causing the necessary vessels to be severed. Even under these conditions, the animal is Haraam since it was killed through its own action and strength and not through the strength of the slaughterer, even though there are fewer Zari'ah or means ("processes") here than as in mechanical slaughter.

It is stated in "Kanzul Daqaaq": "If a person places a small saw or a sharp weapon in a jungle by saying the Bismillah with the intention of hunting an antelope, and if he returns the next day to find the animal dead, due to it being severed by the weapon placed, then too it is not allowed for such an animal to be eaten". (Kanzul Daqaaq, pg. 220)

Imam Zaili (radi Allahu anhu) has explained that the reason for this, is that in Zibah-e-Ikhtiyaari, the Muslim should slaughter the animal himself and in Iztiraari he should cause the animal's death by severing it himself. Without this, the animal cannot be regarded as Halaal, since such an animal is in the category of "Natihaa" and "Mutardiya", that is either beaten to death or injured by falling. This is evident from the following verse of the Holy Quran: "You are forbidden to eat the dead and blood and flesh of swine and that on which any name other than Allah is invoked at the time of slaughtering, and that which dies by strangling and that which is beaten to death by a blunt object and that which is killed by falling and that which is gored." (Sura Maida, Ruku 1. Ayat 3)

The point in "Kanz" about the animal being found dead the following day, is only hypothetical. However, even if it is found dead on the same day, it is still not Halaal, since the conditions of Zibah were not met. (Tabeenul Haqaaq, Vol. 6, pg. 226)

There is a possibility that certain persons may have a doubt the above law after reading the following quotation found in "Durr-Mukhtar", Kitaab-us Sayd, etc. concerning hunting game: "If a hunter places a sharp weapon in a trap and watches over it, then if an animal is trapped, severed and killed in it, then it is Halaal." From this, it may seem that if a Muslim places the knife saying Bismillah with intention of Zibah, and if the animal is severed and dies in this condition, then it should be Halaal. In other words, it would seem that it is enough for the knife to be placed with the Niyyah (Intention) of Zibah. It does not seem necessary that the animal should be slaughtered by the person himself. If this is so, then mechanical slaughter should also be accepted as Halaal, since the motion of the machine and the blade was through the

کسی سر زمین پر ایک حد کے نفاذ کی کہ وہاں چالیس روز نازل ہونے والی بیدارش کی کہ کت سے بچ رہے

1. Zibah-e-Ikhtiyaari: Slaughter of animals in one's control, eg. livestock and poultry.
2. Zibah-e-Iztiraari: Slaughter of uncontrolled animals, that is, animals (game) that are hunted.

In both methods, the animal must be slaughtered by a sharp weapon (knife, spear, etc.). With the exception of these methods, almost all the other methods are improper.

In Zibah-e-Ikhtiyaari, the wind pipe, the food pipe, and the two blood vessels on either side of the throat must be severed. If at least three of the four mentioned vessels are severed, then the animal is regarded as Halaal.

In Zibah-e-Iztiraari, the animal may be severed (cut) anywhere on the body by being stabbed or cut by the sharp edge of the weapon causing its death. If a trained dog or hunting bird causes such injury to the animals being hunted, thus causing its death, then such an animal is Halaal.

Zibah-e-Iztiraari is for those birds, who due to their height of flying cannot be caught, or those animals (such as wild birds and animals) whose speed does not allow them to be easily captured.

Zibah-e-Ikhtiyaari is the law applicable to those animals, such as sheep, poultry, etc. which are in one's control and possession. If an animal in the category of Iztiraari is injured by a spear, etc. or a hunting animal, and such an animal, before its death, comes within the control and possession of the hunter, then until and unless it is not slaughtered in the method of Zibah-e-Ikhtiyaari, it will not be Halaal. (Hidayah Aakhirain, pg. 505)

MECHANICAL SLAUGHTER

It is quite obvious that for those animals slaughtered by a machine to be Halaal, such animals would need to be slaughtered according to Zibah-e-Ikhtiyaari, where it is in possession. It is obvious that it is only then that it can pass through the procedure of mechanical slaughter. If it is said that the method that is used is not Ikhtiyaari, then it would be impossible for the animal to be mechanically slaughtered.

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

THE LAW OF SHARI'AH REGARDING MECHANICAL SLAUGHTER

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INTRODUCTION

In our present day and age, the method of mechanical slaughter, i.e. slaughter by use of machines, has become a common practice and animals slaughtered mechanically are generally being imported into Muslim countries. In many countries, numerous Muslim butchers, after becoming aware of such meat being imported into their countries, have raised the matter with the authorities and have even established their own abattoirs so that the proper slaughtering of animals is in their control. This was done to prevent the innocent and unsuspecting Muslim masses from eating such meat, and to also avoid themselves from selling Haraam meat.

However, certain westernised Molvis have, without providing any proper Islamic reasons, certified such meat as being Halaal, and they have also given the green light to Muslims to buy "Halaal meat" from non-Muslim butchers. Why such Molvis have implemented this, fails to make sense as there is no complete or partial evidence from the Shari'ah, namely, from the Holy Quran, Ahadith or Books of Fiqh to substantiate their arguments. They have tried various means to establish that the method of mechanical slaughter as being permissible, but were hopelessly unsuccessful.

Due to the fear of the detrimental effect that may be caused by establishing mechanical slaughter, I have decided to give a brief explanation of the differences between mechanical slaughter and proper Islamic Zabiha (Slaughter) so that the unsuspecting Muslims are not trapped into eating Haraam meat.

PROPER SLAUGHTERING ACCORDING TO THE SHARI'AH

Every Muslim should at least be aware of the fact that for the flesh of any animal, with the exception of fish and locusts, to become Halaal, it must pass through the proper method of Islamic slaughter, i.e. in accordance with the Shari'ah. There are basically two methods of slaughter in Shari'ah, which are:

امام محمد بن اورلیس شافعی فرماتے ہیں : فقہ میں مجھ پر سب سے زیادہ احسان امام محمد بن حسن کا ہے