268607 - Ruling on meat slaughtered by an uncircumcised person

the question

I read and heard that there are scholars from the Hanbali madhhab who said that the meat of uncircumcised slaughters who are Muslims or Kitabis are forbidden oder detestable. What are the madhhabs saying about this matter and what is the mutamad position of the particular madhhab? Do they differentiate between uncircumcised Muslims and Kitabis in regard to animal slaughtering?

Summary of answer

Summary: meat slaughtered by one who is uncircumcised is
lawful and may be eaten, whether he is a Muslim or a kitaabi (Christian or
Jewish).

Detailed answer

Praise be to Allah.

Yes, there is a report from Imam Ahmad (may Allah have mercy on him) in which he said that meat slaughtered by an uncircumcised person should not be eaten.

It says in al-Wuqooof wa't-Tarajjul by al-Khallaal (p. 146): Hanbal said: I heard Abu 'Abdillah say:

Meat slaughtered by an uncircumcised person is not to be eaten, and no prayer or Hajj will be accepted from him until he purifies himself. This is required to complete his Islam. End quote.

He based this on the view of Ibn 'Abbaas (may Allah be pleased with him).

Az-Zarkashi (may Allah have mercy on him) said:

And it was narrated from him that meat slaughtered by the uncircumcised person is not lawful; he based this on the view of Ibn 'Abbaas (may Allah be pleased with him). End quote.

Sharh az-Zarkashi ‘ala Mukhtasar al-Khuraqi (6/660).

The report from Ibn ‘Abbaas (may Allah be pleased with him) was narrated by Ibn Abi Shaybah in al-Musannaf (11/701) with his isnad from Ibn ‘Abbaas, who said: The testimony of the uncircumcised person is not acceptable, no prayer will be accepted from him, and meat slaughtered by him cannot be eaten.

Classed as saheeh by al-Haafiz Ibn Hajar (may Allah have mercy on him), when he said:

It was narrated from Ibn ‘Abbaas: The testimony of the uncircumcised person is not acceptable, no prayer will be accepted from him, and meat slaughtered by him cannot be eaten.

Narrated by Ibn Abi Shaybah with a saheeh isnad. Narrated by ‘Abd ar-Razzaaq and by al-Bayhaqi in ash-Shu‘ab via his isnad.

End quote. Ad-Diraayah fi Takhreej Ahaadeeth al-Hidaayah (2/173)

See also: at-Tahjeel (p. 17)

But the view that the madhhab settled on is the view that it is permissible to eat meat slaughtered by an uncircumcised person.

Al-Mirdaawi (may Allah have mercy on him) said:

In order for slaughter to be lawful, four conditions are stipulated, one of which is that the slaughterer should be qualified, and that he should be circumcised….

The the author’s statement included the uncircumcised [as qualified to slaughter meat], and this is correct. This is our view and is the view of the majority of our companions.

End quote from al-Insaaf (27/287).

The view that it is permissible, which is the view of the majority of the Hanbali madhhab, is in accordance with the view of the majority of scholars.

Ibn ‘Abd al-Barr (may Allah have mercy on him) said:

The majority of scholars do not see anything wrong with eating meat slaughtered by [an uncircumcised person], so long as it is slaughtered in the proper manner.

End quote from al-Istidhkaar (26/245).

This is most likely to be correct, because not being circumcised does not put a person beyond the fold of Islam, and because it is permissible to eat meat slaughtered by a Christian, and most of the Christians are not circumcised. So this is more applicable in the case of a Muslim.

Abu Bakr ibn al-Mundhir (may Allah have mercy on him) said:

They differed with regard to eating meat slaughtered by one who is uncircumcised.

Among those who said that such meat cannot be eaten were Ibn ‘Abbaas and al-Hasan al-Basri, but there was a difference of opinion as to whether this could be attributed to al-Hasan al-Basri.

Hammaad ibn Abi Sulaymaan said: There is nothing wrong with it. This is similar to the view of ash-Shaafa‘i and was also the view of Abu Thawr and most of the muftis of the regions.

Abu Bakr said: This is also our view, because Allah, may He be glorified and exalted, made permissible meat slaughtered by the People of the Book, some of whom are not circumcised, so it is more appropriate that meat slaughtered by a Muslim who is not circumcised should also be permissible. And Allah says (interpretation of the meaning): “So eat of that [meat] upon which the name of Allah has been mentioned” [al-An‘aam 6:118]. And this case comes under the same heading.

End quote. Al-Ishraaf (3/434-435).

Ibn Qudaamah (may Allah have mercy on him) said:

It was narrated from Ibn ‘Abbaas (may Allah be pleased with him): Meat slaughtered by an uncircumcised person should not be eaten. Something similar was narrated from Ahmad.

But the correct view is that it is permissible, because he is Muslim, so he is like any other Muslim.

If it is permissible to eat meat slaughtered by a slanderer, adulterer or drinker of alcohol, even though they are evildoers, and to eat meat slaughtered by a Christian, even though he is an uncircumcised disbeliever, then it is more appropriate that it be permissible to eat meat slaughtered by a[n uncircumcised] Muslim.

End quote. Al-Mughni (13/293).

He mentioned the argument against disallowing meat slaughtered by an uncircumcised person by noting that meat slaughtered by a kitaabi, as mentioned above, even though most of them are not circumcised, is lawful.

Al-Bukhaari (may Allah have mercy on him) said: and Ibn ‘Abbaas said: “their food” means meat slaughtered by them.

Al-Haafiz Ibn Hajar (may Allah have mercy on him) said:

Ibn ‘Abbaas said: “their food” means meat slaughtered by them … According to al-Bayhaqi, this is mawsool [i.e., the isnad is unbroken] via ‘Ali ibn Abi Talhah from Ibn ‘Abbaas and refers to the verse (interpretation of the meaning): “And the food of those who were given the Scripture is lawful for you” [al-Maa’idah 5:5]. The one who says this must also regard as lawful meat slaughtered by [a Muslim] who is uncircumcised, because many of the people of the book are not circumcised, and the Prophet (blessings and peace of Allah be upon him) addressed Heraclius and his people with the words, “O People of the Scripture, come to a word that is equitable between us and you” [Aal ‘Imraan 3:64] and the practice of circumcision was unknown among Heraclius and his people, but they were called People of the Scripture.

End quote. Fath al-Baari (9/637)

And Allah knows best.