172296 - How is “Bismillah” to be said when slaughtering chickens with modern mechanical devices?

the question

In Britain we have an organisation that supervises Islamic slaughter and has the authority to certify that the restaurant is using meat produced by the slaughterhouse that comes under its supervision. In these slaughterhouses the slaughter of chickens is carried out in the following manner:
The chickens are given a light electric shock that does not kill them; rather it weakens them and thus makes them easier to handle. Then the chickens go into the machine which takes them past sharp mechanical knives that cut the windpipe, jugular veins and oesophagus. The problem that we have is that this machine is operated by a man who says “Bismillah” and “Allahu akbar” the first time only, and they employ five men in the slaughter-room whose job is to say “Bismillah” and “Allahu akbar” repeatedly, but they do not have anything to do with the operation of the machine or direct responsibility for slaughter. My question is: are these birds regarded as halaal that are slaughtered mechanically and the phrases “Bismillah” and “Allahu akbar” are not said by the employee who operates the machine directly, except when he first begins to operate it. Is the fact that the five other men say “Bismillah” and “Allahu akbar” of any benefit, knowing that they are not directly involved in slaughtering the chickens?.

Detailed answer

Praise be to Allah.

Firstly:

Giving the animal an electric shock before slaughtering it may kill the animal if the voltage is high, or it may cause it to lose consciousness without killing it, if the voltage is low or moderate.

If it kills it, it is not permissible to eat it because it is “dead meat” (an animal that was not

slaughtered in the proper manner) according to the consensus of the fuqaha'. If it does not kill it, and it is slaughtered in the proper shar'i manner immediately afterwards, then it is halaal and it is permissible to eat it.

Dr. Muhammad al-Ashqar (may Allah preserve him) said:

If the electric shock was fatal, then the animal is like one that has been "beaten to death" (and therefore haraam, as mentioned in al-Maa'idah 5:3). If it caused it to lose consciousness without killing it, and the animal was slaughtered in the proper shar'i manner after that, then it is halaal. If it was not slaughtered properly but it was skinned and cut up without being slaughtered, then it is not halaal.

End quote from Majallat Majma' al-Fiqh al-Islami. Issue no. 10, vol. 1, p. 339

The Islamic Fiqh Council (Majma' al-Fiqh al-Islami) is of the view that it is not permissible to give chickens electric shocks before slaughtering them, because experience has proven that this leads to the death of a considerable number of them.

In a statement of the Islamic Fiqh Council, issued during its tenth conference in Jeddah in the Kingdom of Saudi Arabia during the period 23-28 Safar 1418 AH/28 June-3 July 1997 CE, it says the following:

Animals that are slaughtered in the proper shar'i manner after stunning are halaal and may be eaten if technical conditions are met that ascertain that the animal was not dead before it was slaughtered. These have been defined by experts at the present time as follows:

1.The electrodes should be placed on the temples or on the forehead and back of the head

2.The voltage should be between 100 and 400 volts

3.The current should be between .75 and 1 amp for sheep, between 2 and 2.5 amps for cattle.

4.The electrical current should be applied for between 3 and 6 seconds.

(c) it is not permissible to stun an animal that is intended for slaughter by using a captive bolt pistol or bolt gun, or by gassing.

(d) It is not permissible to stun chickens by means of electric shock, because experience has proven that this leads to the death of a considerable number of them before slaughter.

(e) It is not haraam to eat animals that were slaughtered properly after being stunned by using a mixture of carbon dioxide and air or oxygen, or by using a non-penetrating bolt gun that does not lead to the death of the animal before it is properly slaughtered. End quote.

Dr. Muhammad al-Hawaari stated that stunning of chickens by means of electrocution leads to cardiac arrest in 90% of cases and to death in 10%.

See Majallat Majma‘ al-Fiqh al-Islami, issue no. 10, vol. 1, p. 411, 583

Based on that, you need to look at the electrocution asked about. If it will lead, as the Council said, to the death of a considerable number of the chickens that are not separated from the live chickens, then it is not permissible to electrocute them. But if the electrocution uses a low voltage that does not lead to that, then the slaughter is halaal.

Secondly:

Saying “Bismillah” is a condition of slaughter being halaal, and is not waived in the case of forgetting or ignorance, according to the more correct scholarly view. See the answer to question no. 85669.

The basic principle with regard to saying “Bismillah” is that it must be done for each individual animal with the intention of slaughtering it in the proper manner.

But in the case of mechanical devices that slaughter a large number of chickens within a short time period, the scholars have differed with regard to the way of saying “Bismillah” that is essential for the slaughter to be halaal. There are several opinions:

1.That it is sufficient for “Bismillah” to be said once by the person operating the machine, if it

slaughters a number of chickens in one continuous time period. This is what has been stated in fatwas issued by the Standing Committee and in a statement issued by the Islamic Fiqh Council.

2.That it is sufficient for “Bismillah” to be said once by the person operating the machine, on condition that the specific chickens that he is going to slaughter are in front of him, such as if they are lined up on the conveyor belt and the like. This has been stated in fatwas issued by Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him).

3.That saying “Bismillah” when using these machines is not possible, therefore it is not permissible to use these machine for halaal slaughter.

The more correct view is the first one, for the following reasons:

It says in Fataawa al-Lajnah ad-Daa’imah:

What is the ruling on mechanical slaughter, in which dozens of chickens are slaughtered by machines at the same time, saying “Bismillah” only once? If a person is slaughtering a large number of chickens by hand, is it acceptable for him to say “Bismillah” just once, or does he have to say it for each one individually?

Answer:

Firstly: it is permissible to slaughter using modern machines on condition that (the blades) are sharp and that the oesophagus and windpipe are cut.

Secondly: if the machine slaughters a number of chickens in the same continuous length of time, it is acceptable for the person operating the machine to say “Bismillah” once when he begins to operate it with the intention of slaughtering, so long as the person operating the machine is a Muslim or kitaabi (Jewish or Christian).

Thirdly: if the person is slaughtering by hand, he must say “Bismillah” separately for each chicken he slaughters, because each chicken is a separate entity.

Fourthly: The slaughter must be done in the slaughterhouse and the windpipe and two veins, or

one of them, must be cut.

Bakr Abu Zayd, Saalih al-Fawzaan, ‘Abdullah ibn Ghadyaan, ‘Abd al-‘Azeez ibn ‘Abdullah Aal ash-Shaykh

End quote from Fataawa al-Lajnah ad-Daa’imah, 22/463

It also says (22/462): is it permissible to say “Bismillah” when operating the machine which does one repeated movement. Please note that what is meant is saying “Bismillah” only once, when starting the machine for slaughter.

Answer: it is acceptable for the person who is operating the machine to say “Bismillah” once when starting it for a number of (chickens) with the intention of slaughtering them, so long as the one who is operating it is a Muslim or a Jew or a Christian.

‘Abdullah ibn Ghadyaan, ‘Abd ar-Razaaq ‘Afeefi, ‘Abd al-‘Azeez ibn ‘Abdullah ibn Baaz. End quote.

It says in the statement of the Islamic Fiqh Council quoted above:

8. The basic principle is that slaughter of poultry and other animals is to be done by hand, but there is nothing wrong with using mechanical devices to slaughter poultry so long as the conditions of shar‘i slaughter mentioned above in paragraph 2 are met. And it is acceptable to say “Bismillah” once for each batch that is to be slaughtered in a continuous session, but if there was an interruption then saying “Bismillah” must be repeated. End quote.

But the statement of the Council did not specify that saying “Bismillah” must come from the one who is operating the machine.

Dr. Muhammad Sulaymaan al-Ashqar said: Saying “Bismillah” in the case of a large number, if they are to be slaughtered by hand in the Islamic manner, may be exhausting for the slaughterman. For example, if a person has the task of slaughtering 1200 chickens per hour at a rate of one chicken every three seconds, then he would have to say “Bismillah wa Allahu akbar” 1200 times in an hour which would be exhausting and very difficult, and such burdensome

difficulty is to be avoided in Islam because Allah, may He be exalted, says (interpretation of the meaning): “and has not laid upon you in religion any hardship” [al-Hajj 22:78].

Hence the Fatwa Council in Kuwait, of which I was a member at the time this fatwa was issued, stated that when slaughtering a large number of poultry it is sufficient to say “Bismillah” over them once, at the beginning, if the task is to proceed continuously without stopping. If there is a pause for some reason, then the slaughterman has to say “Bismillah” again for the remainder.

End quote from Majallat Majma‘ al-Fiqh al-Islami, issue no. 10, vol. 1, p. 346.

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) was asked the following question:

I went to visit the National Poultry Farms and I saw how they slaughter the chickens; in the beginning they suspend the chickens so that they cannot move, then they pass over the slaughterman who slaughters them without saying “Bismillah”. I asked: Why do you not say “Bismillah”? He said: Because I say “Bismillah” when I enter and I cannot say it for five hundred thousand chickens. So when I start I say, “Bismillah, Allahu akbar”, and that is sufficient. I said, Who did you ask? He said: The scholars gave me a fatwa to that effect and permitted it.

I do not know, O Shaykh, whether this action is permissible?

He replied: It is essential to say “Bismillah” over something specific, whether it is one or more. For example, if he lines up a thousand chickens then when starting the machine he says, “Bismillah”, that is sufficient. Then if he lines up another thousand chickens, for example, and starts the machine and the knives start moving, it is sufficient for him to say, “Bismillah” for this batch. And if another batch is lined up for him, he should say “Bismillah” for it.

Questioner: He says, “I say ‘Bismillah’ once and that is sufficient”?

Shaykh: Do you mean until the machine stops? No, that is not permissible, because “Bismillah” must be said over something specific.

Questioner: Another question, O Shaykh. We also went to visit Astra Farms in Tabook, where they

were slaughtering quail. What do they do? They hang up these birds, then after hanging them up they pass over a machine that sprays water on the birds and stuns them somewhat, then they pass over something like a wall on which is written, “Bismillah wa Allahu akbar”, then they go to a machine that cuts off their heads. The person in charge said that this is acceptable. Is it acceptable to have the words “Bismillah wa Allah akbar” written down?

Shaykh: All of that is ignorance and now you, may Allah bless you, have to report what you and your brothers have seen in a signed statement and send it to Dar al-Ifta’, and tell them when you saw that, whether it was this year or a few years ago, so that you may discharge your duty with regard to this matter.

Questioner: O Shaykh, they say that a group of shaykhs gave them a fatwa allowing that.

Shaykh: No, some shaykhs issued a fatwa saying something other than this. Maybe he issued a fatwa saying what I have said, which is that he may collect a batch and then turn on the machine for this batch, even if he does not say “Bismillah” for each individual bird. It is similar to the case where he sees a flock of birds and shoots them and says “Bismillah”, and twenty birds fall – in that case they are halaal.

Al-Liqa’ al-Maftooh, 35/27

What seems most likely to be the case, and Allah knows best, is that what the shaykh (may Allah have mercy on him) mentioned about saying “Bismillah” for each specific batch of birds being slaughtered, is not essential, because saying “Bismillah” once in this case is analogous to what is done when hunting. When hunting it is not essential to say “Bismillah” for each specific target; rather saying “Bismillah” is connected to the weapon. So if a person said “Bismillah” over his weapon with the intention of hunting, and he catches something other than what he aimed at, it is still halaal.

Here we will quote some useful words from Shaykh Muhammad Taqi al-‘Uthmaani (may Allah preserve him) which confirms what we have said above about the principle that “Bismillah” should be said over a specific animal (or batch) and that saying “Bismillah” just once on the part of the

person operating the machine is a kind of concession that differs from the basic principle, by analogy with what is done when hunting. And he explains that there is no point in somebody standing next to the machine saying “Bismillah” when he is not actually operating it.

He said (may Allah have mercy on him):

With regard to the issue of saying “Bismillah”, it is very difficult when using this method. The first problem is identifying who is doing the slaughtering, because saying “Bismillah” is obligatory on the slaughterman to such an extent that if a man says “Bismillah” then another man does the slaughtering, that is not permissible. So the question is: Who is the slaughterer in the case of this machine? We could say that the one who starts the machine the first time is regarded as the slaughterer, because the function of the machine can only be attributed to the one who operates it, because machines are not sentient beings to which actions may be attributed. So the action is to be attributed to the one who uses them, and he becomes the doer by means of the machine. But the problem here is that the person who uses the machine at the beginning of the day, for example, only starts it once, then the machine continues running during work hours, and sometimes runs for twenty-four hours, cutting the necks of thousands of chickens. So if the person who turned it on at the beginning of the day said “Bismillah” only once, is that single utterance of “Bismillah” sufficient for thousands of chickens that are slaughtered throughout the day after turning on the machine? The apparent meaning of the Qur’aanic text (interpretation of the meaning) “Eat not (O believers) of that (meat) on which Allahs Name has not been pronounced” [al-An‘aam 6:121] indicates that each animal should have the name of Allah pronounced over it separately and be slaughtered immediately afterwards. From this the fuqaha’ derived rulings which indicate that the name of Allah should be mentioned over each animal or for each action.

I mentioned these phrases in my research and I concluded from them that the majority of imams who stipulate that the name of Allah should be pronounced at the time of slaughter stipulate that it should be said over a specific animal, and that it should be at the time of slaughter, and there should be no significant interval between saying the name of Allah and the act of slaughter. These conditions are not met in the method described in the case of machines. If the one who switches it

on the first time says “Bismillah” once, that means that he did not say “Bismillah” over a particular animal, and between his saying “Bismillah” and his slaughtering of thousands of chickens there may be a lengthy interval that may last for a whole day or two days. So it appears to be the case that this single utterance of “Bismillah” is not sufficient for the slaughter of all these animals.

Then I saw some slaughterhouses in Canada, where they have a man standing beside the rotating knives, continually saying, “Bismillah Allahu akbar”. And I thought: with regard to his saying “Bismillah” carrying any weight in shar‘i terms there are the following problems:

1.The words “Bismillah” should be uttered by the slaughterer; this man who is standing beside the rotating knife has nothing to do with the slaughter process; he is not operating the machine or turning the knife, and the chickens come nowhere near him. Rather he is a man who is completely separated from the process of slaughter and his pronouncement of the name of Allah does not come from the slaughterer.

2.A number of chickens come to the rotating knife in a matter of seconds; this man who is standing there cannot say the name of Allah over each one of these chickens without intervals.

3.This man who is standing is a human; he is not an automatic machine. So he cannot do any action apart from saying “Bismillah”. He may need to do things that will distract him from saying “Bismillah”, and during that dozens of chickens may pass through the rotating knife.

There is another concern to be noted regarding the topic of saying “Bismillah” over machines, which is drawing an analogy between turning on the machine and releasing a hunting dog. It is not obligatory to say “Bismillah” when the prey animal dies; rather it must be said when releasing the dog, and there may be a lengthy interval between the release of the dog and the death of the prey, and the hunting dog may kill a number of animals after being released once. So it seems that saying “Bismillah” once is sufficient for all of them to be regarded as halaal. Ibn Qudaamah (may Allah have mercy on him) said: If the hunter says “Bismillah” over one prey (when releasing his dog) but then he catches another, it is halaal, and if he says “Bismillah” over one arrow and shoots it, then he takes another and shoots it (without saying “Bismillah”), what he catches with it

(the second arrow) is not halaal.

What we mentioned above has to do with necessity, and in the issue under discussion, there is no necessity. However, if we think of the need to produce a large amount within a short time, which is because of increased population and the rise in the number of consumers, and the small number of slaughtermen, and the fact that sharee'ah waived the condition of specifying the prey in the case of hunting because it is too difficult, as Ibn Qudaamah (may Allah have mercy on him) said, and in such cases sharee'ah allows concessions to ward off hardship, in that case we may compare the issue under discussion to the issue of necessity (as in the case of hunting) with regard to mentioning the name of Allah, so as to ward off hardship and make things easier for people. However, I am not quite certain of this conclusion, but I wanted to put it forward for discussion by the scholars to decide about it, and I have not issued any fatwa on that basis until now, especially when we have a suitable alternative to the revolving knife which will meet all of the production needs at the same time. That alternative is to remove the revolving knife from the machine and replace it with four Muslim men who could take turns in cutting the chickens' throats whilst mentioning the name of Allah, every time the suspended chickens pass by them.

This is something that I have suggested to a large slaughterhouse on the island of Reunion, and they did that. Experience indicates that this did not reduce the rate of production at all, because these people cut the throats of the chickens within the same timeframe as the revolving knife.

End quote from Shaykh Muhammad Taqi al-'Uthmaani, Majallat Majma' al-Fiqh al-Islami, issue no. 10, vol. 1, p. 541-544

To sum up:

1.Stunning the chickens by means of electrocution must be avoided, and it is not permissible for the organisation that is supervising slaughter to allow it unless they can be certain that it does not lead to killing any of the chickens.

2.It is sufficient for the machine operator to say "Bismillah" when switching it on, and that must be repeated after any pause.

3.There is no point in the five men beside the machine saying “Bismillah”; rather this is a waste of time that should be put a stop to.

4.The organisations that supervise Islamic slaughter must pay attention to the conditions and essential guidelines on the matter, and not be careless in applying them. And they should try to arrange for the slaughter to be done by hand instead of by machines, in accordance with the suggestion made by Shaykh Muhammad Taqi al-‘Uthmaani. That is so as to do away with problems having to do with electrocution and saying “Bismillah”, and so as to avoid the possibility of the slaughter of some of the chickens being done inappropriately when passing over the rotating knife, because of differences in size among the chickens. This is a problem that some researchers have pointed out.

And Allah knows best.