

DARUL IFTAA MAHMUDIYYAH



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الحمد لله رب العالمين والصلوة والسلام على نبيه الكريم

Darul Iftaa Annual Report – 2012

Alhamdulillah, with the Fadhl and grace of Allah Ta'ala, the Darul Iftaa was established in January, 2011. The Darul Iftaa was named “Darul Iftaa Mahmudiyyah” by Hazrath Mufti Ahmed Khanpuri Saheb (Damat Barakatuhum) in the blessed city of Madeenah Munawwarah. “Mahmudiyyah” is attributed to my Sheikh and Murshid, Mufti A'zam, Hazrath Mufti Mahmood al- Hasan Gangohi (Rahmatullahi Alayhi).

Presently, there are twelve students studying the Iftaa course. They are from:

1. United States of America – 5 students
2. United Kingdom – 2 students
3. Jamaica
4. Mozambique
5. South Africa - 2 students
6. Canada

There are many Ulama from many parts of the world who have applied to study Iftaa. They could not be accommodated due to lack of adequate facilities. The Darul Iftaa has therefore embarked on an expansion project.

Mufti Faizal Riza Saheb of Melbourne, Australia was a correspondence student for three years. He came to South Africa last year and completed the Iftaa course. Since then, Mufti Faizal Saheb has established the first Darul Iftaa in Melbourne, Australia.

Alhamdulillah, four students will be graduating today.

Mufti Faraz Ibn Adam of UK will be settling in Ireland and establishing the first Darul Iftaa there. Mufti Faisal Bin Abdul Hameed of Canada will be establishing a Darul Iftaa in Montreal to serve Quebec and the Western Maritime provinces of Canada.

The Iftaa course is covered over two years. The Iftaa syllabus is included in the booklet. The following researches are also included in the pack:

1. Compilation of the Qur'an and related matters
2. The differences between the Maturidiyyah and Asha'irah
3. Research on Mechanical Slaughter

The Darul Iftaa also offers a “Takhassus Fil Tafseer and Takhassus Fil Hadeeth” course.

In the past year, the Darul Iftaa arranged two Ulama gatherings. One with Hazrath Mufti Ahmed Khanpuri Saheb (Damat Barakatuhum) and the other with Hazrath Moulana Suleiman Choksi Saheb (Damat Barakatuhum).

In the course of the year, we have been honoured with the presence of many visiting Ulama from around the country and abroad.

The Darul Iftaa conducted three Shariah Compliant Business Campaign programmes. Alhamdulillah, the response from the public was overwhelming. We have requests to conduct these programmes in Johannesburg, Port Elizabeth and Cape Town.

We have set up a Shariah compliant investment scheme upon the request of Stonevest Investments and officially launched the product last year.

The Darul Iftaa receives approximately 15-20 telephonic queries daily and answers 20 –25 Fatawa on a daily basis. Thus far, approximately 3500 Fatawa were issued.

The queries come through the askimam and daruliftaa websites. This is apart from the fax queries and estate matters.

The Darul Iftaa conducts a BEEP (Business Educational Empowerment Programme.) Thousands of subscribers receive emails on business matters on a daily basis. The purpose of this programme is to educate and guide the Ummah on Mu’amalat.

The “Contemporary Fatawaa” is a compilation of the BEEP programme upon the advice of Hazrath Mufti Ahmed Khanpuri Saheb (Damat Barakatuhum).

Alhamdulillah, we frequently research Jadeed issues and circulate such Tahqeeq to the Ulama. Many Ulama expressed their appreciation on these researches and also requested us to conduct Ulama classes to refreshen them on Fiqh and keep them up to date with contemporary issues. This request is being considered and it is hoped that it will be implemented once the new premises are up. Some of the researches forwarded to the Ulama are:

1. Hadeeth of Dajjal and Jassasah
2. Touching an English copy of the Qur’an without Wudhu
3. Du’aa before eating
4. The Islamic perspective on Shooting stars
5. Talaaq and Qiyaas

We are currently preparing a case against Qadianism under the instruction of Hazrath Mufti Ahmed Khanpuri Saheb (Damat Barakatuhum). This case will be presented in the high court of Hyderabad, India. We will circulate this research to you once it is completed.

We have also conducted three programmes for women related to marital problems. The recordings of these programmes have been uploaded on the ideal woman website. This website is run by women and fully supervised by the Darul Iftaa.

The Darul Iftaa conducted 13 mediations and arbitrations in the past year.

The following publications were distributed by the Darul Iftaa:

1. Contemporary Fatawaa
2. Mudarabah contract
3. Partnership agreement
4. Lease agreement
5. Al- Mahmood publication
6. Business Ethics
7. Activities of the Darul Iftaa
8. Wills and Estates
9. Family Values
10. Creditors Rights and Debt Management

The following websites are run by the Darul Iftaa:

1. askimam.org – a Fatwa portal housing approximately 20 000 Fatawa.
2. daruliftaa.net – the official Darul Iftaa website which houses fiqh researches, Shariah Compliancy documents, lectures, etc.
3. daralmahmood.org – A website dedicated to serve the needs of Islaah and Tazkiyah of the Ummat.
4. idealwoman.org – a website dedicated to serve the needs of woman.

We make du‘ā’ that Allah Ta‘āla grant us Ikhlās and Qubūliyat in our efforts and let his shade of mercy envelope us at all times, Ameen.

I take this opportunity to express my heartfelt gratitude to the Imam of Musjid us- Saliheen, Hazrath Moulana Ahmed Chohan Saheb (Damat Barakatuhum) and the honourable trustees and responsible people, namely Hafiz Suleman Makda, Hafiz Shakir Desai, Hajee Prof. Randeree for providing the facilities, venue and meals for this Jalsa.

The unflinching support of the trustees of Musjid us- Saliheen and the general people of Sherwood and the surrounding areas ever since I came to Sherwood jolted my thinking of the existence of a far better part of the world.

May Allah (Subhanahu Wa Ta’ala) reward you abundantly for your Ikraam and increase our love and Mahabbat for His pleasure. Aameen.

(Mufti) Ebrahim Desai

Syllabus for Iftaa Course at the Darul Iftaa

دار الافتاء  Darul Iftaa

المادة	الكتاب	المدرس
القواعد الفقهية	الأشباه والنظائر - الفن الأول	المفتي إبراهيم ديسائي صاحب دامت بركاته
	الفروع الندية	المفتي حسين كدوديا صاحب دامت بركاته
	شرح القواعد الفقهية	المفتي حسين كدوديا صاحب دامت بركاته
أصول الإفتاء	شرح عقود رسم المفتي	المفتي حسين كدوديا صاحب دامت بركاته
	الحيلة الناجزة	المفتي إبراهيم ديسائي صاحب دامت بركاته
	أصول الإفتاء للمفتي محمد تقي العثماني	المفتي حسين كدوديا صاحب دامت بركاته
الإقتصاد الإسلامي	Introduction to Islamic Finance	المفتي إبراهيم ديسائي صاحب دامت بركاته
	المعايير الشرعية	المفتي إبراهيم ديسائي صاحب دامت بركاته
الفروع الفقهية	منهل الواردين لابن عابدين (في مسائل الحيض)	المفتي حسين كدوديا صاحب دامت بركاته
	الدرر المباحة في الخطر والإباحة	المفتي حسين كدوديا صاحب دامت بركاته
	جواهر الفقه للمفتي محمد شفيق العثماني	المفتي إبراهيم ديسائي صاحب دامت بركاته
	تحفة العلماء ***	المفتي إبراهيم ديسائي صاحب دامت بركاته
الفرائض	الفرائض السراجية	مولانا هاشم صاحب دامت بركاته
مصطلح الحديث	المنهج الحديث في تسهيل علوم الحديث	المفتي حسين كدوديا صاحب دامت بركاته
	الأجوبة الفاضلة لمولانا عبد الحي الكنوي	المفتي إبراهيم ديسائي صاحب دامت بركاته
تخریج	تخریج الحديث الشريف لنائب البقاعي	المفتي حسين كدوديا صاحب دامت بركاته
التعريف بالكتب والمصنفين	المدخل إلى كتب الحنفية	المفتي حسين كدوديا صاحب دامت بركاته
	لمحات في المكتبات والبحث والمصادر (جزء منه)	المفتي حسين كدوديا صاحب دامت بركاته
مقاصد الشريعة	ضوابط المصلحة للشيخ البوطي ***	المفتي حسين كدوديا صاحب دامت بركاته
معرفة الأکابر	قراءة ملفوظات حكم الأمة كل يوم بعد العشاء لعشرين دقيقة	المفتي إبراهيم ديسائي صاحب دامت بركاته
تمرین الإفتاء	كل يوم ثلاثة أسئلة	
الدراسة	أطروحة أكاديمية مشتمل على خمسين صفحة	
المطالعة	قراءة أحسن الفتاوى كاملاً وفتاوى محمودية كاملاً	

التدريب في التصوف من مهمات هذه الدورة. الطلبة في دار الإفتاء يحضرون كل يوم بعد الفجر مجلس الذكر في مسجد الصالحين. علاوةً على ذلك يراقب كل طالب على أعماله اليومية , فيلزم على كل طالب أن يسجل أعماله اليومية في دفتر كما يلي:

تقوم دار الإفتاء بالقضاء في خصومات مالية وخصومات زواجية فبالإضافة إلى ما ذكر يشهد الطلبة خصومات زواجية وخصومات مالية و يبحثون عن حل المشاكل



Forward

Muhtaram ‘Ulamā’ Kirām,

Assalamu Alaykum Wa Rahmatullahi Wa Barakatuhu

We take pleasure in presenting to you the following researches conducted by the Darul Iftaa.

1) Compilation of the Qur’ān and related matters

The difference between the compilations of Hadhrat Abu Bakr (Radhiyallahu Anhu) and Hazrath Uthman (Radhiyallahu Anhu) and what did Hadhrat Uthman (Radhiyallahu Anhu) do in His compilation. This research also deals with Sab’ah Ahruf, dialects and different scripts of the Qur’an. This research was done by Ismail Desai and was presented to the senior Qurra, namely, Qari Ayooob Essack Saheb, Qari Abdullah Motara Saheb, Qari Ismail Desai Saheb, Qari Nazeer Salajee Saheb and others for attestation.

2) Twelve differences between Asha’ira and Maturidiyya.

While some differences may be Lafdhi, others cannot be easily termed as that. Both are from the Ahl al- Sunnah Wa al- Jamā’ah. This research was also done by Mufti Faraz Ibn Adam.

3) Machine slaughter

This research was done as a thesis by Mufti Faraz Ibn Adam from UK.

We hope these researches will make an interesting read.

We request your Du’aas for Ikhlaas and sincerity.

Mufti Ebrahim Desai

Compilation of the Qur'ān
and related matters

Forward

All praise is due to Almighty Allah who revealed the Qur'an upon His servant, and allowed no corruption in it, and salutations upon the final messenger of Allah. (Peace be upon him).

The mere recitation of the verses of the Qur'an was declared an act of worship in its own right. Its recitation and memorisation, even without understanding its meaning, has been an important subject of learning since its revelation. The scholars of Islam have written voluminous books on the various aspects connected to the sciences of the Qur'an. Amongst these is the science of Tajweed and Qiraat.

The treatise at hand by Mufti Ismail bin Mufti Ebrahim Desai sahib, which has dealt with the issue of the variant readings of the Qur'an (Qira'at), coupled with the relevant references from the authentic sources is a valuable contribution to this field of study. This subject has been very fiercely debated in academic circles, and is regarded as the most difficult amongst the branches of Qur'anic sciences. Despite this, I am pleased to say that Mufti Ismail sahib has done a splendid job in expounding on this extremely difficult topic.

I have studied the material thoroughly, and made some recommendations and suggestions which Mufti Ismail sahib has happily incorporated into the book.

I pray to Allah Ta'ala that He grants acceptance to his effort and makes it a means of salvation for him and all those who were instrumental in whatever form, in bringing it to fruition. Aameen.

(Qari) Ayoob bin Ebrahim Essack
Darul Uloom Zakariyya
Lenasia
South Africa

29 Rajab 1433 / 19 June 2012.

Introduction

As Muslims, we pride ourselves with the Qur'ān which is unmatched in every aspect of literary ingeniousness.

One of the most striking miracles of the Qur'ān is the unique preservation of the Qur'ān which has survived many epochs and ages without a single alteration, interpolation or mistake.

Allah (Subhanahu Wa Ta'ala) says:

إنا نحن نزلنا الذكر وإنا له لحافظون

“Indeed we have revealed the reminder (Qur'ān) and we shall preserve it” (Al- Qur'aan, 15: 9)

Allah (Subhānahū Wa Ta'alā) says:

إن علينا جمعه و قرآنه

“Surely upon us rests the collection and recitation of the Qur'ān” (Al- Qur'ān, 75: 17)

Preservation of the Qur'ān during the era of Rasullullah ﷺ

The entire Qur'ān was not revealed at once in entirety. It was revealed gradually according to the needs and circumstances of Rasullullah ﷺ and the Sahābah رضي الله عنهم. Therefore, it was not possible to officially compile the entire Qur'ān during the lifetime of Rasullullah ﷺ.

The preservation of the Qur'ān during the era of Rasullullah ﷺ took place in two ways:

1. Memorizing of the Qur'ān.¹
2. Recording the Qur'ān.²

١ جمع القرآن بمعنى حفظه في الصدور

نزل القرآن على النبي صلى الله عليه وسلم فكانت همته بادئ ذي بدء منصرفة إلى أن يحفظه ويستظهره ثم يقرأه على الناس على مكث ليحفظوه ويستظهروه ضرورة أنه نبي أمي بعثه الله في الأميين. {هُوَ الَّذِي بَعَثَ فِي الْأُمِّيِّينَ رَسُولًا مِنْهُمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ الْكِتَابَ وَالْحِكْمَةَ وَإِنْ كَانُوا مِنْ قَبْلُ لَفِي ضَلَالٍ مُبِينٍ} اهد من سورة الجمعة. ومن شأن الأمي أن يعول على حافظته فيما يهمه أمره ويعنيه استحضاره وجمعه. خصوصا إذا أوتي من قوة الحفظ والاستظهار ما يسر له هذا الجمع والاستحضار. وكذلك كانت الأمة العربية على عهد نزول القرآن وهي متمتعة بخصائص العروبة الكاملة التي منها سرعة الحفظ وسيلان الأذهان حتى كانت قلوبهم أناجيلهم وعقولهم سجلات أنسابهم وأيامهم وحواظهم دواوين أشعارهم ومفاخرهم. ثم جاء القرآن فبهروهم بقوة بيانه وأخذ عليهم مشاعرهم بسطوة سلطانه وأستأثر بكرم مواهبهم في لفظه ومعناه فخلعوا عليه حياتهم حين علموا أنه روح الحياة (مناهل العرفان في علوم القرآن، ج ١، ص ٢٤٦)

٢ جمع القرآن بمعنى كتابته في عهد رسول الله صلى الله عليه وسلم

قلنا: إن همة الرسول وأصحابه كان منصرفة أول الأمر إلى جمع القرآن في القلوب بحفظه واستظهاره ضرورة أنه نبي أمي بعثه الله في الأميين. أضف إلى ذلك أن أدوات الكتابة لم تكن ميسورة لديهم في ذلك العهد

Memorizing the Qur'ān

The Arabs were distinguished and known all over the world for their amazing ability to memorize. An Arab would memorize thousands of poetic lines, know the lineage of his entire family by memory and would even know the lineage of his camels. It was very rare to find a person who did not know his lineage or family ancestry.

Many Sahābah ؓ had memorized the Qur'ān. Among them were: Hadhrat Uthmān ؓ, Hadhrat Talhā ؓ, Hadhrat Amr Bin 'Ās ؓ e.t.c.³

Recording of the Qur'ān

Although the primary source of preserving the Qur'ān during the era of Rasullullah ﷺ was through memorization. The Sahābah ؓ also preserved the Qur'ān through documenting the Qur'an on whatever material they could find like leaves, bones, branches of trees, parchments of leather and pieces of bamboo. Paper was rarely used as it was hardly available.⁴

Rasullullah ﷺ himself appointed some Sahabah ؓ as scribes for preserving the Qur'ān.

ومن هنا كان التعويل على الحفظ في الصدور يفوق التعويل على الحفظ بين السطور. على عادة العرب أيامئذ من جعل صفحات صدورهم وقلوبهم دواوين لأشعارهم وأنسابهم ومفاخرهم وأيامهم.

ولكن القرآن حظي بأوفى نصيب من عناية النبي صلى الله عليه وسلم وأصحابه فلم تصرفهم عنايتهم بحفظه واستظهاره عن عنايتهم بكتابته ونقشه ولكن بمقدار ما سمحت به وسائل الكتابة وأدواتها في عصرهم.

فها هو ذا رسول الله صلى الله عليه وسلم قد اتخذ كتابا للوحي كلما نزل شيء من القرآن أمرهم بكتابته مبالغة في تسجيله وتقبيده. وزيادة في التوثق والضبط والاحتياط في كتاب الله تعالى حتى تظاهر الكتابة الحفظ ويعاضد النقش اللفظ.

وكان هؤلاء الكتاب من خيرة الصحابة فيهم أبو بكر وعمر وعثمان وعلي ومعاوية وأبان بن سعيد وخالد ابن الوليد وأبي بن كعب وزيد بن ثابت وثابت بن قيس وغيرهم. وكان صلى الله عليه وسلم يدهم على موضع المكتوب من سورتهم. ويكتبونه فيما يسهل عليهم من العصب واللخاف (مناهل العرفان في علوم القرآن (١ / ٢٤٦)

جمع القرآن كتابة على عهد الرسول صلى الله عليه وسلم

اتخذ النبي صلى الله عليه وسلم كتابا للوحي فيهم الخلفاء الأربعة ومعاوية وزيد بن ثابت وأبي بن كعب وخالد بن الوليد وثابت بن قيس، كان يأمرهم بكتابة كل ما ينزل من القرآن، حتى تظاهر الكتابة جمع القرآن في الصدور (مباحث في علوم القرآن لصبحي الصالح (١ / ٦٩)

٣ مناهل العرفان في علوم القرآن، ج ١، ص ١٩٤-١٩٥، السلام

٤ و اما طريقة الكتابة فقد كانوا يكتبون القرآن على العصب واللخاف والرقاع وعظام الأكتاف وغيرها، ذلك لأن صنع الورق لم يكن مشتهرا عند العرب، وقد كان عند بعض الامم الأخرى كالفرس والروم، ولكنه كذلك كان نادرا فلم يكن مشتهرا (التبيان في علوم القرآن، ص ٤٨، الصابوني، ٢٠٠٦)
ويكتبونه فيما يسهل عليهم من العصب واللخاف والرقاع وقطع الاديم وعظام الأكتاف و الأضلاع (مناهل العرفان في علوم القرآن، ص ١٩٨، السلام)

Among them are:

1. Hadhrat Zaid Bin Thaabit ؓ
2. Hadhrat Ubayy Bin Ka'ab ؓ
3. Hadhrat Mu'aadh Bin Jabal ؓ
4. The Khulafaa Rashideen ؓ. ⁵

Collection and compilation of the Qur'an during the Khilāfah of Hadhrat Abū Bakr ؓ



During the era of Rasulullah ﷺ, the Qur'an was documented on leaves, bones, branches of trees, parchments of leather and pieces of bamboo.

The following narration serves as a brief background as to the reason why Hadhrat Abū Bakr ؓ decided to compile the Qur'an.

حَدَّثَنَا عَبْدُ اللَّهِ قَالَ حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ قَالَ: حَدَّثَنَا يُونُسُ، عَنْ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي ابْنُ السَّبَّاقِ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: [ح] وَحَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَبِي، عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ بْنِ السَّبَّاقِ، أَنَّ زَيْدَ بْنَ ثَابِتٍ حَدَّثَهُ [وَهَذَا حَدِيثُ عُثْمَانَ] قَالَ: " أُرْسِلَ إِلَيَّ أَبُو بَكْرٍ مَقْتُلَ أَهْلِ الْيَمَامَةِ فَأَتَيْتُهُ وَعِنْدَهُ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فَقَالَ أَبُو بَكْرٍ: إِنَّ عُمَرَ أَتَانِي فَقَالَ: إِنَّ الْقَتْلَ قَدْ اسْتَحَرَّ بِأَهْلِ الْيَمَامَةِ مِنْ قُرْآنِ الْقُرْآنِ، وَأَنَا أَخْشَى أَنْ يَسْتَحَرَّ الْقَتْلُ بِالْقُرْآنِ فِي الْمَوَاطِنِ فَيَذْهَبُ كَثِيرٌ مِنَ الْقُرْآنِ لَا يُوعَى، وَإِنِّي أَرَى أَنْ تَأْمُرَ بِجَمْعِ الْقُرْآنِ فَقُلْتُ لِعُمَرَ: كَيْفَ أَفْعَلُ شَيْئًا لَمْ يَفْعَلْهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ فَقَالَ: هُوَ وَاللَّهِ خَيْرٌ، فَلَمْ يَزَلْ يُرَاجِعُنِي فِي ذَلِكَ حَتَّى شَرَحَ اللَّهُ لِي ذَلِكَ صَدْرِي وَرَأَيْتُ فِيهِ الَّذِي رَأَى عُمَرُ قَالَ زَيْدٌ: وَعُمَرُ جَالِسٌ عِنْدَهُ لَا يَتَكَلَّمُ فَقَالَ عُمَرُ: إِنَّكَ شَابٌّ عَاقِلٌ لَا تَنْهَمُكَ وَكُنْتُ تَكْتُبُ الْوَحْيَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَتَبِعُ هَذَا الْقُرْآنَ فَاجْمَعُهُ، فَوَاللَّهِ لَوْ كَلَّفُونِي ثَقْلَ جَبَلٍ مِنْ الْجِبَالِ مَا كَانَ بِأَثْقَلٍ عَلَيَّ مِمَّا كَانَ أَمْرُونِي بِهِ مِنْ جَمْعِ الْقُرْآنِ قُلْتُ: وَكَيْفَ تَفْعَلُونَ شَيْئًا لَمْ يَفْعَلْهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ وَلَمْ يَزَلْ أَبُو بَكْرٍ يُرَاجِعُنِي حَتَّى شَرَحَ اللَّهُ صَدْرِي بِالَّذِي شَرَحَ لَهُ صَدْرُ أَبِي بَكْرٍ وَعُمَرُ فَجَمَعْتُ الْقُرْآنَ مِنَ الْأَكْتَافِ وَالْأَقْتَابِ وَالْعُسْبِ وَصُدُورِ الرِّجَالِ، حَتَّى وَجَدْتُ آخِرَ سُورَةِ التَّوْبَةِ مَعَ خُزَيْمَةَ بْنِ ثَابِتٍ الْأَنْصَارِيِّ لَمْ أَجِدْهَا مَعَ أَحَدٍ غَيْرِهِ: {لَقَدْ جَاءَكُمْ رَسُولٌ مِنْ أَنْفُسِكُمْ} [التوبة: ١٢٨] الْآيَةَ. قَالَ يَعْقُوبُ فِي حَدِيثِهِ: فَكَانَتْ الصُّحُفُ عِنْدَ أَبِي بَكْرٍ حَيَاتِهِ حَتَّى مَاتَ، ثُمَّ عِنْدَ عُمَرَ حَيَاتِهِ حَتَّى مَاتَ، ثُمَّ عِنْدَ حَفْصَةَ بِنْتِ عُمَرَ رَضِيَ اللَّهُ عَنْهَا (المصاحف لابن أبي داود، ج ١، ص ٥٥)

Hadhrat Zaid ؓ narrates that “Immediately after the battle of Yamāmah, Hadhrat Abū Bakr ؓ one day sent for me, and when I went to him, Hadhrat ‘Umar ؓ was also present there, Hadhrat Abū Bakr ؓ said to me, ‘Umar has just now told me that a large number of Qurra’ (Experts in Qur’an recital) had been martyred in the battle of Yamāmah. If we keep losing them in different places like that, I fear that a large portion of the Qur’an may become extinct; hence I propose that you undertake the task of collecting the Qur’an from different places. I told ‘Umar, how can I do such a thing which the Prophet ﷺ did not do?

^٥ وكان هؤلاء الكتاب من خيرة الصحابة، فيهم ابو بكر، وعمر، وعثمان، وأبي بن

كعب، وزيد بن ثابت، وثابت بن قيس (المرجع السابق)

زيد بن ثابت، وأبي بن كعب، ومعاذ بن جبل، الخلفاء الراشدون (التبيان، ص ٤٧، الصابوني)

‘Umar kept insisting, “By Allah! This work is nothing but good, the light of Truth has dawned upon me and my opinion has also changed to that of ‘Umar’s.” Thereafter, Hadhrat Umar ؓ said to me, “You are young and sensible. We have no lack of trust in you. You had been a regular scribe of Wahy (revelation) during the lifetime of Rasullullah ﷺ. So, you search for all the verses of the Qur’ān and collect them together.

Hadhrat Zaid ؓ says: “By Allah! Carrying a mountain on their orders would have been a lighter burden for me than collecting the Qur’ān.” I asked him, “How is it such that you have undertaken to do that which was never done by Rasullullah ﷺ?”

Hadhrat Abū Bakr ؓ said: “By Allah! This is all good, and he kept on repeating these words until Allah gave me insight for adopting the same opinion that was held by Abū Bakr and ‘Umar. Thereafter, I began gathering the Qur’ān from scapula (shoulder) bones, vertebral column (back) bones, branches of trees and the chests of people (memories) until the last verse of Surah Tawba was found by Hadhrat Khuzaimah Bin Thabit al- Ansari and I did not find this verse with anyone else. collected the entire Qur’ān” (Al – Masahif of Ibn Abi Dawood, Vol. 1, Pg. 55, Saheeh al – Bukhari, #4402, Fath al – Baari, Vol.9, Pg.8- 11)

Hadhrat Zaid ؓ officially compiled the Qur’ān with the most stringent of conditions.

Compilation and Gathering of the Qur’ān during the Khilāfah of Hadhrat Uthmān ؓ

When Hadhrat Uthmān ؓ became the Khalīfah of the Muslims, Islam had spread far and wide spanning the far and wide from one end of the Byzantine Empire all the way to Iran. The Muslims spread out in the different regions and cities of the Muslim Empire.

In every region, one particular Harf⁶ (mode of recitation) of a certain Sahābī had become popular. Different regions followed different Hurūf as taught to them by the Sahābah ؓ.

The inhabitants of the “Levant” (Shaam) followed the mode of recitation of Hadhrat Ubayy Bin Ka’b ؓ. The citizens of Kūfah followed the mode of recitation of Hadhrat Abdullah Bin Mas’ūd ؓ and the rest of the citizens within the Muslim Empire followed the mode of recitation of Hadhrat Abū Mūsā Al- Ash’arī ؓ.⁷

As long as the people knew that seven Hurūf existed and all were correct, there was no problem. The people of the far flung areas of the Muslim Empire were not exposed to these seven Hurūf as

⁶ The explanation regarding the meaning of the “Seven hurūf” will be presented later in this research article.

١٧ اتسعت الفتوحات في زمن عثمان واستبحر العمران وتفرق المسلمون في الأمصار والأقطار ونبئت ناشئة جديدة كانت بحاجة إلى دراسة القرآن. وطال عهد الناس بالرسول والوحي والتنزيل. وكان أهل كل إقليم من أقاليم الإسلام يأخذون بقراءة من اشتهر بينهم من الصحابة فأهل الشام يقرؤون بقراءة أبي بن كعب وأهل الكوفة يقرؤون بقراءة عبد الله بن مسعود وغيرهم يقرأ بقراءة أبي موسى الأشعري. فكان بينهم اختلاف في حروف الأداء ووجوه القراءة بطريقة فتحت باب الشقاق والنزاع في قراءة القرآن أشبه بما كان بين الصحابة قبل أن يعلموا أن القرآن نزل على سبعة أحرف بل كان هذا الشقاق أشد لبعد عهد هؤلاء بالنبوة وعدم وجود الرسول بينهم يطمئنون إلى حكمه ويصدرون جميعاً عن رأيه. واستفحل الداء حتى كفر بعضهم بعضاً (مناهل العرفان في علوم القرآن، ج ١، ص ٢٥٥)

it had not gained considerable popularity, therefore they began disputing and quarrelling with one another regarding the modes of recitation.

The following narration presents a brief background as to the reason why Hadhrat Uthmān ؓ decided to compile and gather the Qur'ān again:

رَوَى الْبُخَارِيُّ عَنْ أَنَسٍ أَنَّ حَذِيفَةَ بْنَ الْيَمَانِ قَدِمَ عَلَى عُثْمَانَ وَكَانَ يُغَارِزِي أَهْلَ الشَّامِ فِي فَتْحِ أَرْمِينِيَّةٍ وَأَذْرَبِجَانَ مَعَ أَهْلِ الْعِرَاقِ فَأَفْرَعَ حَذِيفَةُ اخْتِلَافَهُمْ فِي الْقِرَاءَةِ فَقَالَ لِعُثْمَانَ: أَدْرِكِ الْأُمَّةَ قَبْلَ أَنْ يَخْتَلِفُوا اخْتِلَافَ الْيَهُودِ وَالنَّصَارَى. فَأُرْسِلَ إِلَى حَفْصَةَ: أَنْ أُرْسِلِي إِلَيْنَا الصُّحُفَ نَنْسُخُهَا فِي الْمَصَاحِفِ ثُمَّ نَرْدُهَا إِلَيْكَ. فَأُرْسِلَتْ بِهَا حَفْصَةُ إِلَى عُثْمَانَ فَأَمَرَ زَيْدُ بْنُ ثَابِتٍ وَعَبْدُ اللَّهِ بْنُ الرَّبِيعِ وَسَعِيدُ بْنُ الْعَاصِ وَعَبْدُ الرَّحْمَنِ بْنُ الْحَارِثِ بْنِ هِشَامٍ فَتَسَخُّوْهَا فِي الْمَصَاحِفِ. وَقَالَ عُثْمَانُ لِلرَّهْطِ الْقُرَشِيِّينَ الثَّلَاثَةِ: إِذَا اخْتَلَفْتُمْ أَنْتُمْ وَزَيْدُ بْنُ ثَابِتٍ فِي شَيْءٍ مِنَ الْقُرْآنِ فَارْتَبِئُوا بِلسَانِ قُرَيْشٍ فَإِنَّهُ إِنَّمَا نَزَلَ بِلسَانِهِمْ فَفَعَلُوا حَتَّى إِذَا تَسَخَّوْا الصُّحُفَ فِي الْمَصَاحِفِ رَدَّ عُثْمَانُ الصُّحُفَ إِلَى حَفْصَةَ وَأُرْسِلَ إِلَى كُلِّ أَقْفٍ بِمُصْحَفٍ وَمَا تَسَخَّوْا، وَأَمَرَ بِمَا سِوَاهُ مِنَ الْقُرْآنِ فِي كُلِّ صَحِيفَةٍ أَوْ مِصْحَفٍ أَنْ يَحْرَقَ

“Hudhayfah Bin Yamān ؓ came to Uthmān ؓ while the inhabitants of “the Levant” were engaged in Jihād on the Armenian- Azerbaijani front with the citizens of “Iraq”. Their differences regarding the different modes of recitation frightened and disturbed him. Hudhayfa ؓ said to Uthmān ؓ: “Oh leader of the Believers! Before this nation becomes prey to the dissensions regarding the Book of Allah like the Jews and Christians, you must do something about it! Uthmān ؓ sent a message to Hafsa ؓ to send to us the scripts so that we may transcribe it into complete scripts whereafter, we will then return them to you thereafter. Hafsa ؓ sent them to Uthmān ؓ. He commanded Zaid Bin Thābit, Abdul Rahmān Bin al- Hārith bin Hishām, Abdullah Bin Zubair, Sa’id al – Ās who transcribed and copied the scattered copies into complete scripts. Uthmān ؓ wrote to them: “If you and Zaid Bin Thābit have to differ in anything of the Qur’ān, then record it in the dialect of the Quraysh, because it was revealed in their dialect. They did so until they recorded the scripts, Uthmān ؓ returned the collection of scripts to Hafsa ؓ and sent one script to every corner of the Muslim Empire. He issued a general order that all the written Qur’an, in whatever form, be burnt.” (Saheeh al – Bukhari, Vol.4, Pg.1908)

Seven Hurūf or one?

When Hadhrat Uthmān ؓ compiled the Qur’ān, he incorporated all the seven Hurūf in which the Qur’an was revealed. He did not bring the people onto one Harf and discard the other six Hurūf as is the view of Allamah Ibn Jarīr Tabarī⁸ and Allamah Baghawī⁹, the author of Sharh al- Sunnah.

Rather, Hadhrat Uthmān ؓ standardized his consonantal script (rasm) which would have the capacity to accommodate the seven Hurūf based on the dialect of the Quraysh.

٨ جامع البيان عن تأويل آي القرآن لأبي جعفر محمد بن جرير الطبري (ج ١، ص ٢٨-٢٩، الفكر، ١٤٠٥)

٩ فجمع عثمان عند ذلك المهاجرين والأنصار، وشاورهم في جمع القرآن في المصاحف على حرف واحد (شرح السنة للبغوي، ج ٤، ص ٥٢٣)

This is the view of the majority of Exegetes and scholars of Usool al- Tafseer.

They opine that all the seven Hurūf were incorporated into the consonantal script of Hadhrat Uthmān ؓ.

Hereunder are a few of their statements denoting this view point:

1. One of the strongest proof upon which they base their opinion on is the following famous Hadeeth of Rasullullah ﷺ:

Rasullullah ﷺ said:

أُنزل القرآن على سبعة أحرف فاقرؤوا ما تيسر منه

“The Qur’ān was revealed covering seven equally valid readings. So recite it in a way that is easy for you” (Saheeh al – Bukhari, Kitaabu Fadha’il al – Qur’an, # 4992, Vol.9, Pg.29, Al – Hadeeth)

The above Hadeeth clearly substantiates the specific number of Huroof being “Seven”.

قال ابن التين وغيره: الفرق بين جمع أبي بكر وجمع عثمان أن جمع أبي بكر كان لخشية أن يذهب من القرآن شيء بذهاب حملته، لأنه لم يكن مجموعاً في موضع واحد فجمعه في صحائف مرتباً لآيات سورة على ما وقفهم عليه النبي، وجمع عثمان كان لما كثر الاختلاف في وجوه القراءات حتى قرؤوه بلغاتهم على اتساع اللغات فأدى ذلك بعضهم إلى تخطئة بعض، فخشى من تفاقم الأمر في ذلك، فنسخ تلك الصحف في مصحف واحد مرتباً لسوره واقتصر من سائر اللغات على لغة قريش محتجاً بأنه نزل بلغتهم وإن كان قد وسع في قراءته بلغة غيرهم رفعا للحرص والمشقة في ابتداء الأمر فرأي أن الحاجة إلى ذلك قد انتهت فاقصص على لغة واحدة (الاتقان في علوم القرآن، ج ١، ص ١٦٥، السلام، ١٤٢٩)

2. Ibn al – Tīn رحمه الله says: “He sufficed from all the dialects on the dialect of the Quraysh”

وقال الحارث المحاسبي : المشهور عند الناس أن جامع القرآن عثمان، وليس كذلك، إنما حمل عثمان الناس على القراءة بوجه واحد على اختيار وقع بينه وبين من شهدوا من المهاجرين والانصار لما خشي الفتنة عند اختلاف أهل العراق والشام في حروف القراءات (الاتقان في علوم القرآن، ج ١، ص ١٦٥، السلام)

3. Hārith al- Muhāsibī رحمه الله says: “Uthmān only brought the people onto reading in one method/mode”

والسابع اختاره القاضي أبو بكر، وقال : الصحيح أن هذه الاحرف السبعة ظهرت واستفاضت عن رسول الله صلى الله عليه وسلم وضبطها عنه الائمة وأثبتها عثمان والصحابة في المصحف (البرهان في علوم القرآن، ص ٢٢٣)

4. Allamah Badr al – Dīn al- Zarkashi رحمه الله quotes the statement of Qādhī Abū Bakr رحمه الله as follows:

“The seventh view has been adopted by Qādhī Abū Bakr and he has stated: “It is correct that these seven Hurūf/modes of recitation have been reported from the Prophet ﷺ and the Imāms have preserved them, and Hadhrat Uthmān ؓ and the Sahābah ؓ have included them in the Qur’ān”

وأما قول من قال أبطل الأحرف الستة فقد كذب من قال ذلك ولو فعل عثمان ذلك أو أرادته لخرج عن الاسلام و لما مطل ساعة بل الأحرف السبعة كلها موجودة عندنا قائمة كما كانت مثبتة في القراءات المشهورة الماثورة (علوم القرآن بحواله: الفصل في الملل و الهوي و النحل لابن حزم، ج ٢، ص ٧٧-٧٨)

5. Allamah Ibn Hazm رحمه الله has refuted the view of Allamah Ibn Jarīr al – Tabari رحمه الله and those who follow his view with the following words:

“As for the view that Uthmān abrogated the six letters/modes of recitation, the person who made such a statement has uttered a lie. If he (Uthmān) had done so or intended to do so, he would have come out of the fold of Islam without a moment’s delay. The fact is that all the seven Hurūf/modes of recitation are fully preserved with us and still used in the popular Qirā’at.”

فإن قيل هل تقولون إن جميع هذه السبعة الأحرف ثابتة في المصحف فإن القراءة بجميعها جائزة قيل لهم كذلك نقول (المنتقى شرح المؤطا لابي الوليد الباجي المالكي المذهب، ج ١، ص ٣٤)

6. Allamah Abū al- Walīd al – bāji رحمه الله the well known commentator of the Muwatta of Imām Mālik says:

“If we are asked if it is our view that all the seven Hurūf exist even today and hence their recital is permissible, then we would emphatically say, “Yes”.

فاعلم أن ما قرأه جبريل عليه السلام في العرصة الأخيرة على النبي صلى الله عليه وسلم كله ثابت في مصحف عثمان ولما يتعين معنى الأحرف عند ابن جرير ذهب إلى رفع الأحرف الست وبقي واحد فقط (فيض الباري لمحدث العصر انور شاه الكشميري، ج ٣، ص ٣٢١-٣٢٢)

7. The great erudite scholar of the last century, Hadhrat Moulana Allamah Anwar Shāh Kashmīrī رحمه الله states in the commentary of Saheeh al- Bukhari entitled “Al – Faith al – Bāri”:

“So, know that all that Jibra’īl had recited to the Prophet ﷺ during the final revision of the Qur’ān is established in the final compilation of the Qur’an by Hadhrat Uthman ؓ. And since the concept of the “Letters/Hurūf” were not fully understood by Ibn Jarīr, he adopted the view that six letters were abolished and only one remains”

ولنختم هذا الفصل بأبيات في موضوع جمع القرآن من نظم الامام الشاطبي رحمه الله تعالى في عقيلة أتراب القصائد وهي: * بالأحرف السبعة العليا كما اشتهر فأمسك الصحف الصديق ثم إلى الف *

8. Allamah Shātibī رحمه الله is considered as an authority in the field of Qirā’ah. He describes the Qur’ān in the above poetry as possessing the “The seven high Hurūf”.

فذهب جماعات من الفقهاء والقراء والمتكلمين الى أن المصاحف العثمانية مشتملة على جميع الأحرف السبعة وذهب جماهير العلماء من السلف و الخلف وأئمة المسلمين الى أن هذه المصاحف العثمانية مشتملة على ما يحتمله رسمها فقط جامعة للعرضة الأخيرة التي عرضها النبي صلى الله عليه وسلم على جبريل عليه السلام متضمنة لها لم تترك حرفا منها، قلت و هذا القول هو الذي يظهر صوابه لأن الأحاديث الصحيحة والآحاد المشهورة تدل عليه وتشهد له (النشر في القراءات العشر، ج ١، ص ٣١)

9. Allamah Ibn al – Jazari رحمه الله, the great Imām in Qirā’ah and the teacher of Hāfidh Ibn al- Hajr رحمه الله states that “The view of the jurists, Qurra’ and theologians is that the Uthmānī Scripts comprises of the “Seven Hurūf.” At the end of the discussion, he clearly states that this is his view and it is in conformity with the authentic Ahādīth which attest to and indicate to this view.

ولقد ذكر القرطبي أنَّ هذه الأحرف باقية في القرآن لم ينسخ منها حرف (المعجزة الكبرى القرآن، ١ / ٢٧)

10. Allamah Qurtubī رحمه الله, a famous exegete, states, “These Hurūf are present in the Qur’ān and not a single one Harf has been abrogated from.”

ويُجاب عن الرأي الخامس "هـ" الذي يرى أن العدد سبعة لا مفهوم له، بأن الأحاديث تدل بنصها على حقيقة العدد وانحصاره: "أقرأني جبريل على حرف، فراجعته، فلم أزل استزيده ويزيدني حتى انتهى إلى سبعة أحرف"، "وإن ربي أرسل إلي أن أقرأ القرآن على حرف، فرددت عليه أن هون على أمتي، فأرسل إلي أن أقرأ على سبعة أحرف". فهذا يدل على حقيقة العدد المعين المحصور في سبعة (مباحث في علوم القرآن لمناع القطان، ج ١، ص ١٦٧)

11. Sheikh Manna al – Qattān has refuted the view of Ibn Jarīr al – Tabari رحمه الله with the following words: “And the reply to the fifth view of those who are of the view that the number seven has no significance is that the Ahādīth indicate clearly the actual number and it’s restrictiveness: “Jibra’īl had taught me one Harf, then I rehearsed it with him, thereafter I continuously requested him for more and he gave me an increase until he reached Seven. And “Indeed my Rabb sent me to read the Qur’ān on one Harf, I returned to him asking him to lighten it on my Ummah, so he sent a message to me that read on seven letters/Hurūf.” This indicates that the actual number is meant.

It is clear from the above that most of the Mufasssīrīn/exegetes, Fuqahā’/Jurists and Qurra’ are of the opinion that the seven Hurūf are incorporated in the Uthmānī Script.

The view of Ibn Jarīr al – Tabari رحمه الله has been thoroughly refuted by most of the scholars.

The greatest proof against Ibn Jarīr al – Tabari رحمه الله is that his view is not supported by Qur’ān and Hadīth. Nowhere is there mention in the Qur’ān or Hadīth that the six letters have been abrogated.

The Hadīth clearly support the view of the Majority of Scholars.

Sheikh al – islam, Hadhrat Moulana Mufti Mohammed Taqi al – Uthmānī (Daamat Barakaatuhum) has discussed this issue in great detail and has refuted the view of Ibn Jarīr al – Tabari رحمه الله in his book entitled “An Approach to the Qur’ānic Sciences”, Pg.125 – 165, Darul Ishaat, 2007)

Seven Hurūf

Rasullullah ﷺ said:

أنزل القرآن على سبعة أحرف فاقرؤوا ما تيسر منه

“The Qur’ān was revealed covering seven equally valid readings. So recite it in a way that is easy for you” (Saheeh al – Bukhari, Kitaabu Fadha’il al – Qur’an, # 4992, Vol.9, Pg.29, Al – Hadeeth)

Various interpretations have been given regarding the meaning of the “Seven Hurūf”.

This is one of the most complicated and intricate discussions in the sciences of the Qur’ān.

Allama Ibn al – Arabī رحمه الله and others have quoted up to 35 different views.

The most authentic and preferred view is that the “Seven Hurūf” refers to the “Variation in Recital”.

The following are the seven variations of recital attributed to Abu al- Fadhl al- Razi:

1. Variation in nouns: This includes difference in number and gender.
2. Variation in verbs: The same verb could be read as past, present or imperative etc.
3. Variation in the position of diacritical marks: i.e. Fatha, Kasrah and Dhammah.
4. Variations caused by omissions and additions: There is an extra word in a reading that is not found in another.
5. Variation in placement of words: A word precedes in a reading while it follows in another.
6. Variation caused by replacement in words: There is a word in one reading but another word in another reading.
7. Variations in accent: This variation is based on dialects/Lughāt like Fath, Imālah, Tarqīq, Tafkhīm, Idghām, Izhār etc. This is the view of Imām Abū al – Fadhl Rāzī رحمه الله.¹⁰

Allamah Muhammed Bin Abd al – Azīm al – Zurqānī رحمه الله, the author of the famous work entitled “Manāhil al – Irfān” supports this view and has brought arguments in favour of this view.¹¹

Allāmah Sābūnī (Hafidhahullah) has also adopted this view as the most preferred view and closest to the correct interpretation.

Allāmah Ibn hajar al – Asqalānī رحمه الله has preferred this view and has produced the comments of Ibn Qutaybah as follows: “I think that by adopting Ibn Qutaybah’s view, Imām Abū Al – Fadhl has further polished it”.¹²

The view’s of Allāmah Ibn al – Jazarī رحمه الله, Ibn Qutaybah رحمه الله and Ibn al – Tayyib رحمه الله do not contradict this view.

١٠ فتح الباري شرح صحيح البخاري، ج ٩، ص ٣٤، الحديث وأقرب الوجوه إلى الصواب هو المذهب الأخير الذي اختاره الرازي، واعتمده الزرقاني في كتابه " مناهل العرفان" (التبيان في علوم القرآن لشيخنا العلامة الصابوني، ص ٢٠٩، الصابوني)

١١ وأقرب الوجوه الى الصواب هو المذهب الأخير الذي اختاره الرازي، واعتمده الزرقاني في كتابه " مناهل العرفان" (التبيان في علوم القرآن لشيخنا العلامة الصابوني، ص ٢٠٩، الصابوني)

١٢ قلت وقد أخذ كلام ابن قتيبة و نقحنت فتح الباري، ج ٩، ص ٣٤، الحديث

Sheikh al – Islam Hadhrat Moulana Mufti Muhammed Taqi al – Uthmāni (Daamat Barakaatuhu) has preferred this view and says that it is applicable to the various forms of recital currently found. (An Approach to the Qur’ānic Sciences, Pg. 117)

The seven Qurra’

It is important to present a brief explanation of certain terminologies commonly used in the science of Qirā’at before we discuss the lives of the famous seven Qurra’.

Imām: The person who is narrating the particular Qirā’ah.

Qirā’ah: Every difference which is attributed to an Imām upon which all the Imām’s have agreed upon.

Rāwī: The student of the Imām from whom he narrates. His narration is called a Riwāyah.

Riwāyah: Everything that is attributed to the narrator (Rāwī) from the Imām (his teacher)

Tariq: Everything that is attributed to the person who narrates from the Rāwī, directly or indirectly.

Akhidh (or Sahib al- Tariq): The student who narrates from the Rāwī. His narration is called a Tarīq.¹³

The Scholars of Qira’aat have stipulated three conditions for the validity of any Qira’ah to be acceptable as valid. These three conditions are as follows:

1. The Qira’ah (recital) should conform to one of the Uthmani orthographic scripts. ¹⁴
2. The Qira’ah (recital) should conform to the grammatical laws of Arabic.
3. The chain of narration (Sanad) of the Qira’ah must be authentic (Saheeh).¹⁵

It will be appropriate to present a brief background to the lives of the Seven Qurra’/Imām’s of Qirā’at.

Hereunder is a brief background to the lives of the seven Qurra’:

1. Imām Nāfiؑ

His full name is: Nāfiؑ Bin Abī Nu’aym Mawla Ja’ūnah. His agnomen was Abu Rūwaym and he was famously known as Imām Dār- al Hijrah.

١٣ خلاصة ما قاله علماء القراءات في هذا المقام : ان كل خلاف نسب لامام من الأئمة العشرة مما اجمع عليه الرواة عنه فهو قراءة، وكل ما نسب للراوي عن الامام فهو رواية، وكل ما نسب للاخذ عن الراوي و ان سفل فهو طريق (البدور الزاهرة في القراءات العشر المتواترة، المجلد الاول، ص ١٩، السلام)

¹⁴ Definition of Orthography: Orthography is a standardized system for using a particular writing system (script) to write a particular language. It includes rules of spelling, and may also concern other elements of the written language such as punctuation and capitalization. (<http://en.wikipedia.org/wiki/Orthography>, accessed at 18/06/2012)

Also, "correct or proper spelling," mid-15c., from M.Fr. orthographie (O.Fr. ortografie, 13c.), from L. orthographia, from Gk. orthos "correct" (see ortho-) + root of graphein "to write"

(<http://www.etymonline.com/index.php?search=orthography&searchmode=none>, accessed at 18/06/2012)

^{١٥} قال صاحب الطيبة في ضابط قبول القراءات:

وكل ما وافق وجه النحو وكان للرسم احتمالا يحوي و صح اسنادا، هو القرآن فهذه الثلاثة الأركان و حيثما يختل ركن أثبت شذوذه لو أنه في السبعة (التبيان في علوم القرآن، ص ٢١٥، دار الصابوني)

He was born in the year 70 A.H in Madinah Munawwarah and he passed away in the year 169 A.H at the age of ninety nine in the era of Hādi Billah.

He studied under approximately seventy Ṭābi'īn. Among whom are:

1. Abu Ja'far Yazīd Bin Qa'qā' رحمه الله
2. Shaibah Bin Nassah رحمه الله
3. Abd al – Rahmān Bin Hurmudh رحمه الله

Imām Nāfi' رحمه الله had many students; among his students was Imām Mālik رحمه الله who had studied from him. He had many students who were his Rāwi's. The most famous of them are:

- a. Imām Qālūn رحمه الله
- b. Imām Warsh رحمه الله

2. Imām Abdullah Bin Kathīr رحمه الله

His full name is Abdullah Bin Kathīr al – Makki Mawla Amr Bin Alqamah. He is famously known as Ibn Kathīr.

He was tall, healthy, having bluish – black eyes and his hair used to be dyed with henna. He was born in the year 45 A.H and he passed away in the year 120 A.H at the age of seventy five in Makkah Mukarramah.

He studied the Qur'ān under:

1. Abdullah Bin Sa'ib al-Makdhūmī رحمه الله
2. Ubayy Bin Ka'b رحمه الله
3. Mujāhid Bin Jubair رحمه الله
4. Dirbās رحمه الله

Imām Abdullah Bin Kathīr رحمه الله had many students, among whom were the likes of Imām Shāfi' رحمه الله and other great scholars.

The most famous and acclaimed Rāwi's of Imām Ibn Kathīr رحمه الله are:

- a. Imām Abu al- Hasan Ibn Abi Bazza رحمه الله
- b. Imām Muhammed Bin Abd al – Rahmān al – Makkī رحمه الله, famously known as “Qunbul”.

3. Imām Abu Amr al- Basrī رحمه الله

His full name is Abu Amr Bin Alā al- Basrī. His name is Zhabbān. He was from the Banu Māzin tribe. He was born in the year 68 A.H or 69 A.H and passed away in the year 154 A.H or 155 A.H at the age of eighty six.

He had many students, the most famous are:

- a. Imām Abu Umar al – Dūrī رحمه الله

b. Imām Abu Shu’ayb al – Sūsi رحمه الله

4. Imām Abdullah Bin ‘Āmir al – Dimashqī رحمه الله

His full name is Abdullah Bin ‘Āmir Bin Yazīd Bin Rabī’ah al – Yahsabī. He is popularly known as Ibn ‘Āmir. He was an illustrious Tābi’ī. He was born in the year 8 A.H and passed away in the year 118 A.H in Damascus. He was born two years before the passing away of Nabi ﷺ in a village called Rihaab.

He had studied under Hadhrat Uthmān رضي الله عنه.

Imām Ibn ‘Āmir رحمه الله’s most famous students are:

- a. Imām Hishām Bin Ammār رحمه الله
- b. Imām Abdullah Bin Ahmed Bin Bashīr Bin Dhakwān رحمه الله

5. Imām ‘Āsim Bin Abī al – Najūd رحمه الله

His agnomen is Abū Bakr. He was an illustrious Tābi’ī. He is one of the teachers/Ustādh’s of Imām Abu Hanīfah رحمه الله. He passed away in the year 128 A.H approximately. His most famous students are:

- a. Imām Abū Bakr Bin Ayyāsh Bin Sālim رحمه الله
- b. Imām Abu Amr Hafs Bin Sulaymān رحمه الله, his narration is most popularly recited throughout the world with the exception of a few North African Countries.

6. Imām Hamzah Bin Habīb al – Zayyāt رحمه الله

His agnomen is Abū Ammārah. He was very pious and abstinent. He would sleep for only a small portion of the night. He was an expert in Arabic syntax, Hadīth and Inheritance.

He studied the Qur’ān under many teachers like:

- a. Hadhrat Husayn (Radhiyallahi Anhu)
- b. Hadhrat Ibn Mas’ūd رضي الله عنه
- c. Hadhrat Alqamah رضي الله عنه

He was born in the year 80 A.H and passed away in the year 156 A.H in Kūfa at the age of seventy six.

Imām Hamzah Bin Habīb al – Zayyāth رحمه الله’s most famous students are:

- a. Imām Khalaf Bin Hishām رحمه الله
- b. Imām Khāllad Bin Khālid رحمه الله

7. Imām Abū al – Hasan Ali al – Kisā’ī رحمه الله

He is popularly known as al – Kisā’ī because he donned the Ihrām with a single sheet which is referred to as “Kisā” in the Arabic language. He was born in the year 119 A.H and passed away in the year 189 A.H on his journey with Harūn al – Rashīd to Khurasān in the village of “Ranbūyah”.

He studied under various teachers among whom are:

- a) Hamzah al – Zayyāt رحمه الله
- b) ‘Isa Bin ‘Umar رحمه الله
- c) Hadhrat Ibn Mas’ūd رضي الله عنه

Imām Abu al – Hasan Al – Kisā’ī رحمه الله’s most famous students are:

- a) Imām Abu al – Hārith al – laith Bin Khālīd رحمه الله
- b) Imām Abu Umar Hafs Bin Umar al – Dūrī رحمه الله¹⁶

Hereunder are a few examples of the different Tarīq’s in Qirā’ah as recorded in Al- Shaatibiyyah:

1. The Tarīq of Imām Qālūn رحمه الله is Abu Nashīt Muhammed Bin Harūn رحمه الله
2. The Tarīq of Imām Warsh رحمه الله is Abu Ya’qūb Yūsuf al – Azraq رحمه الله
3. The Tarīq of Imām Bazzi رحمه الله is Abu Rabī’ah Muhammed Bin Ishāq رحمه الله
4. The Tarīq of Imām Hafs رحمه الله is Abu Muhammed ‘Ubaid Bin al – Sabbah رحمه الله
5. The Tarīq of Imām Shu’bah رحمه الله is Abū Zakariyya Yahyā Bin Adam رحمه الله
6. The Tarīq of Imām Khallād رحمه الله is Abu Bakr Muhammed Bin Shādhān al – Jauhari رحمه الله¹⁷

Illustrative example of Qirā’at e Sab’ah

We present a brief illustrative example of Qirā’āt e Sab’ah in order to demonstrate the modality of Qirā’āt e Sab’ah:

ملك يوم الدين (القرآن، ١: ٣)

The following Imām’s of Qirā’āt e Sab’ah recite the word ملك as it is:

1. Imām ‘Āsim رحمه الله
2. Imām Kisā’ī رحمه الله

١٦ البدور الزاهرة، ج ١، ص ١٢-١٤، السلام
سراج القارئ المبتدي و تذكر المقرئ المنتهي، ص ٧-١٠، الفكر

١٧ البدور الزاهرة في القراءات العشر المتواترة، ص ١٥-١٦، السلام

All the narrators of the Imām's will read the same as their Imām's. The above is termed as اثبات in the terminology of Qirā'ah.

The remainder of the seven Imām's of Qirā'at e Sab'ah will recite the word مالك by deleting the "Alif" after the "Mīm". This is termed as حذف in the terminology of Qirā'ah.¹⁸

Number of Qirā'āt

Many people have the misunderstanding that only the famous "Seven Qirā'āt" exists. The truth of the matter is that there are various other categories of Qirā'āt. These variant readings/ Qirā'āt are categorized according to their level of authenticity.

Jalāl al – Dīn al – Bulqīnī رحمه الله states in this regard:

"The Qirā'ah/variant readings are divided into Mutawātir, Āhād and Shādh"¹⁹

The above is indicative of the different levels of Qirā'āt. The Qirā'āt e Sab'ah being of the highest degree of authenticity.

The "Seven Qirā'āt" became famous at the beginning of the second century in the Islamic Empire.

The seven Imām's dedicated their entire lives to the science of Qirā'ah, thus, they became famous as the masses focussed their attention towards them.

Imām Mujāhid Ahmed Bin Mūsā Bin Abbās رحمه الله had gathered the Qirā'āt of the "Seven Imāms" at the end of the third century.

Thereafter, Allāmah Shātibī رحمه الله had made these "Seven Qirā'āt" famous by including them in his manual on the "Seven Qirā'āt".²⁰

The famous "Seven Qirā'āt" have reached us via a continual chain of successiveness (Tawātur) right from Rasullullah ﷺ, therefore, there can be no doubt regarding the authenticity of the "Seven Qirā'āt".

١٨ مالك يوم الدين قرأ عاصم و الكسائي و يعقوب و خلف في اختياره بأثبت الف بعد الميم لفظاً، و الباقرن بحذفها (البدور الزاهرة، ص ٢٩، السلام)
قال الامام الشاطبي: و مالك يوم الدين راويه ناصر (سراج القارئ المبتدئ، ص ٢٢، الفكر)

١٩ قال القاضي جلال الدين البلقيني: القراءة تنقسم الي متواتر و آحاد و شاذ (التبيان في علوم القرآن، ص ٢١٥، الصابوني)

٢٠ اشتهرت القراءة السبعة علي راس المأتين في الأمصار الاسلامية (التبيان، ص ٢١٦)
دونت في نهاية القرن الثالث ببغداد علي يد الامام ابن مجاهد احمد بن موسي بن عباس فجمع قراءات هؤلاء السبعة، (المرجع السابق)

Seven Qirā'āt

The Qirā'at/variant readings refer to the “One of the modes of reciting the Qur'ān which the Imāms adopt as their mode contrary to the other modes. These Qirā'āt have been established with their respective chains of narration to Rasullullah ﷺ.²¹

The famous Seven Qirā'āt are fully incorporated in the “Seven Hurūf”. However, the “Seven Hurūf” does not **only refer to the Seven Qirā'āt. There are other Qirā'āt which exist besides these seven and some are equally authentic.**

Seven Qirā'āt or seven Hurūf

Many scholars have incorrectly mistaken the Seven Qirā'āt with the Seven Hurūf. The seven Hurūf refers to the different causes of the various readings. Nowadays, it has been condensed into what is famously known as the “Seven Qirā'āt”.

Allamah Ibn Hajar al – Asqalānī رحمه الله has refuted this misconception in his “Fath al – Bārī”.

Many scholars like Abu Hayyān (Rahmatullahi), Abu Shāmmah (Rahmatullahi) and Allamah Subkī (Rahmatullahi) have refuted this misconception also.²²

Allamah Anwar Shah Kashmīrī رحمه الله has made reference to this point in the commentary of Saheeh al-Bukhari entitled “Faith al – Bārī”, Vol.3, Pg.321- 322).

Conclusion

Hadhrat Uthmān ؓ gathered the people onto one standardized script (Mushaf) of the Qur'ān. He did not gather the people onto one mode of recitation.²³

The main difference between the compilation of Hadhrat Uthmān ؓ and that of Hadhrat Abū Bakr ؓ is that the Surāh's (chapters) in the consonantal script of Hadhrat Abu Bakr ؓ was not Murattab (arranged) while the Surāh's (chapters) in the consonantal script of Hadhrat Uthman ؓ was Murattab (arranged).²⁴

٢١ التبيان في علوم القرآن، ص ٢١٢، الصابوني

٢٢ وإنما أوسعت القول في هذا لما تجدد في الأعصار المتأخرة من توهم أن القراءات المشهورة منحصرة في مثل التيسير والشاطبية، فتح الباري، ج ٩، ص ٣٨، الحديث

٢٣ وأما الجمع في عهد عثمان: فقد كان عبارة عن نقل ما في تلك الصحف في مصحف واحد امام. (مناهل العرفان في علوم القرآن، ج ١، ص ٢١٠، السلام. ١٤٢٧. وأما جمع عثمان فقد كان عبارة عن نسخ عدة نسخ من المصحف الذي جمع في عهد أبي بكر لترسل إلى الآفاق الإسلامية (التبيان في علوم القرآن لشيوخنا العلامة الصابوني، ص ٥٦، الصابوني، ٢٠٠٣)

والنسخ في المصاحف في زمن عثمان (البرهان في علوم القرآن، النوع الثالث عشر، ص ١٦٥، الحديث، ٢٠٠٦)

٢٤ و ترتيب السور و الآيات علي الوجه المعروف الآن بخلاف صحف ابي بكر فقد كانت مرتبة اللآيات دون السور (مناهل العرفان، ج ١، ص ٢٠٩، السلام)

Also, the difference between the compilation of Hadhrat Uthmān ؓ and that of Hadhrat Abū Bakr ؓ is that the seven Hurūf were incorporated and accommodated in the script of Hadhrat Abū Bakr ؓ in a manner that it encompassed all the dialects of the various Arab tribes, **while the consonantal script (rasm) of Hadhrat Uthmān ؓ accommodated and encompassed the dialect of the Quraysh only** and the entire Islamic Empire was bound to follow this script.²⁵

Illustration of the abovementioned synopsis

There exists many different dialects/lughāt in the Arabic language determined by geographical location, tribal affinities etc.

The great Arab Linguist, Ibn Fāris describes the differences found in the various Arab dialects:

قال ابن فارس في فقه اللغة: اختلاف لغات العرب من وجوه:

أحدها - الاختلاف في الحركات نحو نَسْتَعِين ونَسْتَعِين بفتح النون وكسرها قال الفراء: هي مفتوحة في لغة قريش وأسد وغيرهم يكسرها.

والوجه الآخر - الاختلاف في الحركة والسكون نحو مَعَكُمْ وَمَعَكُمْ.

ووجه آخر - وهو الاختلاف في إبدال الحروف نحو: أولئك وأولائك.

ومنها قولهم: أن زيدا وعن زيدا.

ومن ذلك: الاختلاف في الهمز والتثنية نحو مُسْتَهْزِئُونَ ومُسْتَهْزِئُونَ.

ومنه الاختلاف في التقديم والتأخير نحو صَاعِقَةٌ وصَاعِقَةٌ.

ومنها: الاختلاف في الحذف والأثبات نحو اسْتَحْيَيْتُ واستَحْيَيْتُ وصَدَدْتُ وأصَدَدْتُ.

ومنها الاختلاف في الحرف الصحيح يُبْدَلُ حَرْفًا مُعْتَلًا نحو أَمَا زيد وأَيُّما زي

(المزهر في علوم اللغة وأنواعها ، ج ١ ، ص ٢٠٢)

“The difference of the Arab dialects is due to many reasons:

1. The difference in Harakāt.
2. The difference in the Harakah and Sukūn.

²⁴ قال ابن التين وغيره: الفرق بين جمع إبي بكر وجمع عثمان أن جمع إبي بكر كان لحشية أن يذهب من القرآن شيء بذهاب حملته، لأنه لم يكن مجموعا في موضع واحد فجمعه في صحائف مرتبا لأيات سورة على ما وقفهم عليه النبي، وجمع عثمان كان لما كثرت الاختلاف في وجوه القراءات حتى قرؤوه بلغاتهم على اتساع اللغات فأدى ذلك بعضهم إلى تخطئة بعض، فحشي من تفاقم الأمر في ذلك، فنسخ تلك الصحف في مصحف واحد مرتبا لسوره واقتصر من سائر اللغات على لغة قريش محتجا بأنه نزل بلغتهم **وان كان قد وسع في قراءته بلغة غيرهم** رفعاً للحرص والمصلحة في ابتداء الأمر ففراي أن الحاجة إلى ذلك قد انتهت **فانقص على لغة واحدة** (الانتقان في علوم القرآن، ج ١، ص ١٦٥، السلام، ١٤٢٩)

3. The difference in the Ibdāl of the Hurūf.
4. The difference in the Hamz and Talyīn of the word.
5. The difference in the Taqdīm and Ta'khīr of the word.
6. The difference in the omission/hazf and inclusion/Ithbāt of the word.
7. The difference in changing a perfect letter to that of being Mu'tal.

The above are the basic differences that exist among the Arab dialects.

Hereunder is a schematic illustration of the abovementioned difference between the dialect of the Quraysh and the other dialects:

١. ويقول الفراء إن النون في نستعين "مفتوحة في لغة قريش. وأسد وغيرهم يكسرها (بحوث ومقالات في اللغة، ج ١، ص ٢٥٦)

Al – Farrā, the great Nahwī (grammarian) states: “Indeed the “نون” in the word “نستعين” has a Fatha in the dialect of the Quraysh. Whereas, the tribe of Asad and others read it with a Kasra.

٢. أن زيد بن ثابت أراد أن يكتب "التابوه" بالهاء فأمره عثمان أن يكتبها بالتاء على لغة قريش (البحث اللغوي عند العرب، ج ١، ص ١٧)

When Hadhrat Zaid Bin Thābit رضي الله عنه intended to write the word "التابوه" with a “Hā”, Hadhrat Uthmān رضي الله عنه instructed him to record it as "التابوت" with a “Tā”.

The above illustrates the difference between the dialect of the Quraysh which Hadhrat Uthmān رضي الله عنه brought the people onto and the other dialects which people used to read before the compilation of Hadhrat Uthmān رضي الله عنه.

٣. مكاء وتصدية - ٣٥ - المكاء التصغير، والتصدية التصفيق بلغة قريش

The word “Tasdiyah” refers to “Clapping” in the dialect of the Quraysh.

٤. (لقد جئت شيئاً إمرا) يعني عجباً بلغة قريش

The word “Imra” refers to “something unique” in the dialect of the Quraysh.

٥. (لا تحسبني) - ٦٠ - بكسر السين بلغة قريش وهي لغة النبي صلى الله عليه وسلم ويفتح السين بلغة تميم

The word “(لا تحسبني)” is with the “Kasra” on the “السين” in the dialect of the Quraysh which is the dialect of Nabi ﷺ. It is with the Fatha on the “السين” in the dialect of Tameem. ²⁶

Hereunder is an example of differences in dialects:

To express the existential 'there is' (as in, 'there is a place where...'), Arabic speakers have access to many different words:

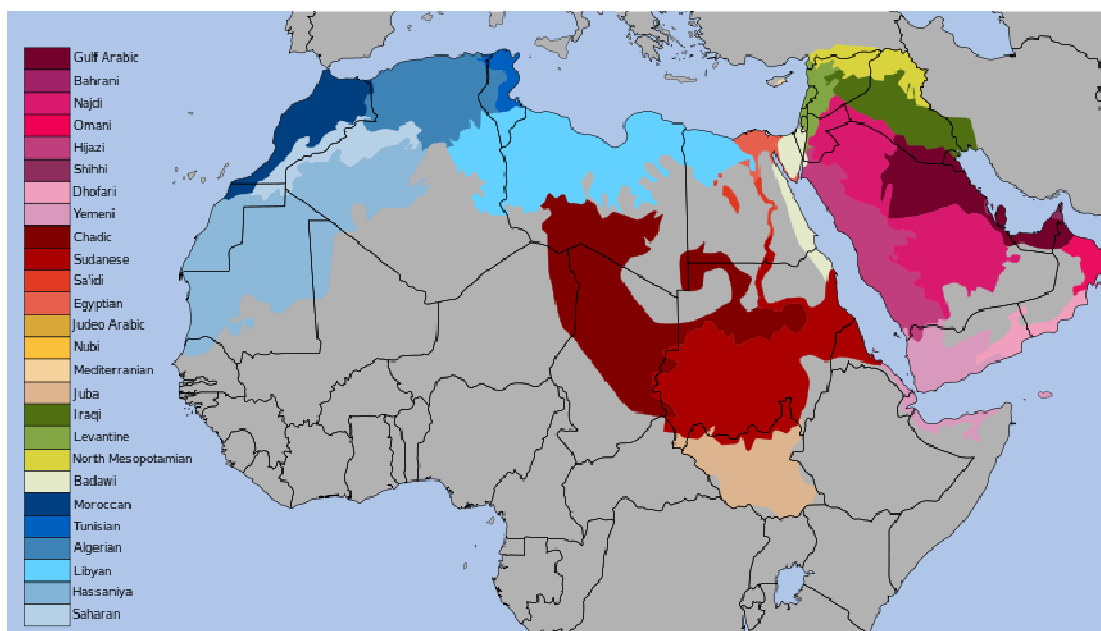
^{٢٦} اللغات في القرآن، ص ٣٥ - ٦٠، ج ١، الرسالة، القاهرة، ١٩٤٦

- Gulf: /aku/
- Baghdad: /aku/
- Cairo: /fi:/
- Jerusalem: /fi:/
- Modern Standard Arabic: /huna:ka/²⁷

Kindly visit the following link for more details:

http://en.wikipedia.org/wiki/Varieties_of_Arabic#Sociolinguistic_variables

Hereunder is a diagram²⁸ illustrating the different dialects found in the Arab language based on geographical location:



The seven Hurūf refers to the different variations in recital as pointed out above, thus, in the era of Uthmān ﷺ, these seven variations could only be applied according to the dialect of the Quraysh.

For example:

The plural of a certain word according to the Quraysh could be different from the plural of the same word according to another dialect which is no more considered.

The same could be applied for all the other “Variations of recital”.

²⁷ Accessed at the following link at 19/03/2012:

http://en.wikipedia.org/wiki/Varieties_of_Arabic#Examples_of_major_regional_differences

²⁸ Accessed at the following link at 19/03/2012:

http://en.wikipedia.org/wiki/File:Arabic_Dialects.svg

And Allah knows best.
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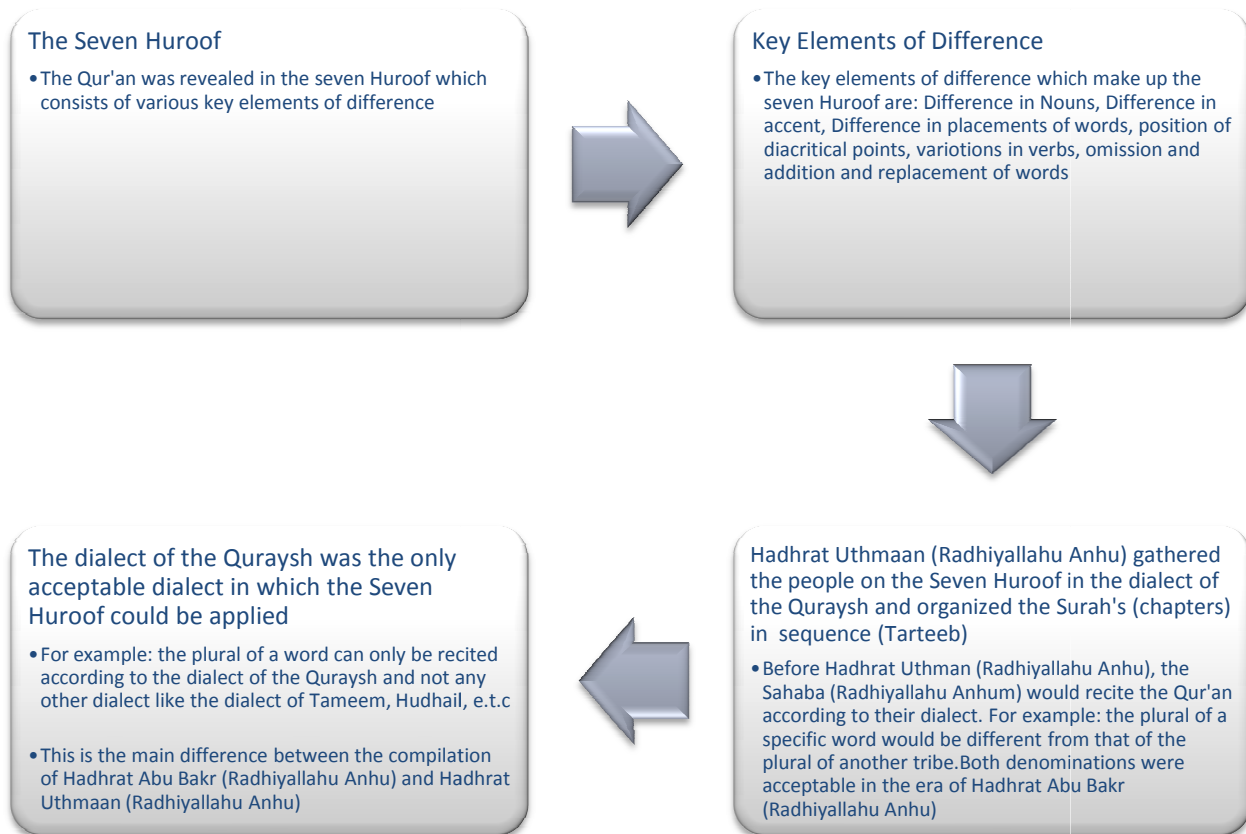
<http://www.etymonline.com/index.php?search=orthography&searchmode=none>

(Last accessed at 18/06/2012)

Appendices:

1. Appendix A:

The following illustration shows the difference between the compilation of Hadhrat Uthmaan ؓ and Hadhrat Abu Bakr ؓ.



*12 differences between the
Ash'aris & Maturidīs
in matters of doctrine*

Question:

Can you explain in full article the 12 differences between the Ash`aris & Maturidis in matters of doctrine, I want to choose one of them.

Answer:

In the Name of Allah, the Most Gracious, the Most Merciful.

As-salāmu ‘alaykum wa-rahmatullāhi wa-barakātuh.

There are 12 differences between the Māturīdī and Ash‘arī schools of Aqīdah.

1. Takwīn (bringing into being): Difference in creating:

According to the Maturīdīs, *Takwīn* is from the eternal attributes (*aẓālī*) of Allah Ta’ālā.

According to the Ash‘arīs, *Takwīn* is not an eternal attribute (*aẓālī*) of Allah Ta’ālā. It is originated (*hādīth*).²⁹

2. Speech (*Kalām*):

According to the Maturīdīs, the speech of Allah Ta’ālā cannot be heard.

According to the Ash‘arīs, the speech of Allah Ta’ālā can be heard.³⁰

المسألة الأولى:

قال الماتريدي: التكوين صفة أزلية قائمة بذات الله تعالى كجميع صفاته، وهو غير المكون ويتعلق بالمكون من العالم وكل جزء منه وقت وجوده، كما أنه إرادة الله أزلية تتعلق بالمرادات بوقت وجودها وكذا قدرته تعالى الأزلية مع مقدراتها.

وقال الأشعري: إنها صفة حادثة غير قائمة بذات الله تعالى، وهي من الصفات الفعلية عنده لا من الصفات الأزلية. والصفات الفعلية كلها حادثة كالتكوين والإيجاد ويتعلق وجود العالم بخطاب كـ. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٢٠ دار الفتح)

المسألة الثانية:

قال الماتريدي: كلام الله تعالى ليس بمسموع وإنما المسموع الدال عليه. ونقل القاضي الباقلاني عن الأشعري: كلام الله غير مسموع على العادة الجارية، ولكن يجوز أن يسمع الله تعالى من شاء من خلقه على خلاف قياس العادة من غير واسطة الحروف والصوت. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٢٧ دار الفتح)

3. Difference in Allah being ascribed with *hikmah*:

According to the Maturīdīs, Allah Ta'ālā is described with *hikmah*- regardless whether *hikmah* refers to 'knowledge and wisdom' or 'perfection in creating'.

According to the Ash'arīs, if *hikmah* refers to 'knowledge and wisdom' then it is an eternal attribute. If *hikmah* refers to 'perfection in creating' then it is eventual; it occurs when Allah Ta'ālā creates. Therefore, *hikmah* cannot be attributed unto Allah Ta'ālā.³¹

4. Difference in the happiness (*ridhā*) of Allah being connected to everything:

According to the Maturīdīs, Allah wills obedience and disobedience for all beings, however; obedience transpires by Allah's will, decree, predestination, happiness, love and command. Disobedience transpires by Allah's will, decree and predestination but not by His happiness (*ridhā*), love and command.

According to the Ash'arīs, the happiness (*ridhā*) and love of Allah are connected to everything.³²

5. Difference in the how much a person can be legally ordered (*taklīf*) with:

According to the Maturīdīs, a person cannot be legally ordered with more than his capacity. However, being burdened with that which cannot be borne is permissible.

According to the Ash'arīs, a person can be legally ordered with more than his capacity and can be burdened with that which cannot be borne.³³

المسألة الثالثة: ٣١

قال الماتريدي: صانع العالم موصوف بالحكمة سواء كانت الحكمة، بمعنى العلم أو بمعنى الإحكام. وقال الأشعري: إن كانت الحكمة بمعنى العلم فهي صفة أزلية قائمة بذات الله تعالى، وإن كانت بمعنى الإحكام فهي صفة حادثّة من قبيل التكوين، لا يوصف ذات الباري. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٣٠ دار الفتح)

المسألة الرابعة: ٣٢

قال الماتريدي: إن الله تعالى يريد بجميع الكائنات جوهرًا أو عرضًا طاعة أو معصية، إلا أن الطاعة تقع بمشيئة الله تعالى وإرادته وقضائه وقدره ورضائه ومحبته وأمره، وأن المعصية تقع بمشيئة الله تعالى وإرادته وقضائه وقدره لا برضائه ومحبته وأمره. وقال الأشعري: لا نرضاء الله تعالى ومحبته شامل لجميع الكائنات كإرادته. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٣٥ دار الفتح)

المسألة الخامسة: ٣٣

6. Difference in whether *taklif* can be perceived by the intellect:

According to the Maturīdīs, some laws pertaining to legal ordering (*taklif*) can be grasped by the intellect.

According to the Ash'arīs, *taklif* cannot be understood by the intellect. *Taklif* can only be understood through revelation (*wahy*).³⁴

7. Difference with regards to fortune (*sa'ādah*) and wretchedness (*shaqāwah*):

According to the Maturīdīs, a wretched person can eventually be fortunate. A fortunate person can turn out to be wretched.

According to the Ash'arīs, fortune and wretchedness are only considered at the time of death.³⁵

8. Can disbelief (*kufr*) be pardoned:

According to the Maturīdīs, it is rationally impermissible for disbelief to be pardoned.

According to the Ash'arīs, it is rationally permissible for disbelief to be forgiven but textually it is impermissible.³⁶

تكليف ما لا يطاق ليس بجائز عند الماتريدي، وتحمل ما لا يطاق عنده جائز.

وكلاهما جائزان عند الأشعري. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٣٩ دار الفتح)

٣٤ المسألة السادسة:

قال الماتريدي: بعض الأحكام المتعلقة بالتكليف معلوم بالعقل، لأن العقل آلة يذرك بها حسن بعض الأشياء وقبحها، وبها يدرك وجوب الإيمان وشكر المنعم، وإن المعرف والموجب هو الله تعالى لكن بواسطة العقل.

وقال الأشعري: لا يجب شيء ولا يحرم إلا بالشرع لا بالعقل. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٤٢ دار الفتح)

٣٥ المسألة السابعة:

قال الماتريدية: قد يسعد الشقي وقد يشقى السعيد.

وقال الأشعري: لا اعتبار بالسعادة والشقاوة إلا عند الخاتمة والعاقبة. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٥٧ دار الفتح)

9. Difference with regards to the eternal abode in the Hereafter:

According to the Maturīdīs, it is rationally and textually impermissible for the believers to abide eternally in hellfire and for the disbelievers to abide in paradise.

According to the Ash'arīs, it is rationally permissible and textually impermissible for the believers to abide eternally in hellfire and for the disbelievers to abide in paradise.³⁷

10. Difference with regards to the name (*ism*) and that which the name refers to (*musammā*):

According to the Maturīdīs, the name and the entity named with that name (*ism* (اسم) and *musammā* (مسمى)) are one.

According to the Ash'arīs, the name and the entity named with that name (the *ism* (اسم) and the *musammā* (مسمى)) could be different.³⁸

11. Does a prophet have to be a male:

According to the Maturīdīs, being a male is a condition for Prophethood.

According to the Ash'arīs, being a male is not a condition for Prophethood.³⁹

المسألة الثامنة: ^{٣٦}

قال الماتريدي: العفو عن الكفر ليس بجائز عقلا.

وقال الأشعري: يجوز عقلا لا سمعا. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٥٩ دار الفتح)

المسألة التاسعة: ^{٣٧}

قال الماتريدي: تخليد المؤمنين في النار وتخليد الكافرين في الجنة لا يجوز عقلا ولا سمعا.

وعند الأشعري يجوز عقلا وأما سمعا فلا يجوز. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٦٣ دار الفتح)

المسألة العاشرة: ^{٣٨}

قال بعض الماتريدية: الاسم والمسمى واحد

وقال الأشعري بالتغاير بينهما وبين التسمية. (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٦٥ دار الفتح)

12. Difference with regards to what the action of a person is termed as:

According to the Maturīdīs, the action (*fi'l*) of a person is called acquisition (كسب) and not creation. The action of Allah (*fi'l*) is called creation (*khalaq*) and not acquisition. Linguistically, both actions can be called *fi'l*.

According to the Ash'arīs, *fi'l* refers to the action of Allah bringing into existence. The action of acquisition by a person is called action (*fi'l*) figuratively (مجازاً).⁴⁰

The 12 differences quoted above are of a technical nature. Despite the deep understanding and major implications, there was tolerance and understanding of one another. Nevertheless, the Maturīdī and Aha'arī's are genuine and authentic schools of the Ahl as-sunnah wa al-jamā'ah.

And Allah Ta'āla Knows Best
Mawlana Faraz ibn Adam,
Student Darul Iftaa
Leicester, United Kingdom

Checked and Approved by,
Mufti Ebrahim Desai.

المسألة الحادية عشرة: ٣٩

قال الماتريدي: المذكورة شرط في النبوة حتى لا يجوز أن يكون الأنبياء

وقال الأشعري ليست المذكورة شرطاً فيها والأنوثة لا تنافيها (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٧٠ دار الفتح)

المسألة الثانية عشرة: ٤٠

قال الماتريدي: فعل العبد يسمى كسباً لا خلقاً، وفعل الحق يسمى خلقاً لا كسباً، والفعل يتناولهما.

وقال الأشعري: الفعل عبارة عن الإيجاد حقيقة، وكسب العبد يسمى فعلاً بالمجاز (مسائل الاختلافية بين الأشاعرة والماتريدية لابن كمال باشا ص ٧٤ دار الفتح)

The issue of
'Machine Slaughter / Mechanical Slaughter'

Question:

The issue of 'Machine Slaughter / Mechanical Slaughter' has become very controversial not least because of the recent KFC dilemma. There is confusion within the Muslim community about the permissibility of this mode of slaughter whilst many scholars are unaware of the different ways of Mechanical Slaughter. We therefore seek your guidance in this matter and hope you can clarify the Islamic position regarding the mode of Mechanical Slaughter prevalent in the British Halal and Non-Halal Market.

What is Mechanical Slaughter?

In brief, hundreds of live chickens are transported and delivered in large trucks to the slaughterhouse. The chickens are transferred through a conveyor belt to the place of slaughter. Each chicken is hung by its legs on the belt, with its legs attached to the hook of a shackle (hanger) whilst the rest of its body hangs upside down. The throat and beak faces the ground. The shackles with the chickens fastened unto it move along the line. The heads then enter into a water tub containing electricity which stuns the chickens. The shackles then move to the central point of slaughter wherein there is a knife/blade rotating at an extremely high speed. This rotating knife is placed such that the necks of the chickens can easily be cut. When the shackles reach this point, the chickens move around the rotating blade in a circular way allowing more chickens to make contact with the blade's edge. The knife automatically cuts every throat that hits it, and the shackles continue to move.

Soon after slaughter, there is a point where they are immersed into a hot water dip to remove the chickens' feathers. After the de-feathering stage, there are other stages of processing, cleaning and cutting which are handled by the machine but are not of direct concern from an Islamic perspective.

The electric machine continues to run throughout the day killing thousands of chickens (up to 100,000 a day), not stopping unless required to do so. The Tasmiyah is not read on every animal slaughtered as there is no human slaughtering. Instead, different methods have been introduced as an alternative to the Tasmiyah and they differ in each slaughterhouse. They are as follows:

- No Tasmiyah at all
- Recorded Bismillah is played through a tape or CD
- Bismillah is written or engraved on the rotating blade
- Bismillah is written on the nearside wall
- A person stands near the slaughter point and merely recites Bismillah.

A person is appointed to recite Bismillah as he switches the machinery on at the beginning of the day (which is deemed sufficient for the slaughter of thousands of chickens before the machine is switched off). In summary, the slaughter is carried out by mechanical rotating blades with no

Muslim slaughterman present either to perform the slaughter, or to recite the Tasmiyah on each individual slaughter.

Issues of concerns:

The issues of concern in the aforementioned process from a shar'i perspective are:

1. The passage of chickens through electrified water to stun prior to slaughter Prior to slaughter, the chickens are immersed (stunned) in a water tank (or electrified water is poured over them) containing a current of electricity. This current may cause death prior to slaughter. The electric current is commonly very strong for the obvious reason - The chickens have to be very calm and steady to be slaughtered by the speedy rotating blade otherwise it would be unhygienic and inhumane particularly if the chickens were to move and stir. As a result of the stunning process and rationale, there is very high risk of the chickens dying before slaughter. Chickens have to be stunned in the mechanical process. However, many Fatawa fail to take this into account. Questions do not mention this point and the answer is given without considering the whole process. It therefore comes as a surprise that some Muftis permit machine slaughter whilst abhorrently oppose any form of stunning. It is clear they are unaware of the fact that chickens have to be stunned before machine slaughter.

2. The cutting of throats with a rotating blade / knife

A single rotating blade would cut thousands of chickens in a day. Even though the rotating blade does cut the jugular veins most of the time, it is possible that some of the chickens' necks do not reach and make full contact with the blade. In such cases, it would not cut their necks at all, or only cuts them partially, and so their jugular veins remain uncut. In some instances, the blades chop off the entire neck completely including the spinal cord. Also, if the chickens are not in line with the blade (due to the size differences), it is possible that the blade miss the throat and cut elsewhere e.g. the head or the beak.

This short video explains <http://www.youtube.com/watch?v=i8Gpr3nLEPo>

3. The obligation of mentioning Allah's name

As indicated above, it is impossible to recite the name of Allah over every chicken. The different methods adopted do not seem to fulfil the requirements of the Islamic law. In the Holy Qur'an, Almighty Allah says, "and do not eat from animals on which the name of Allah is not mentioned" (6:121). It is understood from this verse that Tasmiyah should be read on each animal. In the case of machine slaughter, only one Tasmiyah is read at the beginning for the hundreds and thousands to come. Also, is it true that there should not be much time difference between the Tasmiyah and the slaughter? Is it imperative that Tasmiyah is read prior to the slaughter of each chicken? Would

any of the aforementioned methods (Page 1) suffice? Within this context, it is important to remember that at the time of the operator reciting Tasmiyah whilst switching the machine on; thousands of chickens that are to be slaughtered by the same machine may not have arrived at the slaughterhouse. Would one Tasmiyah suffice for the chickens that are yet to arrive? If one Tasmiyah is deemed to suffice for more than one animal and the process is permissible, for how long will the Tasmiyah suffice? What if the machine pauses? Where would the line be drawn? What if in future the process evolves to a computerised system, which would enable the machine to start by clicking the computer button from the office? Would the Tasmiyah from the office suffice for the first animal, all of the animals or none?

4. The delay between Tasmiyah and the Dhabh

As understood from the above.

5. Can the function of automated mechanical knife be attributed to the operator?

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 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. Further to that the actual slaughter of chickens is performed by the automated machine without any direct human action – conditions of religion, intellect and tasmiyah are absent. In light of the above, can the act of the machine be equated to the act of a human being? Can the person putting the machine into motion be termed as a *فاعل مباشر* or would he merely be termed as a *سبب*? Can all the functions of the electrically powered plant be attributed to the operator? Is direct manipulation of an instrument a condition of slaughter? Is there a difference between a knife, arrow, spear etc and an automated machine? Is the operator only the causer / initiator (*المسبب*) of the process and not the active subject (*الفاعل*) / direct practitioner (*المباشر*) of the slaughter?

6. The passage of chickens through hot water after slaughter

This is not an issue in European countries as the temperature of the hot water has to be much below boiling point according to statutory regulations. The Hygiene Inspectors regularly check this.

Many people argue that mechanical slaughter is necessary to meet the consumer demand. Whilst this is not a valid excuse, it is important to note that by making two modifications to the system,

both the consumer demand and the requirements of the Islamic Law can be fulfilled. Firstly, to avoid any form of stunning, and secondly instead of using automated rotating blades, to station several Muslims to take turns in slaughtering the chickens – with their hands and with a mention of Allah’s name over every chicken. All the other procedures can be handled by the machine as normal. This procedure has been practised in a number of countries where the objective of mass production was never harmed or adversely affected. This method would however be slightly expensive as slaughtermen have to be employed. However, the slaughter would be accepted to all schools of thought. On this note, in the globalised world we live in especially in the United Kingdom with people of all schools of thought, what would you advise in the light of Islamic Law? It should be kept in mind that majority of mechanical slaughtered chickens in the UK are slaughtered in abattoirs owned by non Muslims. These chickens are labelled as Halal and some certifiers claim that there is no need for Tasmiyah!

Kindly provide a detailed response relating to all six various forms of Mechanical Slaughter.

Answer:

In the Name of Allah, the Most Gracious, the Most Merciful.

As-salāmu ‘alaykum wa-rahmatullāhi wa-barakātuh.

To understand the Shari‘ah ruling with regards to machine-slaughter, one must remember that for an animal to be considered Islamically lawful (halāl), the *Fuqahā*’ state the following conditions:

- 1) The slaughterer must be either a Muslim or from the People of the Book (*Ahl al-Kitāb*).⁴¹ According to contemporary research, kosher meat fails to meet the criteria of an Islamic slaughter. Thus, it is not permissible to eat meat slaughtered by the people of the book in this era.⁴²
- 2) Any three of the following four veins must be cut with a knife, blade or any tool that is sharp and has a cutting edge⁴³:

⁴¹ (وَمِنْهَا) أَنْ يَكُونَ مُسْلِمًا أَوْ كِتَابِيًّا فَلَا تُكَلُّ ذَبِيحَةُ أَهْلِ الشِّرْكِ وَالْمَجُوسِيِّ وَالْوَنِيِّ وَذَبِيحَةُ الْمُزْتَدَةِ (بدائع الصنائع ج ٦ ص ٢٢٤ دار الكتب العلمية)

⁴² Legal Rulings on Slaughtered Animals (Mufti Taqi Usmani), Page 159-174: Maktaba-e-DaruI-Uloom

⁴³ في حالة القدرة إذا قطع الحلقوم والمرىء والودجان فقد أتم الذكاة وإن قطع الأكثر من ذلك حل أكله واختلفت الروايات في تفسير ذلك ورى الحسن عن أبي حنيفة رضي الله تعالى عنه وهو قول أبي يوسف الأول إنه إذا قطع الثلاث من الأربعة أي ثلث ما قطع فقد قطع الأكثر ثم رجع أبو يوسف عن هذا وقال يشترط قطع الحلقوم والمرىء وأحد الودجين وعن محمد رحمه الله تعالى أنه يعتبر قطع الأكثر عن كل واحد من هذه الأشياء الأربعة وعنه أيضا إذا قطع الحلقوم والمرىء والأكثر من كل الودجين يحل وما لا فلا قال مشايخنا وهو أصح الجوابات (المحيط البرهاني ج ٨ ص ٤٤٩ إدارة)

قال رحمه الله (وقطع الثلاث كاف) والاكتفاء بالثلاث مطلقا هو قول الإمام وقول أبي يوسف أولا وعن أبي يوسف أنه يشترط قطع الحلقوم والمرىء وأحد الودجين وعن محمد لا بد من قطع الأكثر من كل واحد من هذه الأربعة وأجمعوا أنه يكفي بقطع الأكثر من هذه العروق الأربعة (البحر الرائق ج ٨ ص ١٩٣ المعرفة)

- a) the trachea (windpipe)
 - b) oesophagus (food-pipe)
 - c) the two jugular veins
- 3) The name of Allah (*tasmiyah*) must be pronounced at the time of slaughtering.⁴⁴

With reference to the question, there are multiple areas of concern in the conventional method of mechanical slaughter.

Areas of concern:

1. The passage of chickens through electrified water prior to the slaughter

As explained thoroughly in the question, chickens have to be stunned in the mechanical process. Research clearly shows many chickens die due to the high voltage applied to the water tanks. In such a scenario, it will not be permissible to consume chickens from such a processing plant even if some chickens did not die as a result of the high voltage.⁴⁵ The Fuqahā' state that if there is a mixture of Islamically slaughtered animals and unislamically slaughtered animals with a dominance of unislamically slaughtered animals, then none of the animals will be lawful for consumption.

However, when low voltage is applied, the chickens do not die as a result. Hence, they will be permissible to consume.

As for the ruling related to the application of low voltage electrification, the Fuqahā' state that if the slaughterer commits an act which induces pain to the animals for a valid reason, then such an action will be overlooked.⁴⁶

والعروق التي تقطع في الذكاة أربعة الحلقوم وهو مجرى النفس والمريء وهو مجرى الطعام والودجان وهما عرقان في جانبي الرقبة يجري فيها الدم فإن قطع كل الأربعة حلت الذبيحة وإن قطع أكثرها فكذلك عند أبي حنيفة رحمه الله تعالى وقال لا بد من قطع الحلقوم والمريء وأحد الودجين والصحيح قول أبي حنيفة رحمه الله تعالى لما أن للأكثر حكم الكل كذا في المضمرات (الفتاوى الهندية ج ٥ ص ٢٨٧ رشيدية)

^{٤٤} (وَتَشْتَرُطُ التَّسْمِيَةُ مِنَ الذَّابِحِ (حَالَ الذَّبْحِ) (الدر المختار في رد المختار على الدر المختار ج ٦ ص ٣٠٢ أجم أيم سعيد)

وَأَمَّا شَرَايِطُ الرِّكْنِ فَمِنْهَا أَنْ تَكُونَ التَّسْمِيَةُ مِنَ الذَّابِحِ حَتَّى لَوْ سَمِيَ غَيْرُهُ وَالذَّابِحُ سَاكِنٌ وَهُوَ ذَاكِرٌ غَيْرُ نَاسٍ لَا يَحِلُّ؛ لِأَنَّ الْمُرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلَا تَكُلُوا مِمَّا لَمْ يُذَكَّرْ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذَكَّرْ اسْمُ اللَّهِ عَلَيْهِ مِنَ الذَّابِحِ فَكَانَتْ مُشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

^{٤٥} وَمِنْهَا: لَوْ اخْتَلَطَتْ مَسَالِيخُ الْمَذَكَاةِ بِمَسَالِيخِ الْمَيْتَةِ، وَلَا عَلَامَةٌ تُمَيِّزُ، وَكَانَتْ الْعَلْبَةُ لِلْمَيْتَةِ أَوْ اسْتَوَى لَمْ يَجُزْ تَنَاوُلُ شَيْءٍ مِنْهَا، وَلَا بِالتَّحَرِّيِ إِلَّا عِنْدَ الْمُخَصَّصَةِ. وَأَمَّا إِذَا كَانَتْ الْعَلْبَةُ لِلْمَذَكَاةِ فَإِنَّهُ يَجُوزُ التَّحَرِّي. (الأشباه والنظائر ج ١ ص ٣٠٥)

^{٤٦} (و) كَرِهَ كُلُّ تَغْذِيٍّ بِلَا فَائِدَةٍ وَمِثْلُ (قَطْعِ الرَّأْسِ وَالسَّلْخِ قَبْلَ أَنْ تُبْرَدَ) أَيْ تَسْكُنَ عَنِ الْإِضْطِرَابِ وَهُوَ تَفْسِيرٌ بِاللَّازِمِ كَمَا لَا يَخْفَى (و) كَرِهَ (تَرْكُ التَّوَجُّهِ إِلَى الْقِبْلَةِ) لِمُخَالَفَتِهِ السُّنَّةَ. (الدر المختار من حاشية ابن عابدين ج ٦ ص ٢٩٦ أجم أيم سعيد)

2. The cutting of the throat with a rotating blade

As mentioned above, any three of the following four veins must be cut with a knife, blade or any tool that is sharp and has a cutting edge⁴⁷:

- a) the trachea (windpipe)
- b) oesophagus (food-pipe)
- c) the two jugular veins

Any chicken whose three veins have not been cut will be deemed unlawful.

The research in the question states, “In some instances, the blade chops off the entire neck completely including the spinal cord.”

The Fuqahā state that to sever the entire neck including the spinal cord is reprehensible (*makruh*).⁴⁸

In addition, the act of striking the animal from the back of the neck is also reprehensible (*makruh*).⁴⁹ Nevertheless, if the animal dies as a result of the necessary vessels being cut due to a strike from the back of neck, then the animal will be lawful for consumption. If the neck is struck from the back

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والعروق التي تقطع في الذكاة أربعة الحلقوم وهو مجرى النفس والمرى وهو مجرى الطعام والودجان وهما عرقان في جانبي الرقبة يجري فيها الدم فإن قطع كل الأربعة حلت الذبيحة وإن قطع أكثرها فكذلك عند أبي حنيفة رحمه الله تعالى وقال لا بد من قطع الحلقوم والمرى وأحد الودجين والصحيح قول أبي حنيفة رحمه الله تعالى لما أن للأكثر حكم الكل كذا في المضمرات (الفتاوى الهندية ج ٥ ص ٢٨٧، رشيدية)

⁴⁸ الْإِكْتِفَاءُ بِقَطْعِ الْأَوْدَاجِ وَلَا يُبْلَغُ بِهِ التَّخَاعُ وَهُوَ الْعِرْقُ الْأَبْيَضُ الَّذِي يَكُونُ فِي عَظْمِ الرِّقْبَةِ، وَلَا يُبَايَنُ الرَّأْسُ وَلَوْ فَعَلَ ذَلِكَ يَكْرَهُ لِمَا فِيهِ مِنْ زِيَادَةِ إِبْلَامٍ مِنْ غَيْرِ حَاجَةٍ إِلَيْهَا، وَفِي الْحَدِيثِ «أَلَا لَا تَنْخَعُوا الذَّيْبَةَ» وَالتَّخَعُ الْقَتْلُ الشَّدِيدُ حَتَّى يَبْلُغَ التَّخَاعُ. (بدائع الصنائع ج ٦ ص ٢٧٠ دار الكتب العلمية)

وَيُسْتَحَبُّ الْإِكْتِفَاءُ بِقَطْعِ الْأَوْدَاجِ وَلَا يُبَايَنُ الرَّأْسُ وَلَوْ فَعَلَ يَكْرَهُ (الفتاوى الهندية ج ٥ ص ٢٨٧ دار الفكر)
⁴⁹ وَمِنْهَا أَنْ يَكُونَ ذَلِكَ مِنْ قَبْلِ الْخُلُقُومِ وَيَكْرَهُ مِنْ قَبْلِ الْفَقَا لِمَا مَرَّ. (بدائع الصنائع ج ٦ ص ٢٧٠ دار الكتب العلمية)

and as a result the animal dies before the required vessels are cut, the animal will then be unlawful for consumption.⁵⁰

The above ruling is based on the principle of life being a condition for the animal at the time of slaughter. In other words, an animal can only be *halal* for consumption if the animal had life at the time when the slaughter was executed.⁵¹

3. The obligation of mentioning Allah's name:

As mentioned above, the name of Allah (*tasmiyah*) must be pronounced at the time of slaughtering.⁵²

The Fuqahā' state the following in relation to the laws of *tasmiyah*:

- a) The slaughterer has to recite the *tasmiyah*. The *tasmiyah* cannot be written anywhere or played on a tape. Many mechanical slaughter plants use a written *tasmiyah* or a tape recorded with the recitation of the *tasmiyah*. A slaughter processed through such a plant will be unlawful to consume. The *tasmiyah* must be administered by the human slaughterer.⁵³

⁵⁰ وَإِنْ ضَرَبَهَا مِنْ الْقَفَا فَإِنْ مَاتَتْ قَبْلَ الْقَطْعِ بَانَ ضَرْبٌ عَلَى التَّائِي وَالتَّوْقُفُ لَا تُؤْكَلُ؛ لِأَنَّهَا مَاتَتْ قَبْلَ الذَّكَاءِ فَكَانَتْ مَيْتَةً وَإِنْ قَطَعَ الْغُرُوقَ قَبْلَ مَوْتِهَا تُؤْكَلُ لَوْجُودِ فِعْلِ الذَّكَاءِ وَهِيَ حَيَّةٌ إِلَّا أَنَّهُ يَكْرَهُ ذَلِكَ؛ لِأَنَّهُ زَادَ فِي أَلَمِهَا مِنْ غَيْرِ حَاجَةٍ وَإِنْ أَمَضَى فِعْلَهُ مِنْ غَيْرِ تَوَقُّفٍ تُؤْكَلُ؛ لِأَنَّ الظَّاهِرَ أَنَّ مَوْتَهَا بِالذَّكَاءِ. (بدائع الصنائع ج ٦ ص ٢٠٧ دار الكتب)

⁵¹ (ومنها) قِيَامُ أَصْلِ الْحَيَاةِ فِي الْمُسْتَأْمَنِ وَقْتُ الذَّبْحِ قَلَّتْ أَوْ كَثُرَتْ فِي قَوْلِ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ - وَعِنْدَ أَبِي يُوسُفَ وَمُحَمَّدٍ رَحِمَهُمَا اللَّهُ لَا يَكْتَفَى بِقِيَامِ أَصْلِ الْحَيَاةِ بَلْ تُعْتَبَرُ حَيَاةٌ مَقْدُورَةٌ كَالشَّاءِ الْمَرِيضَةِ وَالْوَفِيدَةِ وَالتَّطْلِيحَةِ وَجَرِيحَةِ السَّعْبِ إِذَا لَمْ يَتَّقْ فِيهَا إِلَّا حَيَاةً قَلِيلَةً عَرِفَ ذَلِكَ بِالصِّيَاحِ أَوْ بِتَحْرِيكِ الذَّنْبِ أَوْ طَرْفِ الْعَيْنِ أَوْ التَّنَسُّسِ وَأَمَّا خُرُوجُ الدَّمِ فَلَا يَدُلُّ عَلَى الْحَيَاةِ إِلَّا إِذَا كَانَ يُخْرَجُ كَمَا يُخْرَجُ مِنَ الْحَيِّ الْمُطْلَقِ فَإِذَا دَبَّحَهَا وَفِيهَا قَلِيلُ حَيَاةٍ عَلَى الْوُجْهِ الَّذِي ذَكَرْنَا تُؤْكَلُ عِنْدَ أَبِي حَنِيفَةَ - رَضِيَ اللَّهُ عَنْهُ - (بدائع الصنائع ج ٦ ص ٢٤٩ دار الكتب العلمية)

ومنها قِيَامُ أَصْلِ الْحَيَاةِ فِي الْمُسْتَأْمَنِ وَقْتُ الذَّبْحِ قَلَّتْ أَوْ كَثُرَتْ فِي قَوْلِ أَبِي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى وَعِنْدَ أَبِي يُوسُفَ وَمُحَمَّدٍ رَحِمَهُمَا اللَّهُ تَعَالَى لَا يَكْتَفَى بِقِيَامِ أَصْلِهَا بَلْ تُعْتَبَرُ حَيَاةٌ مُسْتَقَرَّةٌ كَذَا فِي الْبَدَائِعِ الْمُتَرَدِّدَةِ وَالْمُحَيَّيَّةِ وَالْمَوْفُودَةِ وَالشَّاءِ الْمَرِيضَةِ وَالتَّطْلِيحَةِ وَمَشَقُّوقَةِ الْبَطْنِ إِذَا دَبَّحَتْ يُنْظَرُ إِنْ كَانَ فِيهَا حَيَاةٌ مُسْتَقَرَّةٌ حَلَّتْ بِالذَّبْحِ بِالْإِجْمَاعِ وَإِنْ لَمْ تَكُنْ الْحَيَاةُ فِيهَا مُسْتَقَرَّةً نَحَلَ بِالذَّبْحِ سَوَاءً عَاشَ أَوْ لَا يَعِيشُ عِنْدَ أَبِي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى وَهُوَ الصَّحِيحُ وَعَلَيْهِ الْفَتْوَى كَذَا فِي مَجِيطِ السَّرْحَسِيِّ (الفتاوى الهندية ج ٥ ص ٢٨٦ دار الفكر)

⁵² (وَتُسْتَرْطُ النَّسِيئَةُ مِنَ الذَّابِحِ (حَالَ الذَّبْحِ) (من الدر المختار في رد المختار على الدر المختار ج ٦ ص ٣٠٢ أيج أم سعيد) وَأَمَّا شَرَايِطُ الرُّكْنِ فَمِنْهَا أَنْ تَكُونَ النَّسِيئَةُ مِنَ الذَّابِحِ حَتَّى لَوْ سَمِيَ غَيْرُهُ وَالذَّابِحُ سَاكِنٌ وَهُوَ ذَاكِرٌ غَيْرُ نَائِسٍ لَا يَحِلُّ؛ لِأَنَّ الْفَرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ مِنَ الذَّابِحِ فَكَانَتْ مَشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٥ ص ٤٨ دار الكتب العلمية)

⁵³ وَأَمَّا شَرَايِطُ الرُّكْنِ فَمِنْهَا أَنْ تَكُونَ النَّسِيئَةُ مِنَ الذَّابِحِ حَتَّى لَوْ سَمِيَ غَيْرُهُ وَالذَّابِحُ سَاكِنٌ وَهُوَ ذَاكِرٌ غَيْرُ نَائِسٍ لَا يَحِلُّ؛ لِأَنَّ الْفَرَادَ مِنْ قَوْلِهِ تَبَارَكَ وَتَعَالَى {وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ} [الأنعام: ١٢١] أَيْ: لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ مِنَ الذَّابِحِ فَكَانَتْ مَشْرُوطَةً فِيهِ. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

(قَوْلُهُ مِنَ الذَّابِحِ) أَرَادَ بِالذَّابِحِ مُحَلَّلَ الْخِيَوَانِ لِيَشْمَلَ الزَّامِي وَالْمُرْسِلَ وَوَاضِعَ الْخَدِيدِ أ. هـ. وَاخْتَرَزَ بِهِ عَمَّا لَوْ سَمِيَ لَهُ غَيْرُهُ فَلَا يَحِلُّ كَمَا قَدَّمَاهُ وَشَبِلَ مَا إِذَا كَانَ الذَّابِحُ اثْنَيْنِ، فَلَوْ سَمِيَ أَحَدُهُمَا وَتَرَكَ الثَّانِي عَمْدًا أَكَلَهُ كَمَا فِي التَّنَازُلِ، وَسَيَذْكُرُهُ لَعَزًّا مَعَ جَوَابِهِ نَظْمًا فِي آخِرِ الْأُصْحَفَةِ (رد المختار ج ٦ ص ٣٠٢ أيج أم سعيد)

- b) The *tasmiyah* must be pure *dhikr*- free of any meaning denoting a *du'a*.⁵⁴
 c) It is permissible to pronounce the *tasmiyah* in a language other than Arabic.⁵⁵
 d) The name of Allah must be said independently. Not even in the name of the Prophet *salallahu alaihi wasallam* should be mentioned in the same breath.⁵⁶

٥٤ (والشُرْطُ) فِي التَّسْمِيَةِ (هُوَ الذِّكْرُ الْخَالِصُ) عَنْ شَوْبِ الدُّعَاءِ وَغَيْرِهِ (فَيَقُولُهُ اللَّهُمَّ اغْفِرْ لِي لَا تَحِلُّ) ؛ لِأَنَّهُ مَخْصُصٌ دُعَاءٌ (بِخِلَافِ: الْحَمْدُ لِلَّهِ وَسُبْحَانَ اللَّهِ بِقَصْدِ التَّسْمِيَةِ) فَإِنَّهُ ذِكْرٌ خَالِصٌ (فَلَوْ غَطَّسَ فَقَالَ الْحَمْدُ لِلَّهِ لَا تَحِلُّ) لَعَدِمَ قَصْدَ التَّسْمِيَةِ (وَالْمَشْهُورُ) الْفَتَاوَلُ فِي الْأَلْسِنَةِ (وَهُوَ بِاسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ) مَثُورٌ عَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا (دَرَرُ الْحُكْمِ شَرَحَ غَرَرُ الْحُكْمِ ج ١ ص ٢٧٩ مِير محمد كَتَبْ خَانَه)

وَالشَّرْطُ هُوَ الذِّكْرُ الْخَالِصُ الْمَجْرَدُ عَلَى مَا قَالَ ابْنُ مَسْعُودٍ جَرَدُوا التَّسْمِيَةَ حَتَّى لَوْ قَالَ مَكَانَ التَّسْمِيَةِ اللَّهُمَّ اغْفِرْ لِي لَمْ تُؤْكَلْ لِأَنَّهُ دُعَاءٌ وَسُؤَالٌ، وَلَوْ قَالَ: سُبْحَانَ اللَّهِ أَوْ الْحَمْدُ لِلَّهِ أَوْ لَا إِلَهَ إِلَّا اللَّهُ يُرِيدُ التَّسْمِيَةَ أَجْزَاءً لِأَنَّ الْمَأْمُورَ بِهِ ذِكْرُ اللَّهِ تَعَالَى عَلَى وَجْهِ التَّعْظِيمِ، وَلَوْ غَطَّسَ عِنْدَ الذَّبْحِ فَقَالَ: الْحَمْدُ لِلَّهِ لَا يُجْزِيهِ عَنْ التَّسْمِيَةِ وَكَذَا إِذَا قَالَ: الْحَمْدُ لِلَّهِ يُرِيدُ الشُّكْرَ دُونَ التَّسْمِيَةِ لَا تُؤْكَلُ وَلَا يُتَّبَعِي أَنْ يَذْكُرَ مَعَ اسْمِ اللَّهِ تَعَالَى شَيْئًا غَيْرَهُ مِثْلَ أَنْ يَقُولَ: بِسْمِ اللَّهِ مُحَمَّدٌ رَسُولُ اللَّهِ، (الْجَوْهَرَةُ النِّيرَةُ ج ٢ ص ٢٧٦ مَكْتَبَةُ حَقَائِقِ)

م: (والشرط هو الذكر الخالص المجرد) ش: أي وشرط حل الذكاة هو الذكر الخالص لله سبحانه وتعالى المجرد عن غيره م: (على ما قال ابن مسعود - رضي الله تعالى عنه -: جردوا التسمية) ش: هذا غريب لم يثبت عن ابن مسعود - رضي الله عنه -: وإنما ذكر عن أصحابنا في كتبهم م: (حتى لو قال عند الذبح: اللهم اغفر لي، لا يحل لأنه دعاء وسؤال) ش: فلم يكن ذكراً خالصاً، وأشار به إلى أنه لو قدمه أو أخره لا بأس به م: (ولو قال: الحمد لله أو سبحان الله يريد التسمية حل) ش: بلا خلاف.

وقال محمد - رحمه الله - في " الأملی ": أَرَأَيْتَ إِنْ ذَبَحَ فَقَالَ الْحَمْدُ عَلَى ذَبْحِهِ، وَلَمْ يَرِدْ عَلَى ذَلِكَ أَوْ قَالَ: اللَّهُ أَكْبَرُ، أَوْ سُبْحَانَ اللَّهِ، قَالَ: إِنْ كَانَ يُرِيدُ بِذَلِكَ التَّسْمِيَةَ فَإِنَّهُ يَوْكَلُ، وَإِنْ كَانَ لَا يُرِيدُ بِذَلِكَ التَّسْمِيَةَ فَإِنَّهُ لَا يَوْكَلُ. قَالَ شَيْخُ الْإِسْلَامِ - رحمه الله - خَوَاهِرُ زَادَهُ فِي " شَرْحِهِ ": وَهَذَا لِأَنَّ هَذِهِ الْأَفْظَادَ لَيْسَتْ بِصَرِيحَةٍ فِي بَابِ التَّسْمِيَةِ. وَالصَّرِيحُ فِي بَابِ التَّسْمِيَةِ اسْمُ اللَّهِ، وَإِذَا لَمْ تَكُنْ هَذِهِ الْأَفْظَادُ صَرِيحَةً فِي الْبَابِ كَانَتْ كُنَايَةً، وَإِنَّمَا تَقُومُ مَقَامَ الصَّرِيحِ بِالنِّيةِ كَمَا فِي كُنَايَاتِ الطَّلَاقِ إِنْ نَوَى الطَّلَاقَ كَانَ طَلَاقًا، وَإِلَّا فَلَا فَكَذَا. (الْبَنَاءُ شَرْحُ الْهَدَايَةِ ج ١٤ ص ٢٧٢ الْمَكْتَبَةُ الْحَقَائِقِيَّةُ)

وَإِذَا قَالَ مَكَانَ التَّسْمِيَةِ: اللَّهُ أَكْبَرُ، أَوْ قَالَ: سُبْحَانَ اللَّهِ، أَوْ قَالَ: الْحَمْدُ لِلَّهِ، فَإِنْ أَرَادَ بِهِ التَّسْمِيَةَ يَحِلُّ، وَإِنْ أَرَادَ بِهِ التَّسْبِيحَ وَالتَّحْمِيدَ وَالتَّكْبِيرَ؛ لَا يَحِلُّ، وَإِنْ قَالَ: اللَّهُمَّ اغْفِرْ لِي، اللَّهُمَّ تَقَبَّلْ مِنِّي؛ لَا يَحِلُّ. (الْمِحْطُ الْبَرْهَانِي ج ٨ ص ٤٥١ إِدَارَةُ الْقُرْآنِ)

٥٥ إِذَا سَمِيَ عَلَى الذَّبْحِ بِالْفَارِسِيَّةِ بِجَوَزِ (الْمِحْطُ الْبَرْهَانِي ج ٨ ص ٤٥١ إِدَارَةُ الْقُرْآنِ)
 قَالَ - رحمه الله - (أَوْ ذَبَحَ وَشَتَّى بِهَا) أَيُّ بِالْفَارِسِيَّةِ وَهُوَ جَائِزٌ بِالِاتِّفَاقِ؛ لِأَنَّ الشَّرْطَ فِيهِ الذِّكْرُ وَهُوَ حَاصِلٌ بِأَيِّ لُغَةٍ كَانَ (تَبْيِينُ الْحَقَائِقِ ج ١ ص ١١١ الْمَطْبَعَةُ الْكُبْرَى الْأُمِيرِيَّةُ - بُولَاقُ)
 وَلَوْ شَتَّى بِالْفَارِسِيَّةِ أَوْ الرُّومِيَّةِ وَهُوَ يُحْسِنُ الْعَرَبِيَّةَ أَوْ لَا يُحْسِنُهَا أَجْزَاءً. (الْجَوْهَرَةُ النِّيرَةُ ج ٢ ص ٢٧٦ مَكْتَبَةُ حَقَائِقِ)

٥٦ قَالَ - رحمه الله - (وَكُرِهَ أَنْ يَذْكُرَ مَعَ اسْمِ اللَّهِ غَيْرَهُ وَأَنْ يَقُولَ عِنْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ مِنْ فَلَانٍ، وَإِنْ قَالَ قَبْلَ التَّسْمِيَةِ وَالْإِضْجَاعِ جَازَ) وَهَذَا النَّوْعُ عَلَى ثَلَاثَةِ أَوْجُهٍ: أَحَدُهَا أَنْ يَذْكُرَهُ مَوْضُولًا مِنْ غَيْرِ عَطْفٍ فَيَكْرَهُهُ وَلَا تَحْرُمُ الذَّبِيحَةُ مِثْلَ أَنْ يَقُولَ بِاسْمِ اللَّهِ، مُحَقِّدٌ رَسُولَ اللَّهِ بِالرَّفْعِ؛ لِأَنَّ اسْمَ الرَّسُولِ غَيْرُ مَذْكُورٍ عَلَى سَبِيلِ الْعَطْفِ فَيَكُونُ مُبْتَدَأً لَكِنْ يَكْرَهُ لَوْجُودَ الْوَضْعِ صُورَةً، وَإِنْ قَالَ بِالْخَفْضِ لَا يَحِلُّ ذِكْرُهُ فِي التَّوَازِلِ وَقَالَ: بَعْضُهُمْ هَذَا إِذَا كَانَ يَعْرِفُ النَّحْوَ وَالْأَوْجُهَ أَنْ لَا يُعْتَبَرُ الْإِعْزَابُ بَلْ يُجْزَمُ مُطْلَقًا بِالْعَطْفِ؛ لِأَنَّ كَلَامَ النَّاسِ الْيَوْمَ لَا يُجْرِي عَلَيْهِ وَمِنْ هَذَا النَّوْعِ أَنْ يَقُولَ: اللَّهُمَّ تَقَبَّلْ مِنْ فَلَانٍ؛ لِأَنَّ الشَّرْكَةَ لَمْ تَوْجَدْ وَلَمْ يَكُنْ الذَّبْحُ وَاقِعًا عَلَيْهِ وَلَكِنْ يَكْرَهُ لِمَا ذُكِّرْنَا.

وَالثَّانِي: أَنْ يَذْكُرَ مَوْضُولًا عَلَى سَبِيلِ الْعَطْفِ وَالشَّرْكَةَ نَحْوَ أَنْ يَقُولَ بِاسْمِ اللَّهِ وَاسْمِ فَلَانٍ أَوْ بِاسْمِ اللَّهِ وَفَلَانٍ أَوْ بِاسْمِ اللَّهِ وَمُحَقِّدِ رَسُولِ اللَّهِ بِالْجَزْرِ فَتَحْرُمُ الذَّبِيحَةُ؛ لِأَنَّهُ أَهْلٌ بِهِ لِغَيْرِ اللَّهِ تَعَالَى وَقَدْ قَالَ تَعَالَى {وَمَا أَهْلٌ بِهِ لِغَيْرِ اللَّهِ} [البقرة: ١٧٣] وَقَالَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «مَوْطِنَانِ لَا أَذْكُرُ فِيهِمَا عِنْدَ الْغَطَّاسِ وَعِنْدَ الذَّبْحِ» وَلَوْ رَفَعَ الْمُعْطُوفُ عَلَى اسْمِ اللَّهِ يَحِلُّ؛ لِأَنَّهُ مُبْتَدَأٌ وَخْتَلَفُوا فِي الْقَصَبِ وَيَكْرَهُ فِيهِمَا بِالِاتِّفَاقِ لَوْجُودَ الْوَضْعِ صُورَةً.

e) The *tasmiyah* must be purely to pronounce the name of Allah without any ulterior motive like *du'ā'*.⁵⁷

f) In a voluntary slaughter (الذكاة الاختيارية), the *tasmiyah* is administered on the animal. In an emergency slaughter (الذكاة الاضطرارية), the *tasmiyah* takes place on the weapon.⁵⁸

So in an emergency slaughter, whichever animal is hit with a bullet, that animal will be deemed lawful. In a voluntary slaughter, only that animal upon which the *tasmiyah* was administered specifically will be regarded to be permissible. Hence, even if a person changes the knife he uses, it will not make a difference as the animal has been administered with the *tasmiyah*.

g) The slaughterer must issue the *tasmiyah* upon the specific animal he is about to slaughter.⁵⁹ The *tasmiyah* must be administered on each and every animal individually in the scenario where animals are cut one after another.⁶⁰

وَالثَّالِثُ: أَنْ يَقُولَ مَقْضُولًا عَنْهُ صُورَةً وَمَعْنَى بَأَنْ يَقُولَ قَبْلَ أَنْ يُضَجَّعَ الشَّاةُ، أَوْ قَبْلَ التَّسْمِيَةِ، أَوْ بَعْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ هَذَا مِنِّي أَوْ مِنْ فُلَانٍ وَهَذَا لَا يَكْرَهُ لِمَا زُوي «أَنَّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ بَعْدَ الذَّبْحِ اللَّهُمَّ تَقَبَّلْ هَذَا عَنْ أُمَّةٍ مُحَمَّدٍ وَمَنْ شَهِدَ لَكَ بِالْوَخْدَانِيَّةِ وَلِي بِالْبَلَاغِ» وَكَانَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - يَقُولُ «إِذَا أَرَادَ أَنْ يَذْبَحَ اللَّهُمَّ هَذَا مِنْكَ وَلَكَ، إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ وَبِذَلِكَ أُمِرْتُ وَأَنَا أَوَّلُ الْمُسْلِمِينَ بِاسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ ثُمَّ ذَبَحَ» وَهَكَذَا زُوي عَنْ عَلِيٍّ كَرَّمَ اللَّهُ وَجْهَهُ (تبيين الحقائق ج ٥ ص ٢٨٩ المطبعة الكبرى الأميرية - بولاق)

(ومنها) تَجْرِيدُ اسْمِ اللَّهِ سُبْحَانَهُ وَتَعَالَى عَنْ اسْمِ غَيْرِهِ وَإِنْ كَانَ اسْمُ النَّبِيِّ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - حَتَّى لَوْ قَالَ بِسْمِ اللَّهِ وَاسْمِ الرَّسُولِ لَا يَحِلُّ؛ لِقَوْلِهِ تَعَالَى {وَمَا أَهْلٌ لغيرِ اللَّهِ بِهِ} [المائدة: ٣] وَقَوْلِ النَّبِيِّ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «مُوطَّئَانِ لَا أَذْكَرُ فِيهِمَا: عِنْدَ الْعُطَاسِ، وَعِنْدَ الذَّبْحِ»، وَقَوْلِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ - رَضِيَ اللَّهُ عَنْهُمَا - جَزَّوْا التَّسْمِيَةَ عِنْدَ الذَّبْحِ؛ وَلِأَنَّ الْمُشْرِكِينَ يَذْكُرُونَ مَعَ اللَّهِ سُبْحَانَهُ وَتَعَالَى غَيْرَهُ فَتَجِبَ مُخَالَفَتُهُمُ بِالْتَّجْرِيدِ، وَلَوْ قَالَ: بِسْمِ اللَّهِ وَمُحَمَّدٌ رَسُولُ اللَّهِ فَإِنَّ قَالَ: وَمُحَمَّدٌ بِالْجَرِّ لَا يَحِلُّ؛ لِأَنَّهُ اشْرَكَ فِي اسْمِ اللَّهِ عَزَّ شَأْنُهُ اسْمُ غَيْرِهِ، وَإِنْ قَالَ: مُحَمَّدٌ بِالرَّفْعِ يَحِلُّ؛ لِأَنَّهُ لَمْ يَغْطِفْهُ بَلْ اسْتَأْنَفَ فَلَمْ يُوْجَدْ الْإِشْرَاكُ إِلَّا أَنَّهُ يَكْرَهُ لَوْجُودِ الْوُضَلِ مِنْ حَيْثُ الصُّورَةُ فَيَتَصَوَّرُ بِصُورَةِ الْحَزَامِ فَيَكْرَهُ، (بدائع الصنائع ج ٦ ص ٢٤٥ دار الكتب العلمية)

قَالَ: (وَيَكْرَهُ أَنْ يَذْكَرَ مَعَ اسْمِ اللَّهِ - تَعَالَى - اسْمُ غَيْرِهِ، وَأَنْ يَقُولَ: اللَّهُمَّ تَقَبَّلْ مِنْ فُلَانٍ)؛ لِأَنَّ الشَّرْطَ هُوَ الذِّكْرُ الْخَالِصُ، لِقَوْلِ ابْنِ مَسْعُودٍ: جَزَّوْا التَّسْمِيَةَ، فَإِذَا ذُكِرَ اسْمُ غَيْرِ اللَّهِ - تَعَالَى - مَعَ اسْمِ اللَّهِ - تَعَالَى - فَأَمَّا إِنْ ذُكِرَ مَوْضُولًا بِهِ أَوْ مَقْضُولًا، فَإِنْ فَضَلَ فَلَا بَأْسَ بِأَنْ ذُكِرَ قَبْلَ التَّسْمِيَةِ أَوْ قَبْلَ الْإِضْجَاعِ أَوْ بَعْدَ الدَّبْحِ؛ لِأَنَّهُ لَا مَدْخَلَ لَهُ فِي الدَّبْحِ. وَزُوي أَنَّهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «قَالَ بَعْدَ الذَّبْحِ: "اللَّهُمَّ تَقَبَّلْ هَذِهِ مِنْ أُمَّةٍ مُحَمَّدٍ وَمَنْ شَهِدَ لَكَ بِالْوَخْدَانِيَّةِ وَلِي بِالْبَلَاغِ"، وَإِنْ ذُكِرَ مَوْضُولًا، فَأَمَّا إِنْ كَانَ مَقْضُولًا أَوْ لَمْ يَكُنْ، فَإِنْ كَانَ مَقْضُولًا خَرَمَتْ؛ لِأَنَّهُ أَهْلٌ بِهِ لِغَيْرِ اللَّهِ بِأَنْ يَقُولَ: بِاسْمِ اللَّهِ وَاسْمِ فُلَانٍ، أَوْ بِاسْمِ اللَّهِ وَفُلَانٍ، أَوْ بِاسْمِ اللَّهِ وَمُحَمَّدٍ رَسُولِ اللَّهِ يَكْسِرُ التَّالِي، وَلَوْ رَفَعَهَا لَا يَحْزُمُ لِأَنَّهُ كَلَامٌ مُسْتَأْنَفٌ غَيْرٌ مُتَعَلِّقٌ بِالدَّبْحِ، وَإِنْ كَانَ مَوْضُولًا غَيْرَ مَقْضُولٍ بِأَنْ قَالَ: بِاسْمِ اللَّهِ مُحَمَّدٌ رَسُولُ اللَّهِ لَا يَحْزُمُ لِأَنَّهُ لَمَّا لَمْ يَغْطِفْ لَمْ يُوْجَدْ الشَّرْكُ فَيَقَعِ الذَّبْحُ خَالِصًا لِلَّهِ - تَعَالَى - إِلَّا أَنَّهُ يَكْرَهُ؛ لِأَنَّهُ صُورَةُ الْمُحْزَمِ مِنْ حَيْثُ الْقِرَانُ فِي الذِّكْرِ، وَلَوْ قَالَ عِنْدَ الذَّبْحِ: اللَّهُمَّ اغْفِرْ لِي، لَا يَحِلُّ لِأَنَّهُ دَعَاءٌ، وَلَوْ قَالَ: الْحَمْدُ لِلَّهِ أَوْ سُبْحَانَ اللَّهِ، يَنْوِي التَّسْمِيَةَ حَلًّا، وَالْمَنْتَوَلُ الْمُتَوَارِثُ مِنَ الذِّكْرِ عِنْدَ الذَّبْحِ: بِسْمِ اللَّهِ، اللَّهُ أَكْبَرُ، وَكَذَا فَسَّرَ ابْنُ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَوْلَهُ: {فَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهَا صَوَافٍ} [الحج: ٣٦]. (الاختيار ج ٥ ص ١٠ دار الكتب العلمية)

^{٥٧} (ومنها) أَنْ يَقْصِدَ بِذِكْرِ اسْمِ اللَّهِ تَعَالَى تَعْظِيمَهُ عَلَى الْخُلُوصِ وَلَا يَشَوُّهُ مَعْنَى الدَّعَاءِ حَتَّى لَوْ قَالَ: اللَّهُمَّ اغْفِرْ لِي لَمْ يَكُنْ ذَلِكَ تَسْمِيَةً؛ لِأَنَّهُ دَعَاءٌ وَالدَّعَاءُ لَا يَقْصَدُ بِهِ التَّعْظِيمُ الْمَحْضُ فَلَا يَكُونُ تَسْمِيَةً كَمَا لَا يَكُونُ تَكْبِيرًا، وَفِي قَوْلِهِ اللَّهُمَّ اخْتَلَفَ الْمُشَايخُ كَمَا فِي التَّكْبِيرِ. (بدائع الصنائع ج ٦ ص ٢٤٥ دار الكتب العلمية)

^{٥٨} (قَوْلُهُ خَالَ الذَّبْحُ الْخُ) قَالَ فِي الْهُدَايَةِ: ثُمَّ التَّسْمِيَةُ فِي ذِكَاةِ الْإِخْتِيَارِ تُشْتَرِطُ عِنْدَ الذَّبْحِ، وَهِيَ عَلَى الْمَذْبُوحِ وَفِي الصَّيْدِ تُشْتَرِطُ عِنْدَ الْإِرْسَالِ وَالرَّفْيِ، وَهِيَ عَلَى الْآلَةِ حَتَّى إِذَا أُضْجِعَ شَاءَ وَسَمِيَ وَذَبَحَ غَيْرَهَا بِتِلْكَ التَّسْمِيَةِ لَا يَحْزُمُ، وَلَوْ رَمَى إِلَى صَيْدٍ وَسَمِيَ وَأَصَابَ غَيْرَهُ حَلًّا، وَكَذَا فِي الْإِرْسَالِ، وَلَوْ أُضْجِعَ شَاءَ وَسَمِيَ ثُمَّ رَمَى بِالشَّفَرَةِ وَذَبَحَ بِأُخْرَى أَكَلُ، وَإِنْ سَمِيَ عَلَى سَهْمٍ ثُمَّ رَمَى بِغَيْرِهِ صَيْدًا لَا يُؤْكَلُ اهـ (رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

In fact, the *Fuqaha* are so sensitive to this that they state if a person happened to gaze at his flock of sheep and recited the *tasmiyah*, he then selected one sheep and slaughtered it, the specific animal he slaughtered will be unlawful to consume.⁶¹

Imam Burhān al-deen rahimahullah states that if a person intends to slaughter multiple animals not simultaneously, then the *tasmiyah* administered on the first animal will not suffice for the rest of the animals.⁶²

In the machine slaughter process, no specific animal is specified at the time of slaughter. The workers at the plant have hundreds of chicken in front of them. It is very difficult to single out each and every chicken with the *tasmiyah* at the time of the slaughter due to the speed of the process and the number of chickens passing by. Thus, it is very likely many chickens will be slaughtered without the *tasmiyah* being recited upon them in the machine slaughter process. This will render all such animals as unlawful. If this is the case with 50% of the animals or more, all the slaughtered meat will be unlawful to consume.⁶³

Thus, in a mechanical slaughter, it is very difficult to have the *tasmiyah* administered on every individual chicken.

وَأَمَّا الَّذِي يَرْجِعُ إِلَى مَحَلِّ الذَّكَاءِ فَمِنْهَا تَعْيِينُ الْمَحَلِّ بِالتَّسْمِيَةِ فِي الذَّكَاءِ الْإِخْتِيَارِيَّةِ وَعَلَى هَذَا يُخْرَجُ مَا إِذَا ذَبَحَ وَسَمَّى ثُمَّ ذَبَحَ أُخْرَى يُظُنُّ أَنَّ التَّسْمِيَةَ الْأُولَى تُجْزِي عَنْهَا لَمْ تُؤْكَلْ فَلَا بُدَّ أَنْ يُجَدِّدَ لِكُلِّ ذَبِيحَةٍ تَسْمِيَةً عَلَى جِدَّةٍ (الفتاوى الهندية ج ٥ ص ٢٨٦ مكتبة الرشيدية)

(قَوْلُهُ خَالَ الذَّبْحَ الْخُ) قَالَ فِي الْهَدَايَةِ: ثُمَّ التَّسْمِيَةُ فِي ذَكَاةِ الْإِخْتِيَارِ تُشْتَرِطُ عِنْدَ الذَّبْحِ، وَهِيَ عَلَى الْمَذْبُوحِ وَفِي الصَّيْدِ تُشْتَرِطُ عِنْدَ الْإِرْسَالِ وَالرَّيْ، وَهِيَ عَلَى الْآلَةِ حَتَّى إِذَا أَضْمَعَ شَاءَ وَسَمَّى وَذَبَحَ غَيْرَهَا بِتِلْكَ التَّسْمِيَةِ لَا يَجُوزُ، وَلَوْ رَمَى إِلَى صَيْدٍ وَسَمَّى وَأَصَابَ غَيْرَهُ حَلًّا، وَكَذَا فِي الْإِرْسَالِ، وَلَوْ أَضْمَعَ شَاءَ وَسَمَّى ثُمَّ رَمَى بِالشَّفَرَةِ وَذَبَحَ بِأُخْرَى أَكَل، وَإِنْ سَمَّى عَلَى سَهْمٍ ثُمَّ رَمَى بِغَيْرِهِ صَيْدًا لَا يُؤْكَلُ اهـ (رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

(وَمِنْهَا) أَنْ يُرِيدَ بِهَا التَّسْمِيَةَ عَلَى الذَّبِيحَةِ فَإِنْ مَنْ أَرَادَ بِهَا التَّسْمِيَةَ لِإِفْتِتَاحِ الْعَمَلِ لَا يَحِلُّ؛ لِأَنَّ اللَّهَ سُبْحَانَهُ وَتَعَالَى أَمَرَ بِذِكْرِ اسْمِ اللَّهِ تَعَالَى عَلَيْهِ فِي الْآيَاتِ الْكَرِيمَةِ وَلَا يَكُونُ ذِكْرُ اسْمِ اللَّهِ عَلَيْهِ إِلَّا وَأَنْ يُرَادَ بِهَا التَّسْمِيَةُ عَلَى الذَّبِيحَةِ، وَعَلَى هَذَا إِذَا قَالَ: الْحَمْدُ لِلَّهِ وَلَمْ يُرِدْ بِهِ الْحَمْدَ عَلَى سَبِيلِ الشُّكْرِ لَا يَحِلُّ، وَكَذَا لَوْ سَجَّحَ أَوْ هَلَّلَ أَوْ كَبَّرَ وَلَمْ يُرِدْ بِهِ التَّسْمِيَةَ عَلَى الذَّبِيحَةِ وَإِنَّمَا أَرَادَ بِهِ وَضْعَهُ بِالْوَحْدَانِيَّةِ وَالشَّرْهُ عَنْ صِفَاتِ الْخُذُوثِ لَا غَيْرَ لَا يَحِلُّ لَمَّا قُلْنَا. (بدائع الصنائع ج ٦ ص ٢٤٤ دار الكتب العلمية)

٦٠ لَوْ أَضْمَعَ شَائِنِ إِحْدَاهُمَا فَوْقَ الْأُخْرَى فَذَبَحَهُمَا ذَبْحَةً وَاحِدَةً بِتَسْمِيَةٍ وَاحِدَةٍ خَلَا، بِخِلَافِ مَا لَوْ ذَبَحَهُمَا عَلَى التَّعَاقُبِ لِأَنَّ الْفِعْلَ يَتَعَدَّدُ فَتَتَعَدَّدُ التَّسْمِيَةُ ذِكْرُهُ الرَّابِعِي فِي الصَّيْدِ (الدر المختار من نسخة رد المحتار ج ٦ ص ٣٠٢ أيج أيم سعيد)

وَأَمَّا الَّذِي يَرْجِعُ إِلَى مَحَلِّ الذَّكَاءِ فَمِنْهَا تَعْيِينُ الْمَحَلِّ بِالتَّسْمِيَةِ فِي الذَّكَاءِ الْإِخْتِيَارِيَّةِ وَعَلَى هَذَا يُخْرَجُ مَا إِذَا ذَبَحَ وَسَمَّى ثُمَّ ذَبَحَ أُخْرَى يُظُنُّ أَنَّ التَّسْمِيَةَ الْأُولَى تُجْزِي عَنْهَا لَمْ تُؤْكَلْ فَلَا بُدَّ أَنْ يُجَدِّدَ لِكُلِّ ذَبِيحَةٍ تَسْمِيَةً عَلَى جِدَّةٍ (الفتاوى الهندية ج ٥ ص ٢٨٦ مكتبة الرشيدية)

٦١ وَلَوْ أَنَّ رَجُلًا نَظَرَ إِلَى عَتَمَةٍ فَقَالَ: بِسْمِ اللَّهِ، ثُمَّ أَخَذَ وَاحِدَةً فَأَضْمَعَهَا وَذَبَحَهَا وَتَرَكَ التَّسْمِيَةَ غَامِداً وَظَنَّ أَنَّ تِلْكَ التَّسْمِيَةَ تُجْزِيهِ لَا تُؤْكَلُ؛ لِأَنَّهُ لَمْ يُسَمِّ عِنْدَ الذَّبْحِ وَالشَّرْطُ هُوَ التَّسْمِيَةُ عَلَى الذَّبِيحَةِ وَذَلِكَ بِالتَّسْمِيَةِ عِنْدَ الذَّبْحِ نَفْسُهُ لَا عِنْدَ النَّظَرِ، وَتَعْيِينُ الذَّبِيحَةِ مَقْدُورٌ فَيُمْكِنُ أَنْ يُجْعَلَ شَرْطًا وَتَعْيِينُ الصَّيْدِ بِالرَّيِّ وَالْإِرْسَالِ مُتَعَدِّدٌ لَمَّا يَبَيَّنَّا فَلَمْ يُمْكِنَ أَنْ يُجْعَلَ شَرْطًا. (بدائع الصنائع ج ٦ ص ٢٤٩ دار الكتب العلمية)

٦٢ وَإِذَا أَرَادَ أَنْ يَذْبَحَ عِدَّةً مِنَ الذَّبَائِحِ لَمْ تَجْزِهِ التَّسْمِيَةُ الْأُولَى عَمَّا بَعْدَهَا (المحيط البرهاني ج ٨ ص ٤٥٢ إدارة القرآن)

٦٣ وَمِنْهَا: لَوْ اخْتَلَطَتْ مَسَالِيخُ الْمَذْكُورَةِ بِمَسَالِيخِ الْغَنِيِّ، وَلَا عَلَامَةَ تَمَيُّزٍ، وَكَانَتْ الْعَلْبَةُ لِلْمَيْتَةِ أَوْ اسْتَوَيْتَا لَمْ يَجْزِ تَنَاوُلُ شَيْءٍ مِنْهَا، وَلَا بِالتَّحْزِي إِلَّا عِنْدَ الْمُخْمَصَةِ. وَأَمَّا إِذَا كَانَتْ الْعَلْبَةُ لِلْمَذْكُورَةِ فَإِنَّهُ يَجُوزُ التَّحْزِي. (الأشباه والنظائر ج ١ ص ٣٠٥)

4. The delay between the *tasmiyah* and the slaughter (*dhabh*)

The time of pronouncing the *tasmiyah* is at the time of slaughtering the animal.⁶⁴ If the pronunciation of the *tasmiyah* is not followed immediately by the slaughtering of the animal, the animal will be deemed unlawful.⁶⁵ The *Fuqahā* have permitted only a short interval between the pronunciation of *tasmiyah* and slaughter based on necessity. The contemporary *Fuqahā* state that a duration of half a minute to a minute between the pronunciation of the *tasmiyah* and the slaughter will be overlooked.⁶⁶

To demonstrate the shortness of the window of opportunity, the *Fuqahā* put forth an example of a slaughterer who is on the verge of slaughtering an animal and recites the *tasmiyah*. Thereafter he drinks water, or responds to somebody calling him or takes hold of a knife. Subsequently he slaughters the animal. Upon this the *Fuqahā* mention that if these actions were for a short period of time, then the *tasmiyah* recited prior to these actions will suffice. If however, the slaughterer had a discussion with another person after reciting the *tasmiyah*, or he sharpened the blade of the knife or he challenged the animal to the ground after it was standing, the *tasmiyah* recited prior to these actions will not suffice due to the interval between the recitation of the *tasmiyah* and the slaughtering of the animal.⁶⁷

In the mechanical slaughter process, thousands of animals are slaughtered every day. The machine is switched on with the *tasmiyah* at the beginning of the day. The machine keeps slaughtering animals the whole day. Hence, the animals slaughtered during the course of the day are hours apart from the recitation of the *tasmiyah*. Therefore, in any mechanical slaughter where there is an interval between the slaughter and the *tasmiyah*, the slaughtered animals will be unlawful to consume.

⁶⁴ ثم في ذكاة الاختيار تجب التسمية لكل ذبيحة عند الحز والقطع (تحفة الفقهاء ج ٣ ص ٦٦ دار الكتب العلمية)

(أما) وقت التسمية فوقتها في الذكاة الاختيارية وقت الذبح لا يجوز تقديمها عليه إلا بزمان قليل لا يمكن التحرز عنه لقوله تبارك وتعالى {ولا تأكلوا مما لم يذكر اسم الله عليه} [الأنعام: ١٢١] والذبح مضمر فيه معناه ولا تأكلوا مما لم يذكر اسم الله تعالى عليه من الذبائح ولا يتحقق ذكر اسم الله تعالى على الذبيحة إلا وقت الذبح (بدائع الصنائع ج ٦ ص ٢٤٥ دار الكتب)

⁶⁵ (والمعتبر) (الذبح عقب التسمية قبل تبدل المجلس) حتى لو أضحج شاتين إحداهما فوق الأخرى فدبحهما ذبحة واحدة بتسمية واحدة حلاً، بخلاف ما لو دبحهما على التقافب لأن الفعل يتعدّد فتتعدّد التسمية ذكره الزيلعي في الصيد، ولو سقى الذابح ثم اشتغل بأكل أو شرب ثم ذبح، إن طال وقطع الفور حرم وإلا لا، وحّد الطول ما يستكثره الناظر، وإذا حدّ الشفرة ينقطع الفور بزارية. (الدر المختار من نسخة رد المحتار ج ٦ ص ٣٠٢ أيج أم سعيد)

⁶⁶ أحسن الفتاوى ج ٧ ص ٤٦٧ أيج أم سعيد

⁶⁷ ولو أضحج شاة ليذبحها وسقى عليها فكلّمه إنسان فأجابه أو استسقى ماء فشرب أو أخذ الشكين فإن كان قليلاً ولم يكثر ذلك منه ثم ذبح على تلك التسمية تؤكل وإن تحدّث وأطال الحديث أو أخذ في عمل آخر أو حدّ شفرته أو كانت الشاة قائمة فصرعها ثم ذبح لا تؤكل؛ لأن زمان ما بين التسمية والذبح إذا كان يسيراً لا يعتد به؛ لأنه لا يمكن التحرز عنه فيلحق بالعدم ويجعل كأنه سقى مع الذبح وإذا كان طويلاً يقع فاصلاً بين التسمية والذبح فيصير كأنه سقى في يوم وذبح في يوم آخر فلم توجد التسمية عند الذبح مؤصّلة به. (بدائع الصنائع ج ٦ ص ٢٤٧ دار الكتب العلمية)

5. Can the function of the automated mechanical knife be attributed to the operator?

The *Fuqahā'* state that for a slaughter to be valid, it is a pre-requisite that the influence, authority, power, pressure and strength in a slaughter be that of the human slaughterer.⁶⁸

There is a difference of opinion amongst contemporary scholars in respect to whom the automated mechanical knife is attributed to?

Opinion 1:

Hadhrat Mufti Mahmood Sahib rahimahullah of Pakistan opines that the operator of the machine only lifts the barrier (رفع مانع) which inhibits the supply of electricity into machine. He does not play any active role in the slaughter per se.

By pressing the button to activate the machine, one is reconnecting the electricity to the machine which was temporarily disconnected. In reality, it is the electricity which is bringing the machine into motion. It is the influence, power and strength of the electricity which is governing the slaughter. Hence, when the strength and power (قوة محرّكة) behind the slaughter is the electricity and not the one activating the machine, the slaughtering will be attributed to the electricity and not the human operator.⁶⁹

The scholars who are of this opinion state that the mechanical slaughter process is similar to a non-Muslim who holds a knife in his hand. Person X comes and holds the hand of the non-Muslim. A Muslim thereafter comes, recites the *tasmiyah* and releases the hand of the non-Muslim from the grasp of the person X. As the hand of the non-Muslim slaughterer is released, he slaughters the animal. Will such a slaughter be permissible?

In the above example, the Muslim played the role of removing the barrier (رفع مانع). The one who did the actual slaughtering was the non-Muslim. It was his strength and pressure which did the actual slicing and slaughtering of the animal. Therefore, such a slaughter will be impermissible as the act of slaughtering in such a scenario is clearly the non-Muslim's.

Another example given by the scholars of this opinion is of a rope attached with a knife suspended from the ceiling above an animal's throat. A Muslim recites the *tasmiyah* and cuts the rope. The rope due to its weight comes crashing down towards the animal. Will such a slaughter be permissible? These scholars state that the Muslim was again playing the role of removing the obstruction (رفع مانع) which was the suspension of the rope. It was the weight which actually brought speed and power into the knife. Therefore, such a slaughter will be impermissible.

⁶⁸ أحسن الفتاوى ج ٧ ص ٤٧٠ أيج أم سعيد

⁶⁹ أحسن الفتاوى ج ٧ ص ٤٧٠ أيج أم سعيد

Another point raised by these scholars is that in a mechanical slaughter, even if we consider the act of slaughtering to be the action of the Muslim slaughterer, his involvement in the slaughter is limited only for the short period of pressing the button. When the actual slaughter is taking place, he is not involved at all.

Therefore, according to these scholars, a machine slaughter can never be permissible as the act of slaughter will always be attributed to the electricity and not the Muslim slaughterer.

Opinion 2:

Mufti Rasheed Ahmed Sahib Rahimahullah states that the activating of the machine is not removing the obstruction (رفع مانع). He is of the view that when one presses the button to operate the slaughtering machine, he joins two pieces of metal together which allows the electricity to flow and give birth to motion in the slaughtering machine. Hence, this is known as إيصال آلة الذبح إلى المذبوح - administering the tool of slaughter upon the animal.

He further adds that there is a clear difference between رفع المانع and إيصال بواسطة as the first is إعدام الموجود and the second is إيجاد المعلوم. In other words, when there is رفع المانع, whatever is present is being removed- here the barrier is being removed. Whereas in إيصال بواسطة, something is being originated- a connection is being brought into existence.

A barrier (مانع) will be considered to exist when a cause (سبب) is present but it is inhibited from influencing and exhibiting its affect due to the presence of a barrier (مانع).

The example of this is when a knife is attached to a rope and suspended from a ceiling; the cause (سبب) is the weight of the knife which is present, but the barrier is the rope preventing the knife's weight from showing it's influence of falling onto the ground. Hence, in this scenario you can say there is a barrier preventing the knife to fall.

However, this example cannot be used to as an analogy for the mechanical slaughter process. In the mechanical slaughter method, there is no path for the electricity to flow as the two metal ends are not meeting one another. They only fuse together when the button is pressed. The cause (سبب) – the meeting of the two metal ends only materialises with the pressing of the operating switch.

Therefore, as a barrier can only be considered when there is a cause present, and no cause is present in the mechanical slaughter process, thus there is no barrier. As a result, this reasoning will not apply.

Another example of this is if there is a fire which is travelling on the ground but a piece of metal is blocking the path of the fire. The piece of metal will be regarded as a barrier (مانع). Moving this

piece of metal would be regarded as رفع مانع. Whereas, if a piece of metal was not blocking the way but instead there was no fuel on the ground for the fire to consume and move forward, then this is not regarded as مانع, instead this will be انعدام السبب – nothing to induce the fire to proceed. If a person then places some fuel for the fire to proceed further, then this will not be رفع مانع, instead this will be مباشرة الفعل – direct inducing.

In the same manner, when a person switches the machine on; he is directly inducing the slaughter as he is the causing the electricity to flow across to the rotating blades which slaughters the animal.

Opinion 3:

إذا اجتمع المباشر والمتسبب أضيف الحكم إلى المباشر

When the direct pursuant (person who is directly involved) and the means come together, the ruling will be attributed to the direct pursuant.⁷⁰

Based on the above principle, Mufti Khalid Saifullah Daamat Barakatuhum states that the direct pursuant (المباشر) is the electric current which is lifeless. Therefore, it is not possible to ascribe the ruling to the electric current. As a result, the ruling will be ascribed to the human being who is the المتسبب.⁷¹

6. The passage of chickens through hot water after slaughtering

The last issue related to the mechanical slaughter process is the issue of the chickens passing through hot water after the slaughtering. After passing through the rotating blade, the chickens are brought to a zone where hot water is released from above in order to remove their feathers. There are two possible issues of contention related to this hot water:

1. When the throat of the chicken is not cut by the rotating blade in a manner which is acceptable in Islamic law, then when it is brought to the area where it will be immersed in hot water it will still have some life left in it. Thus, it is not far-fetched for such a chicken to die because of the heat of the water, making it unlawful to consume.
2. Some object to this method of slaughter because the animal is submersed in the hot water before all the impurities and filth are removed from the stomach of the chicken. Therefore, there is a possibility that these impurities and filth will sometimes seep through and penetrate the meat of

⁷⁰ "إذا اجتمع المباشر " للفاعل، أي الفاعل له بالذات " والمتسبب " له، أي المنضي والموصل إلى وقوعه " يُضاف الحكم إلى المباشر " لما تقدم في المادة السابقة، من أن الفاعل هو العلة المؤثرة، والأصل في الأحكام أن تُضاف إلى عللها المؤثرة لا إلى أسبابها الموصلة، لأن تلك أقوى وأقرب، إذ المتسبب هو الذي تحلل بين فعله والأثر المترتب عليه، من تلف أو غيره، فعل فاعل مختار، والمباشر هو الذي يحصل الأثر بفعله من غير أن يتخلل بينهما فعل فاعل مختار، فكان أقرب لإضافة الحكم إليه من المتسبب. قال الزملي في حاشيته على جامع الفصولين (في الفصل / ٣٣ صفحة ١٢٤): إذا اجتمع المباشر والمتسبب فالمباشر مقدم، كالعلة وعلة العلة، والحكم يُضاف إلى العلة لا إلى علة العلة. (شرح القواعد الفقهية ص ٤٤٧ دار القلم)

⁷¹ جديد فقهي مسائل ج ٢ ص ١٤٤ زمزم

the animal because of the boiling temperature of the water. The scholars of Fiqh have said that such a chicken is definitely unlawful to consume. It is mentioned in ad-Durr al-Mukhtār,

“The same law will apply to a chicken which is placed in water in order to remove its feathers before it is cleaned.”⁷² Ibn Abidīn says in his commentary,

“Ibn al-Humām says that this animal can never become lawful, but there is a narration from Imam Abū Yūsuf saying that it is lawful. The cause for this animal becoming unlawful – Allah knows best- is the impurities being absorbed by the meat due to the boiling temperature of the water.”⁷³

However, this last objection can only apply where the temperature of the water reaches boiling point. In many abattoirs, the temperature of the water does not reach boiling point. The temperature is far below 100 degrees Celsius. Furthermore, the chicken only remains in this hot water for a few minutes, and this is not long enough for the meat to absorb the impurities.

The scholars who hold the view that the chicken becomes unlawful have based their ruling on the fact that the temperature of the water reaches boiling point and the chicken stays in the water long enough for the meat to absorb the impurities. Ibn Abidīn says after mentioning this ruling,

“Based on this principle, it has become famous that the Samīt meat of Egypt is unlawful. However, this will only be the case if the meat is kept in the boiling water for such a period of time in which the impurities normally seep through and penetrate the inside of the meat. This does not occur in the Samīt meat because the water which is used to cook this meat does not reach boiling point and the animal is only kept in the water long enough for the heat to reach the outer skin in order to dilate the pores of the wool. If the animal is left in the water longer, it would become difficult to remove the hair.”⁷⁴

Conclusion:

The question and answer reflect multiple issues of concern with the conventional mechanical slaughter procedure. Even if one angle is modified and customised to Shari’ah standards, others are left requiring urgent attention. Therefore, as a whole, the mechanical slaughter process is not permissible unless the following issues are reviewed and adjusted to meet Shari’ah standards:

⁷² وَكَذَا دَجَاجَةٌ مُلْقَاةٌ خَالَةً عَلَى الْمَاءِ لِلتَّيْبِ قَبْلَ شَقِّهَا فَتَنَحَّ. (الدر المختار من حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أم سعيد)
⁷³ (قوله: وَكَذَا دَجَاجَةٌ إلخ) قَالَ فِي الْفَتْحِ: إِنَّمَا لَا تَطْهَرُ أَبَدًا لَكِنْ عَلَى قَوْلِ أَبِي يُوسُفَ تَطْهَرُ، وَالْعَلَّةُ - وَاللَّهِ أَغْلَمُ - تَشْرُبُهَا النَّجَاسَةُ بِوَاسِطَةِ الْعُلْيَانِ، (حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أم سعيد)

⁷⁴ وَعَلَيْهِ أَشْهَرُ أَنَّ اللَّحْمَ السَّمِيطَ بِمَصْرَ نَجَسٌ، لَكِنَّ الْعَلَّةَ الْمَذْكُورَةَ لَا تَنْتَبِثُ مَا لَمْ يَفْكُثَ اللَّحْمُ بَعْدَ الْعُلْيَانِ زَمَانًا يَفْعُ فِي مِثْلِهِ التَّشْرِبُ وَالْإِخْوَالُ فِي بَاطِنِ اللَّحْمِ، وَكُلُّ مِنْهُمَا غَيْرُ مُحَقَّقٍ فِي السَّمِيطِ حَيْثُ لَا يَصِلُ إِلَى حَدِّ الْعُلْيَانِ، وَلَا يَتْرُكُ فِيهِ إِلَّا وَقْدًا مَا تَصِلُ الْخَرَارَةُ إِلَى ظَاهِرِ الْجُلْدِ لِتَنْخَلَّ مَسَامُ الصُّوفِ، بَلْ لَوْ تَرَكَ يَمْنَعُ اقْتِلَاعُ الشَّعْرِ؛ فَالْأَوَّلَى فِي السَّمِيطِ أَنْ يَطْهَرُ بِالْعَسَلِ ثَلَاثًا فَإِنَّهُمْ لَا يَتَحَرَّسُونَ فِيهِ عَنِ النَّجَسِ، وَقَدْ قَالَ شَرْفُ الْأَيْقَةِ يَهْدَا فِي الدَّجَاجَةِ وَالْكَرْشِ وَالسَّمِيطِ أَهْدَ وَأَقْرَهُ فِي الْبَحْرِ. حاشية ابن عابدين ج ١ ص ٣٣٤ أيج أم سعيد)

- 1) The throat is cut correctly with the necessary veins cut each time.
- 2) The animal dies as a result of the vessels being cut and not as a result from a strike from the back.
- 3) Each and every animal is singled out with the *tasmiyah*.
- 4) The *tasmiyah* is administered by the slaughterer himself and not played on a tape or written somewhere.
- 5) The slaughter follows the *tasmiyah* without the intervention of a long pause.
- 6) The issue of whether the functioning of the machine can be attributed to the human or not is a critical point of consideration. Whilst some scholars affirm that the functioning of the machine can be attributed to the human slaughterer, others disagree. This leads us to the issue of difference of opinion among the Muftis.

Hadhrat Mufti Ebrahim Desai Sahib's personal opinion is that machine slaughter is not permissible in the current setup. His view is that manual slaughter can be very efficient and the production can meet the current global demand if organised and configured accurately. Many slaughterhouses in South Africa and other parts of the world are proofs that manual hand slaughter can be very efficient if structured properly. This view is also endorsed by Hadhrat Mufti Taqi Sahib Daamat Barakatuhum.⁷⁵

And Allah Ta'āla Knows Best

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⁷⁵ Contemporary Fatawa p.288 Idara-e-Islamiat