



Series of the Writings of His Eminence The Shaykh (26)

Summary of the Book of Ud-hiyah (Eid Sacrificial Animal)

By His Eminence Shaykh

Muhammad ibn Sālih Al-'Uthaymīn

May Allah forgive him, his parents, and all Muslims

Published by

Shaykh Muhammad ibn Sālih al-'Uthaymīn Charity

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***In the name of Allah, the Most Compassionate,
the Most Merciful.***

Introduction

Praise be to Allah; we praise Him, seek His help and forgiveness, and repent to Him. We seek refuge with Allah from the evil of our selves and from our bad deeds. Whoever Allah guides, none can lead astray, and whoever He leads astray, none can guide. I bear witness that there is no deity worthy of worship but Allah, alone, with no partner, and I bear witness that Muhammad is His slave and messenger; may Allah's peace and blessings be upon him, his family, his Companions, and those who follow them with righteousness until the Day of Judgment. To proceed,

I have authored a long book ⁽¹⁾, consisting of 93 pages, on the rulings related to Ud-hiyah (Eid sacrificial animal) and animal slaughter. The book mentions some difference of opinions and debates that would be too lengthy for readers. So, I summarized the book, omitting unnecessary details and adding what is needed.

⁽¹⁾ In these rulings, Hady and Ud-hiyah are alike. [the author]

I implore Allah Almighty to render this work purely done for His sake and make it a means of demonstrating His Shariah and benefiting all Muslims; indeed, He is the All-Generous.

The summary comprises the following chapters:

Chapter One: Definition of Ud-hiyah and its ruling

Chapter Two: Conditions of Ud-hiyah

Chapter Three: Preferred and disliked types and descriptions of Ud-hiyah

Chapter Four: Whom does the Ud-hiyah suffice?

Chapter Five: How Ud-hiyah is determined and the relevant rulings

Chapter Six: What to be eaten and what to be distributed of the Ud-Hiyah

Chapter Seven: What to be avoided by one wanting to offer Ud-hiyah

Chapter Eight: Animal slaughter and its conditions

Chapter Nine: Etiquettes of animal slaughter

Chapter Ten: What is disliked in animal slaughter

Author



Chapter One: Definition of Ud-hiyah and its ruling

Ud-hiyah is the sacrificial animal slaughtered during the days of the Ad-ha Eid on account of the Eid as a means of closeness to Allah Almighty.

It is an Islamic rite legislated by the Qur'an, the Sunnah, and the Muslims' consensus.

Allah Almighty says: {*So pray to your Lord and sacrifice [to Him alone].*} [Al-Kawthar: 2] He also says: {*Say: "Indeed, my prayer, my rituals, my living and my dying are for Allah, Lord of the worlds, Who has no partner. And I have been commanded with this, and I am the first of the Muslims."*} [Al-An'ām: 162-163] "Nusuk" means sacrifice, a view stated by Sa'īd ibn Jubayr. It is also said to refer to all acts of worship, including sacrifice, which is more comprehensive. Allah Almighty says: {*And for every nation We have made a ritual that they may mention the name of Allah over such brute cattle as He has provided them. So your God is One God; then to Him surrender...*} [Al-Hajj: 34]

Anas ibn Mālīk (may Allah be pleased with him) reported: "The Prophet (may Allah's peace and blessings be upon him) sacrificed two black and white horned rams, which he slaughtered with his own hands. He mentioned the name of Allah and made Takbīr (saying: Allahu Akbar (Allah is the Most Great)) and put his foot on their necks." [Narrated by Al-Bukhārī and Muslim]

‘Abdullah ibn ‘Umar (may Allah be pleased with him and his father) reported: “The Prophet (may Allah’s peace and blessings be upon him) stayed in Madinah for ten years, during which he would offer sacrificial animals (on Eid Al-Ad-ha).” [Narrated by Ahmad and Al-Tirmidhi; classified by Al-Tirmidhi as Hasan/Sound]

‘Uqbah ibn ‘Āmir (may Allah be pleased with him) reported: “The Prophet (may Allah’s peace and blessings be upon him) divided some sacrificial animals among his Companions, and I got a Jadh’ah sheep. I said: ‘O Messenger of Allah, I got a Jadh’ah sheep.’ He said: ‘Sacrifice it.’” [Narrated by Al-Bukhāri and Muslim]

Al-Barā’ ibn ‘Āzib (may Allah be pleased with him) reported that the Prophet (may Allah’s peace and blessings be upon him) said: “He who slaughters the sacrifice after the prayer, his ritual of sacrifice is complete as he follows the tradition of Muslims.” [Narrated by Al-Bukhāri and Muslim]

The Prophet (may Allah’s peace and blessings be upon him) sacrificed, and so did his Companions, and he stated that Ud-hiyah is the tradition of Muslims. Hence, Muslims are in consensus over its legitimacy, as reported by more than one scholar.

They differed over whether it is a confirmed act of Sunnah or a duty that should not be abandoned.

The majority of scholars held the opinion that it is a confirmed act of Sunnah, a view adopted by Al-Shāfi’i as well as

Mālik and Ahmad, according to the latter two scholars' famous opinion. Other scholars stated that it is obligatory, like Abu Hanīfah and Ahmad, in one of his two views. Shaykh al-Islam Ibn Taymiyyah adopted this view and said: "This is one of two opinions in Mālik's school of Fiqh - or the predominant opinion in Mālik's school of Fiqh." ⁽¹⁾

Slaughtering the Ud-hiyah is better than giving its value as money in charity, for the Ud-hiyah was what the Prophet (may Allah's peace and blessings be upon him) and Muslims along with him did; and sacrifice is one of the rites of Allah Almighty, which will cease to exist if people give it up. If giving the price of Ud-hiyah was better than slaughtering it, the Prophet (may Allah's peace and blessings be upon him) would have made this clear to his Ummah through his words or deeds. Indeed, he would never fail to demonstrate anything good to his Ummah. Even if charity had been equal to Ud-hiyah in reward, he would also have clarified this, for it would have been easier than Ud-hiyah and the effort involved in it. In fact, the Prophet (may Allah's peace and blessings be upon him) would never fail to point out what is easier to the Ummah despite its being equal in reward to what is more difficult.

People were hit by a famine during the Prophet's lifetime, and he said: "Whoever has slaughtered a sacrifice should not keep anything of its meat after three days." In the following year, they said: "O Messenger of Allah, should we do as we did

(1) See the proofs presented by the two parties and the commentary on them in the original book (p. 7-15) [the author].

last year?” He said: “Eat from it, feed others, and keep some of it in store. People in that year were having a hard time, and so I wanted you to help.” [Narrated by Al-Bukhāri and Muslim]

Ibn al-Qayyim (may Allah have mercy upon him) said: “Slaughtering a sacrificial animal in its proper place is better than giving its price in charity. Therefore, if one gives in charity several times the price of the sacrificial animal in Tamattu’ (performing ‘Umrah during the Hajj season) or Qirān (assuming Ihram for Hajj and ‘Umrah together) Hajj, this will not be valid; and the same applies to Ud-hiyah.” End of quote.



Chapter

The basic rule is that Ud-hiyah is prescribed for living people. The Prophet (may Allah’s peace and blessings be upon him) and his Companions used to sacrifice for themselves and on behalf of their families. As for the belief held by some ordinary people that Ud-hiyah is particularly related to the dead, this is baseless. Ud-hiyah on behalf of the dead falls under three categories:

First: Ud-hiyah can be offered on their behalf along with living people. For example, a man may offer Ud-hiyah on behalf of himself and his household, intending the living and dead

amongst them. It has its origin in the Prophet's act of offering Ud-hiyah on behalf of himself and his household, including those who had already died.

Second: Ud-hiyah can be offered on behalf of the dead according to wills they have left behind; based on the verse that says: {Then whoever alters it (the bequest) after he has heard it - the sin is only upon those who have altered it. Indeed, Allah is All-Hearing, All-Knowing.} [Al-Baqarah: 181]

Third: Ud-hiyah can be offered as a donation on behalf of the dead, separately from the living. This is permissible, and the Hanbali scholars stated that its reward reaches and benefits the deceased, based on analogy with charity, which can be given on behalf of the dead. However, we do not hold the view that offering Ud-hiyah specifically for the dead is part of the Sunnah. The Prophet (may Allah's peace and blessings be upon him) did not offer Ud-hiyah specifically on behalf of any of his dead relatives, like his uncle Hamzah (may Allah be pleased with him), for example, who was one of his dearest relatives. Neither did he offer Ud-hiyah for his children who died during his lifetime; three married daughters and three young sons. Nor did he do so on behalf of Khadījah, one of his most beloved wives. Moreover, it is not reported that any of his Companions (may Allah be pleased with them) did offer Ud-hiyah on behalf of any of his dead relatives.

Another error we see some people do is that they offer Ud-hiyah on behalf of a dead person one year after his death and they call it "Ud-hiyah of the pit". They think that no one should

share its reward with him. And they offer Ud-hiyah on behalf of their dead as a donation or execution of their wills, but they do not make Ud-hiyah on behalf of themselves and their living families. If they knew that when a man offers Ud-hiyah from his own money on behalf of himself and his family, this includes the living and dead members of his household, they would not abandon this practice and turn to what they do now.



Chapter Two: Conditions of Ud-hiyah

There are six conditions for Ud-hiyah:

First: It should come from cattle, which includes camels, cows, sheep, and goats. Allah Almighty says: {And for every nation We have appointed a rite [of sacrifice] that they may mention the name of Allah over what He has provided for them of cattle...} [Al-Hajj: 34] Cattle refers to camels, cows, and sheep, as well known among Arabs. This view was held by Al-Hasan, Qatādah, and others.

Second: It should be at the Shariah-prescribed age. It should be Jadh'ah (8 or 9 months old) of sheep, and Thaniyyah (1-2 years old) of other cattle. The Prophet (may Allah's peace and blessings be upon him) said: "Sacrifice only a full-grown animal unless it is difficult for you, so you can sacrifice a Jadh'ah sheep." [Narrated by Muslim]

A full-grown animal is the Thaniyyah and older; and Jadh'ah is younger. A Thaniyyah camel has reached the age of five; whereas a Thaniyyah cow has reached two years. A Thaniyyah sheep is one year old, while a Jadh'ah is at the age of half a year. It is not valid to offer Ud-hiyah with anything younger than a Thaniyyah camel, cow, or goat or a Jadh'ah sheep.

Third: It should be free from such defects that render it unfit for sacrifice.

Those defects are four:

1- Being markedly one-eyed: This is when an eye sinks in or clearly protrudes, or it becomes so white that it vividly shows that the animal is one-eyed.

2- Plain illness: This is when the symptoms of a disease are manifest on the animal, like fever, which disables it from pasturing and kills its appetite for food; apparent scabies, which ruins its flesh or impacts its health; or a deep wound that undermines its health.

3- Apparent lameness: This is when an animal is so lame that it cannot walk abreast of other sound animals.

4- Extreme thinness that affects the brain. The Prophet (may Allah's peace and blessings be upon him) was asked about which animal should be avoided for sacrifice, he pointed with his hand and said: "Four: a lame animal whose lameness is evident; a one-eyed animal which is clearly one-eyed; an animal which is clearly ill; and an emaciated animal with no fat on it." [Narrated by Mālik in Al-Muwatta' on the authority of Al-Barā' ibn 'Āzib] In another narration in Al-Sunan, Al-Barā' (may Allah be pleased with him) reported: "The Prophet (may Allah's peace and blessings be upon him) stood amongst us and said: 'Four animals are not valid for Ud-hiyah...'" These four defects render an animal unfit for sacrifice.

Similar or worse defects fall under the same category, making an animal unfit for Ud-hiyah.

Examples include the following:

- 1- A blind animal.
- 2- A surfeited animal, until it gets back to normal and is no longer in danger.
- 3- An animal in obstructed labor, until it is no longer in danger.
- 4- An animal suffering from life-threatening situation, like suffocation and falling from a high place - until it is no longer in danger.
- 5- An animal that cannot walk due to a bodily defect.
- 6- An animal one of whose legs or forelegs is cut off.

If we add these six to the preceding four, they make up to ten defects that render an animal unfit for Ud-hiyah.

Fourth: It should belong to the sacrificing person or he should be authorized by the Shariah or the owner to slaughter it. One may not make Ud-hiyah with an animal he does not rightly possess. Animals that are stolen or seized unjustly are not valid to be Ud-hiyah. We cannot seek closeness to Allah Almighty through sins.

The guardian of an orphan may offer Ud-hiyah on his behalf and from his money, if this is a common practice or the orphan will be broken-hearted unless Ud-hiyah is offered. It is also valid for an agent to offer Ud-hiyah from the money of his principal and with his permission.

Fifth: No right of others should be attached to it. For example, a pawned animal may not be offered as Ud-hiyah. ⁽¹⁾

Sixth: It should be offered at the Shariah-prescribed time; that is from after the Eid prayer on the day of Nahr to sunset on the last day of the days of Tashrīq, the 13th of Dhul-Hijjah. Thus, the days of slaughter are four: the day of Eid: after the prayer, and the three subsequent days. If one slaughters the Ud-hiyah before the end of the Eid prayer or after sunset on the 13th of Dhul-Hijjah, his Ud-hiyah is invalid. Al-Barā' ibn 'Āzib (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) said: "Whoever slaughters before the prayer, then it is merely meat that he presents to his family, and not a sacrifice at all." [Narrated by Al-Bukhārī] Jundub ibn Sufyān al-Bajali (may Allah be pleased with him) reported: "I saw the Prophet (may Allah's peace and blessings be upon him) say: 'Whoever slaughters (the Ud-hiyah) before he offers the prayer should slaughter another one in its place.'" [Narrated by Al-Bukhārī] Nubayshah al-Hudhali (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) said: "The days of Tashrīq are days of eating, drinking, and remembrance of Allah Almighty." [Narrated by Muslim] If something happens and delays him beyond the days of Tashrīq, like the flight of the animal

(1) These five conditions are pertaining to Ud-hiyah and any other legitimate slaughter, like sacrifice in Tamattu' and Qirān Hajj, as well as 'Aqīqah (sacrificial animal on the occasion of a child's birth). [the author]

without neglect on his part, and he could not find it until after the appointed time; or he appoints someone to slaughter it on his behalf, but he forgets until the time lapses; in such cases, there is nothing wrong with slaughtering the Ud-hiyah after the fixed time frame, due to the excuse. This ruling is reached based on analogy with the case of a person who forgets or sleeps and does not offer a certain prayer, so he should pray it when he wakes up or when he remembers it.

It is permissible to slaughter the Ud-hiyah during the day or night within the specified days. However, it is better to slaughter it during the daytime; and after the two sermons on the day of Eid is even better; and each day is better than the next one, for this denotes keenness to do good without delay.



Chapter Three: Preferred and disliked types and properties of Ud-hiyah

The best types of Ud-hiyah are camels, then cows, if fully sacrificed, then sheep, then goats, then the seventh of a camel, and then the seventh of a cow.

The best Ud-hiyah in terms of its properties is the one having the largest amount of meat and the best shape and appearance.

Anas ibn Mālik (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) used to offer as sacrifices two horned rams, black and white in color. [Narrated by Al-Bukhāri]

Abu Sa'īd al-Khudri (may Allah be pleased with him) reported: "The Prophet (may Allah's peace and blessings be upon him) slaughtered a horned male ram of fine pedigree, (around) his mouth was black, and his legs were black, and (around) his eyes were black." [Narrated by the four Compilers of Hadīths; classified as Hasan Sahih/Sound Authentic by Al-Tirmidhi]

Abu Rāfi', the Prophet's freed slave, reported: "Whenever the Prophet (may Allah's peace and blessings be upon him) offered Ud-hiyah, he would buy two fat sheep." In another narration: "castrated sheep." [Narrated by Ahmad]

A castrated sheep mostly has better meat than that of an uncastrated sheep, while the latter has better shape and body than the former.

These are the preferred types and properties of Ud-hiyah.

And here are the disliked types of Ud-hiyah:

1- Al-'Adbā': It is an animal whose ear or horn has been cut off - half of it or more.

2- Al-Muqābalah: It is an animal whose ear has been split breadthwise from the front.

3- Al-Mudābarah: It is an animal whose ear has been split breadthwise from behind.

4- Al-Sharqā': It is an animal whose ear has been split lengthwise.

5- Al-Kharqā': It is an animal whose ear has been punctured.

6- Al-Musfarah: It is an animal whose ear has been cut and its earhole has become visible. It is also said it is a lean animal, as long as it does not lose its brain.

7- Al-Musta'salah: It is an animal whose horns are completely gone.

8- Al-Bakhqā': It is an animal whose eye has been gouged out, and it loses its eyesight, but the eye remains as it is.

9- Al-Mushayya'ah: It is an animal that lags behind the sheep due to its weakness and it should be driven to catch up with them.

These are the disliked types of animals which the Hadīths mention that they should be avoided when it comes to Ud-hiyah. This is taken to mean undesirability as these Hadīths are reconciled with the Hadīth by Al-Barā' ibn 'Āzib (may Allah be pleased with him) cited above in the third condition of Ud-hiyah.

Falling under this category are similar things, such as the following:

1- Al-Batraa' camels, cows, or goats are animals with half of their tails or more being cut off.

2- Those animals with less than half of the rump being cut off. If half of the rump or more is cut off, the animal is not valid for Ud-hiyah, according to the majority of scholars. As for the animal that naturally lacks its rump, there is nothing wrong with that.

3- Animals whose sex organs have been cut off.

4- Animals some of whose teeth, even the front ones, are gone. If an animal is born with some of the teeth missing, this is not treated as disliked.

5- Animals parts of whose nipples have been cut off. If they are naturally missing, this is not regarded as disliked. And if an animal ceases to produce milk even though the breasts are sound,

there is nothing wrong with that.

If we add these five to the preceding nine, they are a total of fourteen disliked things.



Chapter Four: Whom does the Ud-hiyah suffice?

One Ud-hiyah of sheep or goat is sufficient for a man and his family, as well as those he wishes from Muslims. ‘Ā’ishah (may Allah be pleased with her) reported that the Prophet (may Allah’s peace and blessings be upon him) commanded that a sheep with black legs, black belly, and black (circles) round the eyes should be brought to him so as to sacrifice it. He said to her: “O ‘Ā’ishah, give me the knife,” which she did. Then he took it and the sheep; he placed it on the ground and slaughtered it, saying: “Bismillah, Allahumma taqabbal min Muhammad wa āli Muhammad wa min ummat Muhammad (In the name of Allah; O Allah, accept this from Muhammad, the family of Muhammad, and the Ummah of Muhammad).” Then, he sacrificed it. [Narrated by Muslim]

Abu Rāfi’ (may Allah be pleased with him) reported: “The Prophet (may Allah’s peace and blessings be upon him) used to sacrifice two sheep as Ud-hiyah, one for himself and his family and the other on behalf of all his Ummah.” [Narrated by Ahmad]

Abu Ayyūb al-Ansāri (may Allah be pleased with him) reported: “A man, during the Prophet’s lifetime, would sacrifice a sheep for himself and his family, and they would eat from it and feed others.” [Narrated by Ibn Mājah and Al-Tirmidhi; classified as Sahih/Authentic by Al-Tirmidhi]

If a man sacrifices one sheep or goat for himself and his family, it will be sufficient for all the relatives he has intended, living or dead. If, however, he has intended none specifically, all those falling under the term "household", linguistically or according to tradition, will be included. It traditionally refers to those whom a man financially supports: his wives, children, and dependent relatives. Linguistically, it refers to all those related to him from his progeny, the progeny of his father and grandfather, and the progeny of his father's grandfather.

A seventh of a camel or a seventh of a cow is sufficient for those people for whom one sheep is sufficient. So, if a man sacrifices one seventh of a camel or a cow for himself and his household, it suffices them. The Prophet (may Allah's peace and blessings be upon him) regarded the seventh of a camel or a cow as equal in Hady to one sheep. So, the same can apply to Ud-hiyah, for there is no difference between the two in this respect.

But one sheep or goat does not suffice two persons or more, who buy and sacrifice it jointly. This practice does not exist in the Qur'an or the Sunnah. Likewise, it is not valid that eight or more persons share a camel or a cow. Indeed, acts of worship should be observed as they are prescribed, without exceeding the fixed limits in terms of number or manner. This differs from people sharing the reward for one Ud-hiyah, in which there is no limit to the number, as previously mentioned.

Based on this, let's say there are bequests for a group of people. Each of them determines that an Ud-hiyah be made

from the proceeds of an endowment. But each endowment proceeds fall short in this regard. In such a case, it is not permissible to gather all those bequests together in one Ud-hiyah, for, as we have said, one sheep is not sufficient for two or more partners; unlike in the reward. Hence, the revenue should be collected until it reaches the price of Ud-hiyah. But if it is so small that it will reach the price in years, it should be given in charity on the 10th of Dhul-Hijjah.

However, if one person leaves a bequest involving several Ud-hiyahs, and the revenues are not enough for all Ud-hiyahs, the executor may gather all in one Ud-hiyah, if he so wills, because the testator is one person. And if he wills, he can make one Ud-hiyah in one year and another in the following one. The first choice is preferable, however.



Important Note:

Some testators exaggerate in estimating the price of Ud-hiyah to be made from revenues, intending to say that if it even reaches this high price, still offer it - ruling out that it will be as costly, for it was much cheaper in his days. As a result, some impious executors decide to cancel the Ud-hiyah on the grounds that the testator has estimated its price and there is no Ud-hiyah at this price, even though the revenues are plentiful.

This is forbidden and sinful. An executor in such situation should make the Ud-hiyah even if costs thousands of riyals, as long as the revenues are enough. Indeed, when the testator made this estimate, he meant to exaggerate, not to limit it to that amount.



Chapter Five: How Ud-hiyah is determined and the relevant rulings

Ud-hiyah is determined through one of two things:

First: Utterance: This is when one says: “This is Ud-hiyah”, intending to determine it as such. But if he merely intends to inform about what he wants to do in the future, this does not establish it as Ud-hiyah, for his intention is to tell about what he will do later, not to determine it as Ud-hiyah.

Second: Action: It is of two types:

First: When one slaughters the animal intending it as Ud-hiyah, and it is thus treated as Ud-hiyah.

Second: When one buys it with the intention of making Ud-hiyah, in place of another specific Ud-hiyah, like when he specifies an Ud-hiyah and then it gets ruined due to neglect on his part, and so he buys another one intending it as a substitute for the ruined Ud-hiyah. Such becomes an Ud-hiyah once bought with this intention, for it is a replacement for a specified Ud-hiyah, and so it is treated likewise. If it is not a replacement for a specified Ud-hiyah, however, it does not become an Ud-hiyah by the mere purchase with the intention of Ud-hiyah. This is similar to a person who buys a slave intending to set him free. He does not become free by the mere purchase. Also, if a person buys something to make it an endowment, it does not become as such by the mere purchase. By the same token, if a person buys an animal intending it as Ud-hiyah, it does not become an Ud-hiyah automatically.

If an animal is established as Ud-hiyah, it becomes subject to certain rulings. ⁽¹⁾

First: It is not permissible to dispose of it in a way that prevents sacrificing it, like selling, granting, or pawning it, except if he replaces it with a better animal for the purpose of sacrifice, not for any other personal purpose. For example, if one specifies a sheep as Ud-hiyah and then gets attached to it for some reason, and so he regrets choosing it as Ud-hiyah and replaces it with another better one so that he can keep it with him - this is not valid, for he thus takes back what he has decided to give for the sake of Allah based on a personal desire, not for the benefit of Ud-hiyah.

Second: If one dies after specifying an animal as Ud-hiyah, his inheritors are required to carry this out. But if he dies without specifying it for this purpose, it belongs to them and they can dispose of it as they wish.

Third: Nothing of it should be used for other purposes, like cultivation; and he should not ride it unless this is needed and provided it is subject to no harm. Also, he may not take from its milk what diminishes it or what is needed by its baby that is specified along with it for Ud-hiyah. Also, he should not cut anything off its wool or the like, unless this is better for it, in which case he should donate it, give it as a gift, or utilize it, but not sell it.

⁽¹⁾ In these rulings, Hady and Ud-hiyah are alike. [the author]

Fourth: If it becomes defective in a way that renders it unfit, after being specified as Ud-hiyah, for example, a man buys a sheep and specifies it as Ud-hiyah and then its eye is gouged out and it becomes plainly one-eyed, in such a situation, **there are two cases:**

First: The defect has occurred by his action or due to neglect on his part, in which case he should replace it with another one which is similar or better. This is because he has caused the defect and should be liable. As for the defective animal, it belongs to him, according to the correct opinion, and he can dispose of it as he wishes. He can sell it.

Second: The defect is not caused by him or any neglect on his part. So, he may slaughter it as valid Ud-hiyah - except if it was due on him before specifying it. It is a trust held by him and it has become defective without any cause or neglect on his part, and so there is no blame or liability on him.

If it was due on him before specifying it as Ud-hiyah, then he is required to replace it with a sound one, in fulfillment of what is due on him. For example, a man vows to Allah that he will offer Ud-hiyah this year, and he buys an animal and specifies it as Ud-hiyah according to his vow. But then it suffers from a defect that renders it unfit as Ud-hiyah. In such a case, he is required to replace it with another sound animal for this purpose. The defective one goes to him. But if it is more expensive than the replacement, he should give the difference in charity.

Fifth: If it gets lost or stolen, **there are two cases here:**

First: This happens on account of neglect on his part, like when he puts it in an unguarded place and it runs away or gets stolen. In such a case, he is required to replace it with another one that is equal to or better than it. The lost or stolen one is regarded as his property and he can dispose of it as he wishes, if he gets it back.

Second: This happens without neglect on his part, in which case there is no liability upon him, unless it is due on him before specifying it as Ud-hiyah. This is because it is a trust held by him, and a trustee is not liable if something happens to the trust without neglect on his part. But if he gets it back, he is required to sacrifice it, even if the time of slaughter has passed. Likewise, if the stealer pays compensation for it, the owner is required to sacrifice the payment in full.

However, if it was due on him before specifying it, he would be required to slaughter another one in place of it, in fulfillment of what is due on him. If he gets it back, it is his and he can do with it as he wishes, selling it or the like. But if the replacement is less expensive than the original one, he is required to give the difference in charity.

Sixth: If it gets damaged, there are three cases here:

First: The damage is caused by non-human factors, like a disease or pest. If the animal dies because of this, there is no liability upon him, unless it was due on him before specifying it as Ud-hiyah. This is because it is a trust held by him and gets

damaged for reasons beyond accountability. So, he is not held accountable, unless it was due on him before specifying it as Ud-hiyah, in which case he is required to slaughter another one in its place, in fulfillment of what is due on him.

Second: The damage is caused by its owner, and in such case he is required to slaughter another one that is equal to or better than it, for the liability falls on him.

Third: The damage is caused by someone else other than its owner. If the cause goes beyond accountability, like highwaymen, it should be treated like the damage caused by non-human factors, as in the first case. On the other hand, if accountability is possible, like when a certain person slaughters and eats the animal or kills it, he should be liable and pay its price to the owner, who in turn should sacrifice it. The owner can absolve the other person and do what is entailed by liability.

Seventh: If it is slaughtered before the appointed time, albeit with the intention of Ud-hiyah, it shall be treated like the animal that gets damaged, as mentioned above. And in case the slaughter occurs at the appointed time, if it gets slaughtered by its owner or his agent, that is fine. However, if it is slaughtered by someone else other than the owner or his agent, there are three cases here:

First: He intends Ud-hiyah on behalf of its owner. If the owner agrees, it is valid; otherwise, it is not valid, according to the correct opinion, and the slaughterer is held liable and required

to pay its price to the owner, who in turn should sacrifice it. The owner can absolve the other person and do what is entailed by liability. Some scholars said it is still valid even if the owner does not approve the slaughter. This is the famous opinion within the schools of Fiqh of Ahmad, Al-Shāfi'i, and Abu Hanīfah (may Allah have mercy upon them).

Second: He intends Ud-hiyah for himself, not the owner. If he knows that it belongs to another person, it is not valid Ud-hiyah for himself or anybody else, and he is held liable and required to pay its price to the owner, who in turn should sacrifice it. The owner can absolve the other person and do what is entailed by liability. It is also said to be a valid Ud-hiyah for the owner and he is liable for the meat that has been distributed. However, if he does not know that it belongs to someone else, it counts as a valid Ud-hiyah for the owner. If the slaughterer has distributed its meat, he shall be held liable for it and is required to pay its price to the owner, unless he approves the other person's distribution of the meat.

Third: He does not intend it as Ud-hiyah for anyone, in which case it does not count as Ud-hiyah for either of them. It is said, however, that it counts as a valid Ud-hiyah for the owner.

Whenever it counts as a valid Ud-hiyah for the owner in any of the previous cases, if the meat is still there, he should take it and distribute it as Ud-hiyah should be distributed. However, if the slaughterer has already distributed it as Ud-hiyah and the owner approves this, there shall be no liability upon the slaughterer; otherwise, he shall be liable and required

to pay its price to the owner, who in turn should distribute it as Ud-hiyah.

There are two benefits:

First: If, after slaughter, an Ud-hiyah gets damaged, stolen, or taken by someone from whom it cannot be claimed, without any neglect on the owner's part, the owner shall not be liable. If it occurs due to neglect by him, however, he shall be liable to pay what is needed for this charity.

Second: If an animal gives birth after being specified as Ud-hiyah, its baby should be treated alike in all the foregoing rulings. But if it gives birth before being specified, the baby should be regarded as a separate being, not attached to its mother in being Ud-hiyah, for it has become an Ud-hiyah after the baby got out of it and became separate.



Chapter Six: What to be eaten and what to be distributed of the Ud-hiyah

It is legitimate for a giver of Ud-hiyah to eat from it, give some of it as gifts, and give some in charity. Allah Almighty says: {...So eat of them and feed the miserable and poor.} [Al-Hajj: 28] He also says: {...Then eat from them and feed the contended needy and the beggar...} [Al-Hajj: 36]

Salamah ibn al-Akwa' (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) said: "Eat from it, feed others, and keep some of it in store." [Narrated by Al-Bukhāri] Feeding includes giving some of it as gifts to the rich and as charity to the poor.

'Ā'ishah (may Allah be pleased with her) reported that the Prophet (may Allah's peace and blessings be upon him) said: "Eat from it, keep some of it in store, and give from it in charity." [Narrated by Muslim]

Scholars (may Allah have mercy upon them) differed over the amounts to be eaten, presented as gifts, and given as charity. There is much leeway in this matter. According to the favored opinion, one third is to be eaten, one third to be presented as gifts, and another third for charity. The part that may be eaten can also be kept in store, even for long, unless it becomes harmful to those who eat it. As an exception, if there is famine, it is not permissible to store food for more than three days. Salamah ibn al-Akwa' (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him)

said: “Whoever has slaughtered an Ud-hiyah should not keep anything of its meat after three days.’ Next year, the people said: ‘O Messenger of Allah, should we do as we did last year?’ He said: ‘Eat from it, feed others, and keep some of it in store, for in that year the people were having a hard time and I wanted you to help.’” [Narrated by Al-Bukhāri and Muslim]

In the permissibility to eat and present some of the Ud-hiyah as gifts, it makes no difference whether the Ud-hiyah is voluntary or obligatory, and whether it is made on behalf of living or dead persons or in execution of a will. This is because the will executor takes the place of the testator, who is permitted to eat and give some of the Ud-hiyah as gifts and in charity. This is the common practice among people, and a common practice is like a written rule.

As for an agent, if the principal authorizes him to eat of the Ud-hiyah, present some of it as gifts, and give some as charity, or this is rooted in presumption or common practice, then he is permitted to do so; otherwise, he should hand it over to the principal for distribution.

It is forbidden to sell anything of the Ud-hiyah, whether meat or even the skin, or to give anything of it to the butcher as part of the wage, for this falls under the meaning of sale.

As for a person who receives some of the Ud-hiyah as a gift or charity, he may dispose of it as he wishes, like selling it. But he may not sell it to the one who has given it to him as a gift or charity.

Chapter Seven: What to be avoided by one wanting to offer Ud-hiyah

If one wants to offer Ud-hiyah and Dhul-Hijjah has come, with this being established either by seeing the crescent or the completion of Dhul-Qi'dah as thirty days, then it is forbidden for him to remove anything from his hair, nails, skin until he slaughters his Ud-hiyah. Umm Salamah (may Allah be pleased with her) reported that the Prophet (may Allah's peace and blessings be upon him) said: "If you see the crescent of Dhul-Hijjah - and in another narration: When the ten days start - and one of you wants to offer Ud-hiyah, let him not remove anything from his hair or nails." [Narrated by Ahmad and Muslim] In another narration: "Let him not remove anything from his hair or nails until he offers the Ud-hiyah." In yet another narration: "Let him not remove anything from his hair or skin."

If he intends Ud-hiyah during the ten days, he should refrain from these things from the time of his intention, and he is not to blame for anything he has removed before the intention.

The wisdom behind this prohibition is that since the one offering Ud-hiyah shares some rituals with pilgrims, namely seeking closeness to Allah by slaughtering sacrifices, he also shares with them some features of *Ihrām* (ritual state of consecration): refraining from taking anything from the hair and so on.

This ruling pertains to the one offering Ud-hiyah, not those for whom Ud-hiyah is made. This is because the Prophet (may Allah's peace and blessings be upon him) said: "... and he wants to offer Ud-hiyah..." And he did not say: "or for whom Ud-hiyah is made". Moreover, the Prophet (may Allah's peace and blessings be upon him) used to offer Ud-hiyah on behalf of his family and he was not reported to have ordered them to refrain from these things.

Accordingly, it is permissible for the family of a person offering Ud-hiyah to remove anything from their hair, nails, and skin during the ten days.

If a person wanting to offer Ud-hiyah removes anything from his hair, nails, or skin, he should repent to Allah Almighty and not return to such a thing again. He is not required to make expiation, nor does this prevent him from going ahead with the Ud-hiyah, as some people think. If he removes anything of these out of forgetfulness or ignorance, or some hair falls out unintentionally, there is no sin on him. And if he needs to take anything of these, he may take it, and no blame on him. For example, he may break his fingernail and it hurts him, and so he clips it; and hair may fall into his eye and he removes it, or he needs to cut it to treat a wound or the like.



Chapter Eight: Animal slaughter and its conditions

To legally slaughter an animal is to do what makes it lawful, either by Nahr (spearing the lower part of the throat), Dhabh (cutting across the throat), or wounding.

Nahr is for camels, while Dhabh is for other animals. Wounding is for animals that cannot be overcome otherwise.

There are nine conditions of Shariah-approved slaughter:

First: The slaughterer should be sane and discerning. An animal slaughtered by a madman, a drunk, an undiscerning child, an adult who is no longer discerning, and so on, is not lawful.

Second: The slaughterer should be a Muslim or one of the People of the Book, i.e. a Christian or Jew. As for a Muslim, what he slaughters is lawful, whether he is male or female, pious or impious, and pure or in a state of ritual impurity. An animal slaughtered by a Christian or Jew is lawful, whether his parents are among the People of the Book or not. Muslim scholars unanimously agreed over the lawfulness of the animals slaughtered by the People of the Book. Allah Almighty says: [{...And the food of those who were given the Scripture is lawful for you...}](#) [Al-Mā'idah: 5] The Prophet (may Allah's peace and blessings be upon him) ate of a sheep which a Jewish woman gave him as a gift and ate of barley bread and rancid fat that a Jew invited him to.

As for disbelievers, other than the People of the Book, what they slaughter is unlawful, as indicated by the verse that says: {...And the food of those who were given the Scripture...} [Al-Mā'idah: 5] It signifies that {those who were given the Scripture} are the ones whose food is lawful for Muslims, and that the same does not apply to others.

Imam Ahmad said: "I do not know of anyone who said otherwise, except if he is a religious innovator." In his Tafsīr, Al-Khāzin reported scholarly consensus over this issue. Accordingly, what is slaughtered by communists and polytheists is unlawful, whether their polytheism involves actions, like those who prostrate themselves to idols, or it is verbal, like the case of those who invoke others than Allah Almighty. Also unlawful is any animal slaughtered by a person who does not pray, for he is a disbeliever, according to the preponderant opinion, regardless of whether he abandons prayer out of negligence or because he denies its obligation. Likewise, what is slaughtered by a denier of the obligation of the five prayers is unlawful, even if he does pray. Excluded are people who are ignorant about this, for they may be new converts to Islam or the like.

There is no need to ask about what is slaughtered by Muslims or the People of the Book as to how they have done the slaughter and whether they have mentioned the name of Allah upon the slaughter or not. Rather, this should not be done, for it constitutes exaggeration in religious matters. The Prophet (may Allah's peace and blessings be upon him) ate of animals slaughtered by Jews and he did not ask them such questions.

‘Ā’ishah (may Allah be pleased with her) reported: “Some people said to the Prophet (may Allah’s peace and blessings be upon him): ‘There are people who bring us meat and we do not know whether or not they have mentioned Allah’s name over it.’ He replied: ‘You mention Allah’s name over it and eat it.’” She added: “They were new converts to Islam.” [Narrated by Al-Bukhāri and others] So, the Prophet (may Allah’s peace and blessings be upon him) instructed them to eat such meat without questioning, though it was brought by people who might be ignorant about Islamic rulings, for they had been non-Muslims until a short time ago.

Third: He should intend the slaughter. Allah Almighty says: {...Except what you slaughter...} [Al-Mā’idah: 3] Slaughter is an action that needs an intention. If a person does not intend slaughter, the slaughtered animal is not lawful. An example is when an animal assaults someone and he slaughters it only to defend himself.

Fourth: He should slaughter for Allah Almighty alone, not for anyone else; otherwise, it would be unlawful. Some may slaughter animals in glorification of idols, dead people, kings, fathers, or the like. Allah Almighty says: {Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its

death], and those which are sacrificed on stone altars...} [Al-Mā'idah: 3]

Fifth: He should mention no name but Allah's name over it, and not the name of any other, like the Prophet, Jibrīl, or so-and-so. If he mentions the name of other than Allah, the slaughtered animal shall be unlawful, even if he mentions Allah's name along with it. Allah Almighty says: {Prohibited to you are dead animals, blood, the flesh of swine, and that on which any other name than that of Allah has been invoked...} [Al-Mā'idah: 3] And He said in an authentic Qudsi Hadīth: "Whoever does an act and associates others with Me in it, I leave him and his polytheism."

Sixth: He should mention the name of Allah upon slaughtering it, saying: "Bismillah (In the name of Allah)." Allah Almighty says: {So eat of that [meat] upon which the name of Allah has been mentioned, if you are believers in His verses.} [Al-An'ām: 118] And the Prophet (may Allah's peace and blessings be upon him) said: "If the blood is shed and the name of Allah is mentioned, then eat." [Narrated by Al-Bukhāri and others] If the name of Allah is not mentioned, the animal does not become lawful, for Allah Almighty says: {And do not eat of that upon which the name of Allah has not been mentioned...} [Al-An'ām: 121] It makes no difference whether Allah's name is not mentioned intentionally or out of forgetfulness or ignorance ⁽¹⁾, for the verse gives a general

(1) See the original book (p. 71-77) [the author]

and inclusive meaning. And the Prophet (may Allah's peace and blessings be upon him) made the mention of Allah's name a condition for the lawfulness of the meat, and this condition does not cease to apply due to forgetfulness or ignorance. If an animal's life is taken without shedding its blood, due to forgetfulness or ignorance, it does not become lawful. So, this also holds true if Allah's name is not mentioned. For both things are covered by the same speech and addressed by one person. So, we cannot differentiate between them.

If a slaughterer is dumb and therefore cannot utter the name of Allah, it is enough for him to give an indicative signal. Allah Almighty says: {So fear Allah as much as you are able...} [Al-Taghābun: 16]

Seventh: The slaughter should be done with a bladed object, of iron, stone, glass, or the like, that can shed blood. The Prophet (may Allah's peace and blessings be upon him) said: "If the blood is shed and the name of Allah is mentioned, then eat, unless (it is slaughtered) with teeth or nails, and I will tell you about that. As for teeth, they are bones, and as for nails, they are the knives of Ethiopians." [Narrated by the six Compilers of Hadīths] In another narration by Al-Bukhāri: "Except the teeth and nails; the teeth are bones, and the nails are the knives of Ethiopians."

Al-Bukhāri and Muslim narrated that a slave girl of Ka'b ibn Mālīk (may Allah be pleased with him) was grazing sheep belonging to him at Sala' when she saw a dying sheep. Thereupon, she broke a stone and slaughtered the sheep with it.

They mentioned this incident to the Prophet (may Allah's peace and blessings be upon him) who ordered them to eat it.

If a person kills an animal with an object that has no edge, such as by suffocation or electrocution, it does not become lawful. However, if he does this to it and it loses its feeling, and then he slaughters it in a Shariah-approved manner while life is still in it, it becomes lawful. Allah Almighty says: {Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death]...} [Al-Mā'idah: 3]

There are two signs of the existence of life in an animal:

The first sign is moving.

And the second is the gushing of red blood out of it.

Eighth: Blood should gush or flow upon slaughter, for the Prophet (may Allah's peace and blessings be upon him) said: "If the blood is shed and the name of Allah is mentioned, then eat."

If an animal is out of control, like a stray one or one that has fallen into a well or cave, it is sufficient to shed blood from any place in its body. It is recommended to seek the quickest way of taking its life, for this is more comfortable and less painful to the animal.

However, if the animal is under control, blood should be shed in the area from the lower part of the neck to the jaws, cutting the two large veins around the throat. To make this complete, one should cut the throat along with the two veins. The throat is the passageway for air, while the esophagus is the passageway for food and drink. Thus, the substance essential for the animal's life, i.e. blood, goes away - through the throat and esophagus. Anyway, if he only cuts the two large veins, the slaughter is lawful.

Ninth: The slaughter should be legally allowed. Banned slaughter is of two types:

First: What is unlawful on account of one of the rights of Allah, like the game in the Sacred Precincts or during Ihrām. It does not become lawful even if slaughtered correctly. Allah Almighty says: {...Lawful for you are the animals of grazing livestock except for that which is recited to you [in the Qur'an] - hunting not being permitted while you are in the state of Ihrām...} [Al-Mā'idah: 1] He also says: {Lawful to you is game from the sea and its food as provision for you and the travelers, but forbidden to you is game from the land so long as you are in the state of Ihrām...} [Al-Mā'idah: 96]

Second: What is unlawful on account of one of the rights of people, like a usurped or stolen animal slaughtered by the one who took it. There are two opinions regarding the lawfulness of such animals. You can review them along with the relevant proofs in the original book (p. 88-90).

Chapter Nine: Etiquettes of animal slaughter

There are etiquettes for animal slaughter that should be observed, and they are not required as conditions for the lawfulness of the animal; rather, it remains lawful without those things, which include the following:

1- Facing the Qiblah with the animal, upon slaughtering it.

2- Kindness in slaughtering. One should use a sharp tool which he passes on the area of slaughter quickly and strongly. This is said to be among the obligatory etiquettes, for the Prophet (may Allah's peace and blessings be upon him) said: "Verily, Allah has enjoined kindness in all things; so when you kill, kill kindly; and when you slaughter, slaughter kindly. Let one of you sharpen his blade and relieve his sacrifice (that he slaughters)." [Narrated by Muslim] This is the correct opinion.

3- Camels should be slaughtered by Nahr, while other animals by Dhabh. A camel is to be slaughtered while standing and its left foreleg being tied. If this is difficult to do, it can be slaughtered while kneeling down. Other animals should be slaughtered while lying on the left side. If the slaughterer is left-handed, he can slaughter the animal while lying on its right side, if this is more comfortable for the animal and easier for him.

It is Sunnah that he puts his leg on its neck to get hold of it. As for sitting on it and holding its legs and forelegs, this has no basis in the Sunnah. When the legs and forelegs are not held,

blood flows more profusely due to the animal's motion and turbulence, according to some scholars.

4- Cutting the throat and esophagus beside the two large veins. See the eighth condition of animal slaughter.

5- Concealing the knife from the animal when sharpening it and only revealing it at the time of slaughter.

6- Saying "Allahu Akbar (Allah is the Most Great)" after mentioning the name of Allah.

7- After mentioning Allah's name and saying "Allahu Akbar (Allah is the Most Great)" at the time of slaughtering Ud-hiyah or 'Aqīqah, one ought to name the person for whom it is offered and ask Allah Almighty to accept it. He should say: "Bismillah wa Allahu akbar, Allahumma minka walaka 'anni - or 'ann fulān - Allahumma taqabbal minni - or min fulān (In the name of Allah; Allah is the Most Great; O Allah, this is from You and to You, for me (or for so-and-so); O Allah, accept it from me (or from so-and-so))."



Chapter Ten: What is disliked in animal slaughter

There are disliked things in animal slaughter that should be avoided. They include the following:

- 1- The use of a blunt tool for slaughter. This is said to be prohibited, which is the correct opinion.
- 2- Sharpening the slaughter tool while the animal is looking on.
- 3- Slaughtering an animal while another animal is looking on.
- 4- Doing such things after the slaughter that hurt the animal before it is dead, like breaking its neck, skinning it, or cutting any of its organs. This is said to be prohibited, which is the correct opinion.



Here we come to the end of the summary of the book "Rulings of Ud-hiyah and Animal Slaughter". We implore Allah Almighty to make the summary and the original book beneficial and useful. It was finished in the afternoon, Wednesday, Dhul-Hijjah 13, 1400 A.H.

All praise is due to Allah, the Lord of the Worlds, and may Allah's peace and blessings be upon our Prophet Muhammad, his family, and his Companions.



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