



Controversy.

CREEKSTONEHALAL

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Creekstone Halal

Thousands of Muslims have expressed their interest in halal beef from Creekstone Farms being sold throughout America. I have received numerous questions from multiple individuals on my opinion regarding the halal status of Creekstone Farms. It is also stated some scholars gave an opinion based on information presented to them although no specific answers from those scholars have been presented. Reporting names at the end of an article without the exact written statements of the scholars to understand what exactly was said is not sufficient. What follows are the results of research into the issue with conflicting information coming to light.

Fraud is unfortunately widespread in the meat industry. In order to solve this problem a need for transparency is required. From my past experience, more verification is needed besides just making phone calls. Approving of any halal plant without directly observing the slaughter procedure and confirming its halal status first is not considered best practice.

The USDA supervisor for the region has stated that Creekstone Farms does not have an exemption for religious slaughter. None of the evidence presented has any independent party with the qualifications to determine if the process is Shariah compliant directly observing the process. The former USDA Official has a report ([LINK HERE](#) (<https://creekstonehalalcontroversy.files.wordpress.com/2014/09/creekstone-statement.pdf>)), that no Muslim works at the plant, the halal certifier has claimed that there is. The former USDA Official also states that a vertical cut is used at the Creekstone Farms plant. The simplest process for resolving this

issue would be to know who all the slaughter men are and directly observe them doing their work to confirm the Shariah compliance of the process. The slaughter procedure should also be outlined in the HACCP program, which can be published.

As presented in the research paper below that was presented to and accepted by the Assembly of Muslim Jurists of America (AMJA), the vertical cut is not considered an accepted method of slaughter.

The Prophet Muhammad *Salallahu Alayhi Wa Sallam* is reported to have said, "Leave that which has doubt for that which has no doubt." (*Tirmidhi, Riyadh As-Salihin*). According to the majority of scholars, the original status of meat is that it is unlawful unless proven otherwise. See the appendix below for the proofs. The burden of proof is on the party conducting the slaughter to show definitively any method besides the traditional horizontal cut is halal. Below is the initial statement from the certifier that was published:

Thank you for your inquiry about our Halal services. All the beef that we certify is hand slaughtered by trained Muslim slaughtermen. We do certify the Halal beef of Creekstone Farms and all their beef is hand slaughtered.

- 1) *Yes the Muslim slaughterman pronounces the Tasmiah, Bismillah Allahu Akbar.*
- 2) *The knife is used by hand to perform the slaughtering of animals.*

The standard method of slaughtering cattle, whether halal or conventional, is by hand so therefore that is irrelevant to the halal status of beef. They have made a claim that there is a Muslim slaughter man but there is alternative evidence that no Muslim works at the plant from a former USDA official. There is no mention of whether the cut is horizontal or vertical. A follow up statement was presented where the following two things were mentioned:

HTO certifies the slaughter of cow using two methods: Dhabihah (horizontal slaughter) and Nahr (vertical slaughter ideally used for camel, allowed for cattle)

Each method has the slaughterer cut through the esophagus, trachea, and two major blood vessels on both sides of the neck. One of HTO's scholars described what he witnessed when visiting a slaughterhouse employing a Nahr procedure in that the slaughterer follows up the first vertical cut with a horizontal cut that fully severed the passages mentioned above until the back of the cow's neck.

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Nahr is not a vertical cut. The basic difference between '*nahr*' and *dhabh*, is that *nahr* is a stab and then a horizontal slice and *dhabh* is just a horizontal slice.

Some people mistakenly assume that the vertical cut, also referred to as a European cut or sticking, can be compared to the '*nahr*' method of slaughter which is used for camels, and therefore, is a valid slaughter method in Islamic law for cattle, despite the fact that the vessels of the throat are not fully cut. The definition of '*nahr*' in the books of Islamic law clearly mentions 'cutting of the vessels located at the base of the neck near the chest.' The requirement of cutting the four vessels (the carotid artery, jugular vein, esophagus and windpipe) still applies to camels as it does to chickens, goats, and cows. The only difference is that '*nahr*' is performed by piercing the lower portion of the throat rather than the upper portion. The slaughter process still involves a horizontal cut after initially piercing the neck of the animal. This can be observed in a proper application of the '*nahr*' process for camels.

Even if we were to assume for a second that the European cut is really the same as '*nahr*,' we need to realize that '*nahr*' is exclusive to camels and it is highly detestable according to all of the *madhahib* to employ this slaughter method for cows.

See the following video for a visual description of the correct application of the '*nahr*' method for camels

<https://www.youtube.com/watch?v=woSm-KTwe-Y> (<https://www.youtube.com/watch?v=woSm-KTwe-Y>)

For a visual description of this slaughter process known as the vertical cut at normal American beef plants, see the following. Note that this is NOT the video of the Creekstone plant itself.

https://www.youtube.com/watch?v=p9FZ2skw_Hs (https://www.youtube.com/watch?v=p9FZ2skw_Hs)

<https://www.youtube.com/watch?v=bQ66WQ8cL4c> (<https://www.youtube.com/watch?v=bQ66WQ8cL4c>).

<https://www.youtube.com/watch?v=Ach2hmBT0jQ> (<http://www.youtube.com/watch?v=Ach2hmBT0jQ&t=2m19s>) (2:20-2:25)

Note the difference between this slaughter method for camels and the vertical cut videos for beef referred to earlier. The only major difference in these two slaughtering methods is that the slaughterer for the camel does not start from the side of the throat when cutting horizontally, but he first pierces the middle of the throat and thereafter cuts horizontally to ensure that the vessels of the throat are cut. The earlier videos for the vertical cut method for beef only show a pure vertical cut going from top to bottom of the animal's upper neck area. There is no horizontal movement involved in this slaughter method and in these videos.

We can clearly see from these two videos and the research presented above that the vertical cut method used at most beef plants is different from the *nahr* method of slaughter normally used for camels. The key difference is that the horizontal cut during the *nahr* slaughter method for camels ensures that the required vessels of the throat are cut, whereas the pure vertical slaughter motion shown in the videos cannot guarantee the same.

The second portion of the statement above does not make any reference to the Creekstone Farms plant and only talks about an unnamed plant. No information is provided regarding the specific slaughter method at Creekstone, and the inference is made that it must be the same as all HTO certified plants.

Experts in the veterinary field have confirmed that the pure vertical method of slaughtering beef as described above does NOT ensure that the required vessels of the throat are cut. A list of these authorities include:

- Australian Halal Food Services
- New Zealand Islamic Meat Management
- Islamic Services of America
- Director of Halal Program, Harris Ranch Beef Company
- South African National Halal Authority
- Mazhar Hussaini

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For their full statements please see the linked research paper:

[Link to vertical cut research paper](https://creekstonehalalcontroversy.files.wordpress.com/2014/09/vertical-cut-final.pdf)

(<https://creekstonehalalcontroversy.files.wordpress.com/2014/09/vertical-cut-final.pdf>) (also available here: http://www.amjaonline.org/en/academic-research/doc_download/60-islamic-slaughtering-the-vertical-cut-issue)

Abdullah Nana

September 4, 2014

Note: This my personal opinion and in no way reflects the opinion of the Halal Advocates of America or any other organization.

Appendix: Explanation of the principle, 'the original position of animals is to be unlawful'

"This principle that all of the scholars of Fiqh have confirmed – either implicitly or explicitly is that the default ruling of animals is that they are haram until it is confirmed that they have been slaughtered properly. And an-Nawawi said: "This principle is a point of consensus between the scholars, and there is no dispute regarding it," ('Al-Majmu'' (9/65)) and he commented on the aforementioned hadith of 'Adiyy bin Hatim that will be mentioned (if Allah Wills) by saying:

"It shows an important principle, and this is that if there is any doubt regarding the method of slaughter of an animal, it is not allowed to eat it due to the fact that the default ruling is that it is forbidden, and there is no dispute on this." ('Sharh Sahih Muslim' (13/78), and see 'Bulugh al-Amani min al-Fath ar-Rabbani' (17/144))

And I followed this principle and found that it is a point of consensus between the scholars of Fiqh, Tafsir, and Hadith. I then said there is no need for a text to support it since it is a self-evident truth, as it is not permissible to eat the meat of an animal before you properly slaughter it, such that even if the rump is cut off of a sheep while it is still alive, this is considered a carcass. However, this principle is supported by proofs from the Noble Qur'an, the Sunnah, the Arabic language, and the position of the majority of the earlier and later Muslim scholars.

As for the proof from the Noble Qur'an: "Forbidden to you are carcasses, blood, pork, meat that has been slaughtered as a sacrifice for others than Allah or for idols, or on which Allah's Name has not been mentioned while slaughtering, and that which has been killed by strangling, a violent blow, a headlong fall, or by the goring of horns, and what has been consumed by beasts, except what you slaughter..." (Quran 5:3)

This serves as a proof whether the exception {"...except what you slaughter..."} mentioned is connected to the rest of the forbidden items mentioned in the verse – such that the meaning is that everything listed from the animals killed by strangling to those killed by the goring of horns are all forbidden for you unless you find that they are still alive and you slaughter them, and this is the opinion of Ibn 'Abbas (may Allah be Pleased with him) – or if the exception is separated in the verse from these forbidden items, such that the meaning is that everything listed from the carcasses onwards is forbidden, and that what is halal are the permissible animals that you properly slaughter. This second opinion was taken by

Malik and a group from the people of Madinah, and it was also taken by al-Jiba'i. (See 'Tafsir al-Alusi' (6/57) and 'Tafsir al-Manar' (6/116)) In either case, the verse supports the default prohibition of eating meat before it is properly slaughtered in the Shar'i manner.

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Al-Kasani said: "Allah made an exception from the prohibited meats for the meat that is properly slaughtered, and the exception from the forbidden means that it is allowed, as prohibition of an animal is not removed except by slaughtering it correctly." ('Bada'i' as-Sana'i' (6/276))

As for the proof from the Sunnah: Al-Hakim reported in his 'Mustadrak' with an authentic chain from Abi Sa'id al-Khudri (may Allah be Pleased with him) that he asked the Messenger of Allah (peace be upon him) about the humps of camels and limbs of sheep, and he said: "Whatever is cut from a live animal is considered a carcass." (4/239, and al-Hakim said: "It is authentic according to the conditions of al-Bukhari and Muslim, and they did not report it," and adh-Dhahabi agreed with him. Ibn Hajar said in 'Talkhis al-Habir' (1/39) that it is mursal.)

And al-Bayhaqi reported in his 'Sunan' from Abi Waqid al-Laythi: "When the Messenger of Allah (peace be upon him) approached Madinah and the people would cut off the humps of camels and the rumps of sheep, the Prophet (peace be upon him) said: "Whatever is cut off of an animal while it is alive is considered a carcass," and this is an authentic hadith reported by Abu Dawud (2858), at-Tirmidhi (1480), al-Hakim, Ibn Majah (2624)

This is from the clearest of texts that prove without a doubt that the meat of an animal is considered impure and a carcass before it is slaughtered properly, and it is not allowed to eat meat except if it is slaughtered properly. So, the default regarding animal meat is that it is haram.

As for the hadith of 'Adiyy bin Hatim (may Allah be Pleased with him), it is an authentic hadith reported by al-Bukhari (2054) where the Prophet (peace be upon him) said: "When you set off your dog, mention Allah, and if it catches game for you and you find it alive, slaughter it and it eat. If you find it killed and that your dog has eaten nothing of it, you may eat it. However, if you find along with your dog another dog and the hunted animal dead, don't eat, for you do not know which of the two dogs has killed it. And if you shoot your arrow, mention Allah. But, if the game goes out of your sight for a day and you only find the mark of your arrow on it, eat it. But, if you find it drowned in water, don't eat it." And in the version reported by Muslim: "...as you don't know if it was killed by the water or by your arrow." (Muslim (1929))

So, in this hadith, the Messenger (peace be upon him) showed that when there is some confusion as to the state of the meat, one should refer to the default ruling, which is prohibition. If we are confused as to who killed the animal – whether it was the dog that was set off in the Name of Allah that killed it or the other – we refer to the position of prohibition, and the hunted game is thus haram. And if we are confused as to whether it was the arrow that killed the animal or its drowning in the water, we take the position of prohibition. an-Nawawi said: "If you find the hunted animal having drowned, there is consensus that such an animal is forbidden to eat." (Sharh Sahih Muslim' (13/79))

And al-Bayhaqi reported with an authentic chain from Masruq that he reported that 'Abdullah bin Mas'ud (may Allah be Pleased with him) said: "If you shoot something that you are hunting and it falls off of a mountain and dies, do not eat it, as I fear that the fall had killed it. And if it falls into some water

and dies, do not eat it, as I fear that the water is what killed it.” (‘As-Sunan al-Kubra’ (9/248), and see ‘Ahkam al-Qur’an’ by al-Jassas (3/298)

And this statement attributed to Ibn Mas’ud resembles the hadith of ‘Adiyy bin Hatim attributed to the Prophet (peace be upon him), and the scholars derived three important principles from these two narrations that are all similar in meaning:

1. The default in animal meat is that it is haram until it is certain that it has been slaughtered properly. (Al-Khattabi’s ‘Ma’alim as-Sunan’ (4/122)) So, it is not allowed to eat something whose status is in doubt, and one cannot simply assume the best in such a case.
2. The default in animal meat is that it is haram. So, if there is doubt that it has died according to the Shar’i method, we return to the default. (Fath al-Bari’ (9/519 & 12/20), Ibn Daqiq al-Id’s ‘Ihkam al-Ahkam’ (2/308), and ash-Shawkani’s ‘Nayl al- Awtar’ (8/149))
3. If there are elements that make the meat halal and elements that make it haram, the ruling is to be made for the side of caution. (‘Ahkam al-Qur’an’ by al-Jassas (3/298) and ‘Badhl al- Majhud fi Hall Sunan Abi Dawud’ (13/68))

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As here are some statements of the Salaf showing that a limb being cut off of a hunted animal is considered a carcass, which supports the greater principle that meats are by default forbidden until it is certain that they have been slaughtered properly. Qatadah said: “If you hit the hunted animal and one of its limbs falls off, do not eat what has fallen off, and instead eat the rest of it.” (‘Abd ar-Razzaq’s ‘Musannaf’ (4/463))

‘Atta’ said: “If you shoot a bird with a stone and a part of it falls off and you find it still alive, the part that fell off is considered a carcass,” and this is what the majority of scholars have agreed on.(‘Abd ar-Razzaq’s ‘Musannaf’ (4/463))

al-Bukhari reported that al-Hasan bin Ibrahim said: “If a hunted animal is hit and one of its legs or hands falls off, do not eat what fell, and eat from the rest of it.”(‘Fath al-Bari’ (12/23))

al-Bukhari also reported that al-A’mash narrated from Zayd that a man from the family of ‘Abdullah had a disobedient donkey. So, he asked the people to beat it until it became more obedient, and he said: “Leave what has fallen from it and eat from the rest of it, (Fath al-Bari’ (12/23)) and this is what the majority of scholars have ruled, such as Ibn ‘Abidin (Hashiyat Ibn ‘Abidin’ (6/473)) Qadinjan (‘Fatawa Qadinjan’ (3/361)) and Ibn Juzay’ (Qawanin Ibn Juzay’” (p. 119))

...As for the position of the scholars: Indeed, the overwhelming texts of the scholars of Tafsir, Hadith, the four schools of Fiqh and others confirm this principle: ‘The default in the meat of animals is that they are haram until it is confirmed that they were slaughtered by the Shar’i method.’ I have tens of texts from each of the four schools of Fiqh, even though it would suffice to provide one text from each one:

- The Hanafis: In ‘ad-Durar Sharh al-Ghurar’, “Dhakah makes meat permissible to eat and purifies what is not in and of itself impure.” (2/344)

In ‘Bada’i’ as-Sana’i’, “Animal meat being forbidden is linked to where the blood gushes from, and this prohibition does not go away until the animal is slaughtered correctly.” (6/276)

In 'al-Hidayah': "Proper slaughtering is a condition for making the animal permissible to eat."

Ibn al-Hammam said:"Fulfilling the purity (i.e. proper slaughter) of the animal establishes its permissibility." (Fath al-Qadir' (8/406))

And in 'Hashiyat Ibn 'Abidin,' "And the slaughtered animal is considered forbidden so long as it is not slaughtered properly." (6/294)

And look at the similar statements of Ibn at-Turkmani,('al-Jawhar an-Naqiyy' (9/240)) As- Saharanafuri (Badhl al-Majhud fi Hall Abi Dawud' (12/68)) and al- Jassas. (Al-Jassas's 'Ahkam al-Qur'an' (3/298))

- The Malikis: Ibn al-'Arabi said:"Our scholars said that the default regarding animals is that they are haram, and they are not permissible to eat except if they are properly slaughtered or hunted. So, if there is any doubt as to the hunter or slaughterer, the meat remains in its default state of being forbidden." (Ibn al-'Arabi's 'Ahkam al-Qur'an' (2/546))

Also see the statements of ad-Dardir (Hashiyat al-Dasuqi' (2/108)), Ibn Rushd (164 'Bidayat al-Mujtahid' (1/426)) and al-Qurtubi (Tafsir al-Qurtubi' (6/70)) in confirming to this principle.

- The Shafi'is: An-Nawawi said: "The default in animals is that they are forbidden to eat unless it is proven that they were slaughtered properly." (Al-Majmu'' (9/65))

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Also see the similar statements of al-Khattabi (167 'Ma'alim as-Sunan' (4/122)) Ibn Hajar al-'Asqalani,(Fath al-Bari' (9/519)) As-Suyuti (169 'al-Ashbah wan-Nadha'ir' (p. 73)) and al-Khatib ash-Shirbini.

- The Hanbalis:

Ibn Rajab said, "As for what is by default forbidden, such as sexual relations and the meat of animals, these are not permissible unless it is certain that the proper contract and proper slaughter has been performed, respectively." (Jami' al-'Ulum wal-Hikam' (1/189))

Ibn Qudamah said,"The default is to avoid them, and their permissibility is tied to a condition, which is that they be slaughtered properly by those who are qualified to do so." (al-Mughni' (8/571))

And this is what Ibn Taymiyyah said in many places in his 'Fatawa,' "Sexual relations and slaughtered meat are not allowed when there is doubt as to their status." (Majmu' al-Fatawa' (21/89, 21/100, & 32/190))

And this is what Ibn Muflih ('al-Furu'' (2/656)) and Mansur al-Bahuti (174 'Kishaf al-Qina'' (6/201 & 6/215), and see 'al-'Uddah Sharh al-'Umdah' (1/461)) said, and Ibn Humayd relates that Ibn al-Qayyim said the same. 175 See p. 51 of his treatise (The Ruling on Meat slaughtered in the West)

[1] Al-Mawsu'ah Al-Fiqhiyyah (40/120)

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