



Fiqh of Taharah: Class Eight

الحمد لله و الصلاة و السلام على رسول الله و بعد:

The Hadith:

وَعَنْ أَبِي وَاقِدٍ اللَّيْثِيِّ قَالَ: قَالَ النَّبِيُّ { مَا قُطِعَ مِنَ الْبَهِيمَةِ - وَهِيَ حَيَّةٌ - فَهُوَ مَيْتٌ } أَخْرَجَهُ أَبُو دَاوُدَ، وَالتِّرْمِذِيُّ وَحَسَنَهُ، وَاللَّفْظُ لَهُ .

Narrated Abu Waqid al-Laithi, Allah’s Messenger said: **“Whatever is cut off from an animal—while it is alive—is dead (meat).”**

Reported by Abu Dawud and at-Tirmidhi who graded it as Hasan.

The Explanation:

We spoke last time about the miraculous hadith of the fly, about which the beloved Messenger stated: “If a fly falls in the container of one of you, dip it in, for on one of its wings is a disease, and on the other is the cure.” The Prophet mentioned that this should be done, even if one were to pour out the container. This is because if using a clay container, the water that is afflicted with bacteria will absorb into it and render it harmful. However, if the fly is dipped in it, it would negate the harm of this bacteria.

Since last time I have come across a number of scientific articles stating that the body of the fly contains antibacterial properties, confirming this Prophetic tradition. Shaikh Atiyaa Muhammad Salam has a number articles on this subject published in the magazine (Rayatul-Islam) published in Riyadh in the year 1375 Hijra.

This hadith, "Whatever is cut off from an animal, is dead." is the seal of this blessed chapter on Water. In some narrations it says, "Whatever is cut off from the living is dead."

It is regarding anything that is cut off from a living animal, that is considered, maitah, or dead meat. What is cut off refers to anything that is separated from the animal, its arm, leg, ear, any portion of the body from an animal is given the ruling of the animal itself.

If the dead of that animal is harm, than that which is cut off from it is also haram. If its dead are halal, then that which is cut off is also halal, such as fish.

For example, a person was fishing and caught the fin of whale, but the fin got cut off from the rest. What is the ruling on that part? What is the ruling on dead fish? Halal.

This hadith had a reason, but its ruling is general: The Prophet came to Madinah, and during the times of draught and hunger, some people would go to their camels and cut the skin on their humps, and pull the skin away, and take a portion the fat underneath and then eat it.

Or they would cut away the skin from the rear part of a sheep, and remove some of the fat below it, and then put the skin back. The hump or the skin would heal, and fat would return on its own. And they would eat what they took.

Our they would take some of the blood from an animal, from the sheep, to drink it, or dry it and eat it. Some of the paganistic tribes of Africa continue to do this until today.

But the Prophet forbade them from doing this to the animals. From the wisdoms behind this prohibition is to prevent torture to the animal, and also this part that is taken from the animal is maitah, and maitah is haram.

Now, there are two questions that come to mind. The first: Why did the Author choose to mention this Hadith in the Chapter on Water? We understand the reason behind the Hadith of the Fly, since if a fly falls into water, and we dip it into the water, the water remains pure.

And this hadith is similar to that. What is cut off from an animal is considered Maitah, which is impure. If this falls into water, then the water may become impure, depending on whether the qualities of the water change or not.

Now, another question: We said that the reason why the dead animal (Maitah) is haram is because of the blood that is gathered in it, and the Carbon Dioxide that is present in its blood which is harmful. But what about the part that is cut off, does not the blood flow out.

The response to this is: All Shariah rulings have two reasons or wisdoms behind them. One reason is what is from the rights of Allah, and the other reason is related to what brings us benefit has human beings.

The wisdom behind the Tahrim of dead meat, first and foremost, is because Allah forbade it. Eating it is a violation of what Allah has forbidden. What is obligatory on us is to carry out Allah's commandments and stay away from His prohibitions.

But the other wisdom is that we know that whatever Allah has commanded is for our benefit. We can follow it and close our eyes, since behind it is wisdom and benefit for you, in your religion, your body, your character, your behavior, from many different perspectives, and you may see it or you may not be aware of it.

We come to the Maitah, Allah says: "Wa la ta'kulu mimma lam yudhkarismallahi alayhi."

We have been forbidden from eating that which Allah's name has not been mentioned, so if a polytheist came with a sword in his hand, and in front of you slaughtered a camel or a cow, in the same way that you might slaughter an animal, and all the blood flows out, but says: In the name of Uzza, Lat, or an idol, did the harmful material flow out?

Yes, it flowed out, so the human benefit has been achieved. But what remains? The right of Allah.

Since in the hadith, who is the one who created this animal? Allah. Who is the one who sent the rain so it could find grass and eat and drink? Allah. Who is the one who shaped it and placed it in your service? A large camel, 8 or 9 ft tall, and a small boy with a stick is able to lead it wherever he likes. Who has made it obedient towards you? Allah.

This, and then a person comes and says: In the name of Laat or Uzza. After all of these favors, someone says, in the name of Lat or Uzza? This is oppression and wrong.

Thus, the wisdom if we say Bismillah, we have given the right of Allah, but the blood has not flowed out. When an animal is slaughtered, the heart continues to beat and the blood throughout the body flows out. But when a part of an animal is cut off, the blood remains still in its veins, since there is nothing to cause it to move.

Thus this blood, that contains harmful carbon dioxide, remains in its veins.

Thus, the rule: whatever is cut from an animal is Maitah.

Now, an interesting point that is mentioned by the Usooliyoon: The Prophet made a general statement, "Whatever is cut off", the word 'whatever, or maa in Arabic' is general. But the Quran specifies the generality of the Sunnah.

The Prophet mentions that 'whatever' is cut off from a live animal is Maitah. But what about fur, hair, wool, etc. Are not they things that can be cut off from a live animal? Can we use them? Yes.

Whatever is cut off from a live animal is Maitah, except fur, wool, hair, etc.

Since the Quran describes making tents from the wool and fur.

So we find that the Quran has restricted the generality of the Sunnah.

And this is a very interesting point. There are parts of an animal within which there is no life, like hair, wool, and fur. Life does not permeate them. We know this since if you cut it, the animal does not feel it or even know that anything has happened to it.

This is because these parts of the animal do not have live sensory cells, but in the skin these cells are present. The enamel of the teeth, for example, also does not have life in it. However, the nerve inside of it is alive.

So anything within which there is no life falls under the category of things which are an exception to this Prophetic Hadith.

The Jumhoor said that these things are excepted using the proof that there is no life within them. But do they not grow and increase in size?

The scholars state that the place of growth is in the skin, and not from the tip of the hair itself.

If you took a strand of your hair, and you place a white dye in the middle of the strand, and watched it over time, you would find that as the hair increases in size, the white mark would move up away from the skin, and the growth does not occur on the end of the strand.

Thus, the live sensitive part of the hair is in the part in the skin, and this is why if you pluck a hair, it is painful. If you cut the hair, or burn it, you would not feel anything.

So the scholars made juristic analogy (Qiyass) with hair, and stated that any part of an animal that does not have life in it, it is permissible to use it, even if it is cut off from a live animal.

And so it is permissible to use ivory for combs and jewelry, and also the claws of animals, and horns, using them for the handle of weapons or daggers, etc.

Do you think, these bones and things that are taken, are they maitah? The Jumhoor said no, they are similar to fur.

Shaikh Ibn Taymiyyah took it a step further, and he said that even the bones inside of an animal, if it had died, are not considered Maitah, since life does not flow through them.

Regarding the Tusks of the elephant, the majority of the scholars are of the opinion that it is pure, since life does not flow through them, and Allah knows best.

End of Class Eight.