



Fiqh of Taharah: Class Eleven

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

The Hadith:

وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ

{ إِذَا دُبِغَ الْإِهَابُ فَقَدْ طَهَّرَ } أَخْرَجَهُ مُسْلِمٌ

وَعِنْدَ الْأَرْبَعَةِ: { أَيُّمَا إِهَابٍ دُبِغَ }

Narrated Ibn Abbas: Allah's Messenger said, "When the animal hide is tanned it becomes purified." And in another narration, "Any animal hide that is tanned..."

The Explanation:

The Author finished his explanation of the subject of gold and silver vessels, and now we move to the subject of skins and leather containers.

In the past, water skins were very popular. But today, leather is used for many other purposes. Today, leather is used to make bags and purses, for example, wallets or jackets and clothes, and some shoes, and even camera cases, there are so many uses of leather today. Even as a throw or blanket, sometimes animal skin may be used.

These words of this hadith, they are not the words of any ordinary human being. They are the words of the Messenger of Allah, who did not speak according to his desires. They are a form of wahy, and we should accept his words wholeheartedly. By learning Fiqh, we are changing our desires and ideas, and becoming purified from the wrong ideas and conceptions.

And understanding his words is fard ayn, an individual obligation, since the Prophet is guiding us to what is halal and haram, from all these usages of leather as we mentioned. Without this knowledge, we may fall into haram. Knowing what is halal and haram enables us to fulfill our ubudiyyah to Allah, which is the purpose for which we were created.

Animal skins fall into two categories: skins of animals that have been slaughtered properly, and skins of dead animals or those that have not been slaughtered in a permissible way.

As for an animal that has been slaughtered properly, its skin is pure just as is the rest of the animal. Its skin can be used for any purpose, and there is no difference of opinion on this amongst the Fuqahaa.

Whoever, the subject of interest is the skins of those animals which are considered maitah. What is maitah: whatever has not been slaughtered properly. A sheep that died without being slaughtered. Or a cow, or a camel, or any animal that is normally eaten. And along with this category we include the skins of any animal whose meat is not eaten.

And here, in this chapter, we shall consider the use of the skin of maitah: is it allowed or not? And will tanning the skin affect its purity or not?

Then, in general, the discussion regarding animal skins centers around what? The skins of dead animals that were not slaughtered properly. The skin of any animal that was slaughtered properly is not of concern to us, since it is pure, and may even be eaten (like that of a chicken), or used for any other purpose.

But let us take the example of a lion, if one hunted a lion and slaughtered it, would its skin be pure because of the slaughtering? No, since it is not an animal whose meat is eaten.

So, what we want to speak about are the skins of animals that have not been slaughtered properly, and those of animals whose meat are not eaten.

We do not want to delve too deeply into this topic, since Imam Sina'ani mentions over 7 madhahib regarding the skins of dead animals, but this does not concern us.

What we want to understand is what can we understand from the text of the Prophet, and how did the four madhab interpret it, and what is the conclusions that we can draw from it.

The Messenger said, "When the animal hide is tanned, it become purified."

"Al-ihabu" means the animal hide, and the "Al" is called "Al al-istighraaq" in Arabic which means all types of animal hides are included, without any exceptions. The word al-ihabu is general in its meaning.

And the word "ihaab", according to the scholars of language, refers to any animal hide before it is tanned.

As the ihaab, or animal hide, if it is tanned, then what? "it becomes purified."

Notice this expression, "it becomes purified." This indicates to us that before the tanning process, it was what? Najass.

Thus, we know that this hadith is referring to maitah, dead animals.

Whatever has been slaughtered is pure, its meat as well as its skin.

“If the animal hide is tanned, it becomes purified.”

So we know from this expression that the words “the animal hide” is in reference to what was originally impure, and this can only be referring to the skin of the maitah.

Did you catch this? You have to be paying careful attention to understand this.

So we are referring to the skins of Maitah.

This hadith was understood to be general and include all skins of all animals, by the Dhahiri school, and by Abu Yusuf, the companion of Abu Haneefa. They said the words, “Any animal hide” is so general that it does not allow for any exceptions whatsoever. So any animal hide that was impure become pure after the tanning process.

“Any” includes a dead sheep, dead cow, dead camel, dead dog, or even a dead pig.

Did you understand this my brothers?

However, Imam Abu Haneefa, excluded from this hadith the pig.

Why did Abu Yusuf include the pig, and Abu Hanifa exclude it?

Abu Yusuf said the word “ayyumaa” or “Any” refers to any animal, whether its meat is eaten or not.

Abu Haneefa excluded the pig because he said there is a text stronger than this one: “Hurrimat ‘alaykum al maytatu ...wa lahmul khinzeer, finnahu rijs.”

Rijs means filth, so if it is filth while it is alive, then what about after it is dead? How can its skin be purified, when while it is alive it is najiss?

And life, according to Malik, is a reason for being pure, and death causes a thing to become impure.

So Abu Haneefa says, “Here, the pig is najass although it is alive, walking around, so what about after its death? How can tanning purify this skin?”

Are you with me?

Abu Yusuf responded to Abu Hanifa and said, “No, the pig does not really have any skin, it is more like hair attached directly to the meat.”

In reality, pigs do have skin.

So, “Any animal hide that is tanned...” was understood by in the absolute general sense by Abu Yusuf and the Dhahiriyya.

Abu Hanifa agreed that this text is general, but stated that there is another text that excludes the pig from its generality, i.e. the verse from the Quran that states that the pig is ‘Rijs’ even when it is alive.

So, according to the Dhahiri school, pig skin that has been tanned has become pure.

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The Hadith:

وَعَنْ سَلْمَةَ بْنِ الْمُحَبِّقِ (قَالَ: قَالَ رَسُولُ اللَّهِ
{ دَبَاغُ جُلُودِ الْمَيْتَةِ طُهْرُهَا } صَحَّحَهُ ابْنُ حِبَّانَ

Narrated Salama bin al-Muhabbiq: Allah’s Messenger said, “The tanning of a dead animal’s hide is its purification.”

Ibn Hibban graded it as Saheeh.

The Explanation:

“The tanning of a dead animal’s hide...” here, we see that what is being referred to is all maitah, i.e. all dead animal hides, whether their meat is eaten or not.

The reason this hadith is mentioned is to make it clear that what is purified by tanning is a dead animal skin, and that slaughtered animals’ skins do not need to be tanned in order to be purified.

We can add here that Imam Shafii agreed with Abu Haneefa that the pig skin cannot be purified, and he included the dog as well.

Those who would like more information on this subject, they can refer to al-Majmu’ of Imam an-Nawawi.

End of Class Eleven