



Fiqh of Taharah: Class Twelve

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

Last time we mentioned that Imam Shafii agreed with Abu Hanifa that the pig skin cannot be purified, and Imam Shafii included the dog as well with the animals whose skins cannot be purified.

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

The Hadith:

وَعَنْ مَيْمُونَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ: { مَرَّ رَسُولُ اللَّهِ (بِشَاةٍ يَجْرُؤْنَهَا،

فَقَالَ: "لَوْ أَخَذْتُمْ إِهَابَهَا؟" فَقَالُوا: إِنَّهَا مَيْتَةٌ، فَقَالَ: "يُطَهِّرُهَا الْمَاءُ

وَالْقَرَطُ" { أَخْرَجَهُ أَبُو دَاوُدَ، وَالنَّسَائِيُّ

Narrated Maimuna: The Prophet passed by a dead sheep which some people were dragging. He told them, "If you had taken its hide (it would be better.) They said, "It is maitah (dead meat)." He said, "Water and acacia tree leaves will purify it."

Reported by Abu Dawud and an-Nisa'ii.

The Explanation:

This hadith, known as the Hadith of Maimoona's sheep, has a number of important lessons. First, there are other narrations of this hadith that give the name of the sheep, and this was a common habit in Madina, even until today, that it was rare to find a house except that they had one or two sheep in it, and the occupants of the houses would name their sheep. It was so well known that if the owner of the sheep called it by its name, and it was out in the street, it would come to him or her, and he could milk it or feed it and give it water.

What is even more strange than this, sometimes a woman would clap her hands, and the sheep would recognize her sound and come to her. So in some narrations, the Prophet said, "Where is so-and-so (the name of the sheep)?" They said, "It died." And he replied, "You can benefit from it's skin."

Let's look at the hadith one word at a time,
"The Prophet passed by a dead sheep (shaat),"

Shaata in Arabic refers to a female sheep. Dead here means that it died before being slaughtered properly, and thus it is prohibited by the verse "Haramat 'alaykum al maitatah wa adama.."

The Prophet was informed of this, or he saw them dragging it, and the Prophet said, "Would that you took its skin (ihaab)"

Ihaab refers to the skin before it has been tanned, and it refers to all skins of all animals.

Some scholars said ihaab only refers to skins of those animals whose meat is eaten, but linguistic scholars say no, it refers to all animals.

There are some scholars, from outside of the four madhahab, who use this text as evidence that one can use animal skins even without tanning. But this view is rejected if we study the whole narration. The Sahabah responded to the Prophet saying, "It is dead." And this statement of the Sahabah is proof that the Sahabah applied the ruling of maitah to both the body and skin of the animal.

It was known to them that a dead animal (maitah) becomes najass (impure) at the time of death, so its meat becomes haram, and if it falls into water, it renders it impure. So the meat of a dead animal is certainly najass, without regard to whether it is an edible animal or not.

Even an edible animal, if it dies, its meat is impure. So the Sahabah applied the ruling of maitah to the entire animal.

And the Messenger of Allah tacitly approved of this statement, that it is maitah, so by induction: the dead animal is impure, and skin is part of the animal, so its skin must also be impure.

The Prophet approved of this understanding of theirs, but then guided them to that which would remove this impurity. He did not permit the animal itself, but only its skin.

And in some narrations, he said, "You are not going to eat its meat or its skin."

What is important is that in the narration that is well known to us, the Prophet approved of their understanding that the sheep was impure, and that its skin was also impure, but then guided them to what would purify this najassah.

He said, "Water and acacia leaves will purify it."

This a type of metaphorical statement (kinaaya) which is really a reference to the entire process of tanning the skin.

So if tanning takes place with other than these two, this is permissible. And purification is not restricted to water and acacia, but rather all means of tanning. Here one means of this tanning process is mentioned, but it does not exclude the others.

From here, we can derive a number of lessons:

1.) Some Ulema stated that since what is being referred to as skin that can be purified in this hadith is an animal whose meat is eaten, purification can only be for such animals.

As for animals whose meat are not eaten, they are not purified by tanning.

They said, "Any skin" refers to those whose meat is normally eaten, and they excluded all other animals, such as donkey, mule, predatory animals, and all others not eaten, in accordance with the ahadith.

But the response to this is: the reason for a ruling coming about does not restrict the ruling to only the cause that was the immediate reason for the ruling.

Rather, there is an important rule according to the scholars of jurisprudence: **"Al 'ibraatu bi 'umoom al lafdhi, laa bi khusoosis sabab."** **"The lesson is according to the general understanding the wording, not according to the specific cause."**

And the wording says, "If a skin is tanned, it becomes purified." It includes edible and non-edible animals.

2.) But, we have two very important lessons in this hadith.

The first is a general guidance for the entire Ummah, in one of the foundational rules in Islamic economics. And the second is more specific guidance for students of knowledge in our current age.

As for the general guidance for the entire Ummah, we find a dead sheep, and if I were to ask all of you: if you had a sheep that died, would you be comfortable taking

it and skinning it to benefit from its skin? You would say, no thanks, I do not want to benefit from it, it died, it is useless. You find a natural dislike and revulsion of skinning a dead sheep.

But the Prophet, is guiding us to the importance of preserving one's wealth, and benefiting from the smallest and tiniest things, since in that is benefit and preservation of Ummah's economy, and it is savings.

If the Prophet is encouraging us to benefit from the skin of an animal after it died, and to cure and tan it so that one can benefit from it, do you think he would allow us to be negligent in other matters? What if a sheep was sick or injured, but this sickness would not affect us as humans, should we leave it to die, or slaughter it properly so that it benefits us and its meat does not go to waste?

And we say today, in the current world situation, in the shade of a our advanced civilization, we find that many people, rather nations, destroy much of their harvest, and are negligent in letting much of it go to waste, while at the same time many nations are desperately in need of it.

And here is Islam saying, it is not permissible to let anything at all go to waste, if it is possible to benefit from it.

Some Islamic scholars wrote a few years ago, that the world is in great need of iron ore. Land and earth is plowed and laid to waste to find this resource, yet we have entire landfills filled with iron, those cars that are junked and abandoned.

If these cars are taken and recycled, it would save a massive amount of resources from being expended in society.

So how can we waste other valuable resources, and the Prophet once passed by a single date thrown on the earth, and picked it up and said: “If I was not afraid that it was for Sadaqah (charity), I would have eaten it.

He was not pleased to leave even a single date on the earth.

And if we look at other examples, some countries, some people they have different styles of cars, and vehicles, with options and designs made in order to enjoy themselves or be popular.

As soon as a new type of vehicle becomes fashionable, they abandon the old and rush to buy whatever is new, in order to have the latest model. And the old vehicle, even though it is still running fine, is left aside.

And just expand on this. When it comes to styles of furniture, to types of cell phones, anything, people say, “this has become old fashioned.” And they do not use it, even though it can be recycled or repaired.

For this reason, in this hadith is guidance for the Ummah to preserve even the slightest of things, that can benefited from, and that they should not be left for the shaitan.

We are commanded to turn our attention to benefit from whatever Allah has given us, small or large, even if it is the skin of a dead animal, or a single date on the floor, not to speak about the many other things that have much higher and precious value.

The second guideline that this hadith gives us is advice to students of knowledge in present times who neglect the ‘ijmaa (consensus) of the Ulema who state that flowing blood is impure. These students claim there is not evidence that flowing blood is impure, but rather what is forbidden is drinking it.

If it is said to them, blood being mentioned in the ayah “Hurimat alaykum al maitatu wa ad damu,” and it is the consensus of the Ummah that the maitah, and likewise blood, are najass since they are mentioned together in the ayah, they deny it, and say what is meant by haram is eating.

But this hadith at hand shows that the Sahabah understood that the entire animal had become najass do to its death, and the Prophet approved of this understanding, and that is why he did not tell them, do not eat it, rather, he pointed them to the means of purifying it.

Thus, maitah is forbidden since it is najass, and likewise blood.

Imam Muslim also mentions the hadith of Fatimah bint Jahsh who asks the Prophet about the blood of Hayd that affects a thobe, and Imam Muslim placed this hadith in the Chapter on Najassah (impurities).

This shows that the blood of Hayd, and Istihaadah (irregular bleeding) is impure.

And likewise Bukhari, and other books of Sunnah.

They might say, this ruling is specifically for menstrual blood. But when the Prophet was asked about the irregular menstrual bleeding, he said that it was a vein. He said, “Leave the prayer for six or seven days, then wash the blood, and pray.” So this blood is impure.

Ibn Hazm says, “The Prophet was asked about irregular menstrual blood, but he responded by saying, ‘wash the blood’, ‘al-dami’ which is general and refers to all types of blood, and he did not specify ‘dam il hayd’ for example.

This indicates that all types of blood, all blood is najass.

He could have said, "Wash it," but rather he said, "wash the blood." So the Prophet wanted to indicate a general ruling regarding blood.

And likewise Ibn Taymiyyah brings many ahadith regarding the impurity of blood. So all of the previous generations, until today, have come to consensus that blood is impure.

Let us return to our topic in summary, Abu Yusuf accepted the general understanding of the text that all skins are purified by tanning, including the dog and pig, and the Dhahiri school is with him.

Abu Hanifa excluded the pig, and Shafii excluded the pig as well as the dog, since the entire dog is impure according to him.

What remains is the opinion of Malik and Ahmed, who took the general understanding of the hadith, that it includes all skins, but they said that only the outer part of the skin becomes pure, but the inner part does not.

So according to this understanding, the skin can be used for dry purposes, but not to hold water or liquids.

Malik says that the chemicals used in tanning only touch the outer surface of the skin, so it purifies the outer part, but the inner part is untouched so remains impure.

So Malik says, you can pray on a tanned animal skin, since the part you are touching is pure. But if you wore it, your prayer would be invalid, since inside of the skin there remains impurity. You would be praying while carrying impurity.

What is strongest opinion? All skins are purified, or excluding the pig, or the dog, or just the outward part of the skin.

Inshallah, next time we shall speak about that.

And Allah knows best.

End of Class Twelve