258312 - Ruling on bones from non-halal meat and vessels made from them

the question

Is it permissible to eat from vessels made from bones in China? I do not know the source of the bones from which they are made in China.

Detailed answer

Praise be to Allah.

Any meat that is slaughtered by the polytheists, apart from the People of the Book, is “maytah” (animals found dead, or animals that were not slaughtered in the manner prescribed in Islamic teaching), even if the animal that is slaughtered is one whose meat may be eaten (if slaughtered in the proper manner). See the answer to question no. 34496.

With regard to using the bones of such animals, whether they are animals whose meat may be eaten or not, the scholars differed concerning that and whether they are pure (taahir) and halaal.

The majority of scholars are of the view that the bones are impure (najis), but the Hanafis held a different view and said that they are pure (taahir).

Ibn Qudaamah (may Allah have mercy on him) said:

The bones of maytah (dead animals) are impure (najis), whether they are animals whose meat may be eaten or animals whose meat may not be eaten, and they cannot be made pure under any circumstances. This is the view of Maalik, ash-Shaafa‘i and Is-haaq.

Ath-Thawri and Abu Haneefah are of the view that they are pure (taahir), because death does not happen to them, so they cannot become impure as a result, like hair.

Moreover, the reason why flesh and skin are deemed to be impure is because they are in contact with blood and other fluids, and that is not the case with bones.

However, Allah, may He be exalted, says (interpretation of the meaning):

“Say, ‘He will give them life who produced them the first time; and He is, of all creation, Knowing’”

[Yaa-Seen 37:79].

And whatever may live is subject to death.

Moreover, the sign of life is sensitivity and pain, and pain in the bones is worse than pain in the flesh and skin.

And whatever may be alive is subject to death, because death is when life departs, and whatever is subject to death becomes impure as a result of death, such as flesh.

End quote from al-Mughni (1/54).

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) regarded this view as more likely to be correct. See: ash-Sharh al-Mumti‘ (1/93).

Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) favoured the view of the Hanafis and said:

The bones, horns and trotters of dead animals, and the like, such as their hooves and so on, and their hair, feathers and fur… All of that is pure (taahir), as Abu Haneefah said; this view is also found in the madhhabs of Maalik and Ahmad.

This view is the correct one, because the basic principle is that these things are pure, and there is no evidence to suggest that they are impure.

Moreover, these things come under the heading of at-tayyibaat (things that are good and wholesome), not the heading of al-khabaa’ith (things that are evil and unclean), so they are

included in the verse of tahleel [the verse which states what is permissible to eat, namely al-Maa'idah 5:4], because they do not come under the heading of the evil and unclean things that Allah has forbidden, either in explicit terms or by implication.

Explicit terms include the verse in which Allah, may He be exalted, says (interpretation of the meaning): "Prohibited to you are dead animals…" [al-Maa'idah 5:3]. This verse does not include hair and the like, because what is dead is opposite to what is alive, and life is of two types: the life of animals and the life of plants. The main characteristics of the life of animals are sensitivity and voluntary movement. The main characteristics of the life of plants is growth and nourishment.

The maytah (dead meat) that is haraam is that which possessed sensitivity and voluntary movement when it was alive. As for hair, it grows and receives nourishment; it grows like plants, and plants do not feel (sensitivity) and do not move voluntarily, and they do not have life in the sense that animals do, so that they might be regarded as dead when that life departs from them. Hence they cannot be regarded as impure (najis).

As for bones and the like, if it is said that they are included under the heading of maytah because they become najis, it may be said to one who suggests that: You are not paying attention to the general meaning of the wording, because that which does not have a circulatory system, such as flies, scorpions and beetles, does not become impure according to you and the majority of scholars, even though when it dies, it dies as animals die.

If this is the case, it is known that the reason why the maytah becomes impure is because of the blood that is retained in it, therefore that which has no circulatory system does not have blood flowing through it, so when it dies, there is no blood to be retained in it; hence it does not become impure.

Thus it is more appropriate to say that bones and the like do not become impure, than to say this concerning beetles, for the bones contain no flowing blood and they do not move voluntarily, unless they are moved by something else (namely muscles).

If the animal as a whole, that has feelings or senses, moves involuntarily, it does not become

impure, because it contains no flowing blood. So how can bones become impure, that also contain no flowing blood?

As that is the case, then the bones, hooves, horns, trotters and the like contain no flowing blood, so there is no way that they could become impure. This is the view of the majority of the earlier generations.

Az-Zuhri said: The most righteous people of this ummah used combs made from elephant bones (that is, ivory).

There is a well-known hadith that mentions ivory, concerning which there are some reservations, but this is not the place to discuss them. We do not need to quote it as evidence. Moreover, skin is part of the maytah, and blood runs through it, yet the Prophet (blessings and peace of Allah be upon him) described how it may be made pure by means of tanning, because tanning dries it out and removes moisture from it.

This indicates that the cause of its becoming impure is moisture, but bones have no circulatory system, and whatever there may be in them of moisture from the circulatory system dries out, and bones may last and be preserved longer than skin; therefore it is more appropriate to say that bones are purer than skin.

End quote from al-Fataawa al-Kubra (1/266-271).

Conclusion:

If these vessels are made from the bones of animals whose meat may be eaten and which were slaughtered by a Muslim or a kitaabi (one of the People of the Book, a Jew or a Christian), then they are pure and it is permissible to use them.

But if it is otherwise – as is most likely to be the case in China – then they come under the heading of maytah and there is a significant difference of opinion regarding the issue of the bones of maytah (dead animals that were not slaughtered in the prescribed manner). It is better for the Muslim to avoid them, so as to be on the safe side regarding his religious commitment. There are

many other kinds of vessels available.

However, if these vessels are made from bones of dead animals that have been burned and turned to ashes, then the ashes are not impure, because they are rendered pure by the process of transformation (istihaalah).

See also the answer to question no. 233750.

And Allah knows best.