273675 - Basic Principles Regarding Animals and Slaughtered Meat

the question

There is a juristic principle that was mentioned by the great scholar As-Sa`di in his *Mandhumah*, which states that the basic principle regarding meat is that it is prohibited. His student Ibn `Uthaymin commented on that by noting that this does not refer to live animals; rather the basic principle concerning live animals is that they are permissible. Rather this basic principle refers to meat, such as a game animal that fell into water or any slaughtered animal when the one who slaughtered it is unknown. The great scholar Al-`Alwan said something similar when he was refuting this principle, which was mentioned by the great scholar Ibn Al-Qayyim, and he rejected it, but he affirmed something similar to the view of Ibn `Uthaymin, namely that if there is one reason to regard something as prohibited and another reason to regard it as permissible, then it is to be deemed prohibited. He mentioned the issue of a game animal if it falls into water, and he quoted as evidence to refute this principle the fact that the Companions ate the meat of tame donkeys before it was prohibited, when there was no specific evidence to suggest that it was permissible. He stated that there was no dispute among the Companions regarding the principle that the flesh of animals is permissible in general. As for the dispute, it arose among those who came after them. The jurists mentioned this principle. Could what is mentioned in their books be understood as meaning that it is general in application, in the sense that the basic principle regarding meat and animals is that they are prohibited? Some of the earlier jurists followed this principle and regarded it as general in application, and some of them put restrictions, as Ibn `Uthaymin mentioned that this is applicable to meat but not to the animals themselves.

Summary of answer

The basic principle regarding the flesh of animals is that it is prohibited, not that animals are prohibited. The basic principle regarding live animals is that they are permissible, and the basic principle regarding the flesh of animals is that it is prohibited unless we know or think it most likely that they are permissible.

Detailed answer

Praise be to Allah.

The basic principle regarding slaughtered animals and meats

The basic principle with regard to slaughtered animals and meats is that they are prohibited, so no slaughtered animal is permissible to eat unless we come to know that it was slaughtered in the manner prescribed in Islamic teachings.

Among the words of the scholars affirming this principle are the following:

- An-Nawawi (may Allah have mercy on him) said: “This highlights an important principle, which is that if there is any uncertainty that the animal was slaughtered in the proper manner which would make the meat of the animal permissible, then it is not permissible, because the basic principle is that it is prohibited. There is no dispute concerning this." (*Sharh Sahih Muslim,* 12/116)
- Ar-Rafi`i (may Allah have mercy on him) said: In principle, meat is not permissible either. Do you not see that if a man slaughtered an animal that is about to die, and he was not sure whether its movement at the time of slaughter was the movement caused by slaughter or it was because it was still alive, in that case we give precedence to the ruling that it is prohibited." (*Fath Al-`Aziz Sharh Al-Wajiz,* 1/280)
- Ibn Al-Qayyim (may Allah have mercy on him) said: “The second type is that the original ruling is assumed to remain in effect unless there is evidence to the contrary and can be used as proof, such as assuming that the ruling of being in a state of purity is still in effect, or that the ruling of not being in a state of purity is still in effect, or assuming that marriage is still in effect, or assuming that someone is still the owner of something, or assuming that someone is still obliged to do religious duties, until there is evidence to the contrary. The Lawgiver (Allah) has indicated that the ruling should be in accordance with the assumption when it was stated concerning the game animal: “If you find it drowned, then do not eat it,

for you do not know whether it was killed by the water or by your arrow" and "If you find your [hunting] dog with another dog, do not eat [the game animal], for you only said Bismillah for your dog, and you did not say it for the other dog." As the principle concerning slaughtered animals is that their meat is prohibited, if there is doubt as to whether the condition to make them permissible was met or not, then the game animal remains prohibited, in accordance with the general principle." (*I`lam Al-Muwaqqi`in,* 1/339-340)

He (may Allah have mercy on him) also said: "As for the meat of slaughtered animals, it is prohibited except those which Allah and His Messenger have permitted. If it so happens that there are two reasons, one reason to say that it is prohibited and another to say that it is permissible, we should assume that it is prohibited. That is more appropriate, for three reasons:

1. To go along with the basic principle that it is prohibited.
2. Because that is more prudent.
3. If there are two contradictory reasons, they cancel one another out, so we must go back to the basic principle, which is that it is prohibited." (*Ahkam Ahl adh-Dhimmah,* 1/538, 539)

- Ibn Rajab Al-Hanbali (may Allah have mercy on him) said: "What is regarded in principle as being prohibited – such as sexual intercourse and the flesh of animals – does not become permissible except on the basis of certainty that it has become permissible through correct slaughter or the marriage contract. If there is any uncertainty regarding any of that, because there is cause for uncertainty, then we must go back to the original principle and base the ruling on it. So in the case of that which is regarded in principle as being prohibited, we deem it to be prohibited. Hence the Prophet (blessings and peace of Allah be upon him) forbade eating the game animal on which the hunter finds the mark of an arrow that is not his, or with which he finds a dog other than his dog, or he finds it after it has fallen into water, and he explained that the reason for that is that he does not know whether the animal died due to the cause which would make it permissible, or any other cause." (*Jami` Al-`Ulum wa'l-Hikam,* p. 93)
- Shaykh `Abd Ar-Rahman As-Sa`di (may Allah have mercy on him) said in *Mandhumat Al-Qawa`id*:

“The basic principle regarding sexual intercourse and animal flesh, and lives and wealth that are protected by Islamic law is that they are prohibited unless there is a change which makes them permissible. So you should understand what I say, may Allah guide you.”

Then he (may Allah have mercy on him) said, explaining that:

“That is, the general principle regarding these things is that they are prohibited, unless we are certain that a change has occurred which makes them permissible.

The basic principle regarding sexual intercourse is that it is prohibited. It is not permissible except when there is certainty that it has become permissible (a valid marriage contract) …

The same applies to animal flesh; the basic principle is that it is prohibited, except when there is certainty that it has become permissible.

Therefore if two factors are found in an animal, one of which indicates that it has become permissible and the other indicates that it has become prohibited to eat it, the prohibition takes precedence, so the slaughtered animal or game animal is not permissible in that case." (*Al-Majmu`ah Al-Kamilah li Mu’allafat Ash-Shaykh As-Sa`di: Al-Fiqh,* 1/142)

- Shaykh Muhammad ibn Salih Al-`Uthaymin (may Allah have mercy on him) said: The basic principle regarding the flesh of slaughtered animals is that it is prohibited, unless we know how it was slaughtered and whether it was slaughtered in the manner prescribed in Islamic teachings. That is because one of the conditions of it being permissible is that it should be slaughtered in the prescribed manner." (*Fatawa As-Sayd,* (p. 26-27), ed. `Abdullah At-Tayyar)

The basic principle regarding the flesh of slaughtered animals

Some scholars may say that what the basic principle regarding animals – that they are prohibited – refers to is the flesh of slaughtered animals, and that it must be proven that the animal was slaughtered in the prescribed manner; it does not refer to the live animal.

An example of that is the words of Al-Khattabi (may Allah have mercy on him): “The animal in

principle is prohibited, unless we are certain that it was slaughtered or hunted in the prescribed manner. Therefore it cannot become permissible if there is any doubt concerning that." (*Ma`alim As-Sunan,* 4/282)

Ash-Shatibi (may Allah have mercy on him) said: “The basic principle regarding sexual intercourse is that it is not allowed except by the prescribed means, and the basic principle regarding animals is that eating their meat is not allowed, unless they were slaughtered or hunted in the prescribed manner. And there are other similar issues that are prescribed in Islamic teachings." (*Al-Muwafaqat,* 1/401)

The basic principle regarding live animals

With regard to live animals, the basic principle is that they are permissible, apart from those which are excluded, because Allah, may He be Exalted, says (interpretation of the meaning):

{It is He who created for you all of that which is on the earth.} [Al-Baqarah 2:29]

This indicates that the basic principle regarding things is that they are permissible – which includes animals, plants and other things – unless there is proof that they are prohibited, such as the prohibition on eating them, as it is prohibited to eat pigs and tame donkeys, and it is prohibited to eat any carnivore that has fangs or any bird that has talons; or it is prohibited to kill them, such as the prohibition on killing hoopoes and sparrowhawks; or there is a command to kill it, such as the command to kill snakes and rats; or it is proven to be harmful; or it is regarded as filthy, because Allah, may He be Exalted, says (interpretation of the meaning):

{He makes good things lawful to them and bad things unlawful.} [Al-A`raf 7:157]

In *Al-Mawsu`ah Al-Fiqhiyyah* (18/336) it says:

“What is permissible to eat of animals is difficult to list. The basic principle is that they are all permissible in general, apart from those which are excluded below:

- Pigs. They are prohibited according to the texts of the Quran and Sunnah, and scholarly

consensus.

The scholars differed regarding other animals. The majority of jurists are of the view that it is not permissible to eat any carnivore that has fangs, such as lions, tigers, leopards, wolves, dogs and so on, or any bird that has talons, such as kestrels, falcons, vultures, eagles, gyrfalcons and so on, because the Prophet (blessings and peace of Allah be upon him) forbade every carnivore that has fangs and every bird that has talons.

Then the scholars differed as to whether some particular animals are permissible or prohibited, such as horses, hyenas, foxes, all types of crows, and so on. For more detail, please see the topic "Foods."

One of the views of the Maliki Madhhab is that all animals may be eaten, from elephants to ants and worms, and so on, except humans and pigs, which are prohibited according to scholarly consensus.

Similarly, in their view – according to one report – no kinds of birds are prohibited. This was the view of Al-Layth, Al-Awza`i and Yahya ibn Sa`id (may Allah have mercy on them). They quoted as evidence the general meaning of the verses which permit eating animals, and the view of Abu Ad-Darda' and Ibn `Abbas (may Allah be pleased with them), which is that what Allah did not mention is pardoned.

- That which we are commanded to kill,

such as snakes , scorpions and rats, and all harmful carnivores such as lions and wolves, and other creatures mentioned above.

- Things that are regarded as filthy.

One of the guidelines on what is permissible and what is prohibited is that we should pay attention to what is regarded as good and wholesome, and what is regarded as bad and filthy. Ash-Shafi`i (may Allah have mercy on him) thought that this was the greatest and most comprehensive of guidelines. The basic principle regarding that is the verses in which Allah, may He be Exalted, says

(interpretation of the meaning):

{… He makes good things lawful to them and bad things unlawful} [Al-A`raf 7:157]

{They ask you, [O Muhammad], what has been made lawful for them. Say, "Lawful for you are [all] good foods…} [Al-Ma’idah 5:4] (See: *Al-Mawsu`ah Al-Fiqhiyyah* (5/132-147), in which there is a detailed discussion about land animals, which are of thirteen types, as well as the difference of scholarly opinion concerning them)

In conclusion, the differentiation between live animals and the flesh of animals or slaughtered animals, is something that is well known and is clear. The basic principle regarding live animals is that they are permissible, in contrast to the flesh of animals or slaughtered animals, regarding which the basic principle is that they are prohibited.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) was asked: Is the basic principle regarding the flesh of animals that it is permissible or prohibited?

He replied: “The basic principle regarding the flesh of animals is that it is prohibited, not that animals are prohibited. The basic principle regarding live animals is that they are permissible, and the basic principle regarding the flesh of animals is that it is prohibited unless we know or think it most likely that they are permissible.”

What this means is: if we are uncertain as to whether this animal is permissible or prohibited, then it is permissible, and if we slaughter it in the prescribed manner we may eat it. But if we are uncertain as to whether this meat was slaughtered in the prescribed manner or died of other causes, then the basic principle is that it is prohibited, unless we think it most likely that it is halal and permissible…" (*Liqa’ Al-Bab Al-Maftuh,* 234/9)

And Allah knows best.