197103 - Does the game become impure if the dog holds it in its mouth?

the question

Is it permissible to eat what I hunt myself, but my dog retrieves it and brings it to me?

If the answer is yes, then why is it said that the saliva of the dog is impure, because if it is impure, the game would not be permissible to eat?

Detailed answer

Praise be to Allah.

Firstly:

The ruling on dogs with regard to purity and impurity has been discussed in detail previously on our website, in the answers to questions no. 69840 and 133869. To sum up, we determined that the more correct view is that the dog's saliva is impure (najis), and its hair, whether wet or dry, is pure (tahir), as Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said: Because the basic principle is that things are pure, so it is not permissible to regard anything as impure or prohibited except on the basis of evidence, as Allah, may He be Exalted, says:

{Why should you not eat of that over which the name of Allah has been pronounced, when He has explained to you in detail what is forbidden to you, except if you are forced by necessity?} [Al-An`am 6:119]

{Allah will never let people go astray after having guided them, until He has made clear to them what they should guard against} [At-Tawbah 9:115].

As that is the case, the Prophet (blessings and peace of Allah be upon him) said: "The way to purify the vessel of one of you, if a dog laps [water or another liquid from] it, is to wash it seven times, the first of which should be with soil." All the hadiths on this topic only mention lapping

[which the dog does with its tongue], and do not refer to any other part of the dog's body, so regarding any other part of its body as impure (najis) can only be done by analogy. … Moreover, the Prophet (blessings and peace of Allah be upon him) granted a concession allowing people to keep dogs for hunting, herding livestock and farming, and some wetness from the dog's hair will inevitably get onto the owner, as wetness from the hair of mules and donkeys gets onto their owners, and so on. Saying that their hair is impure when this is the case would cause too much hardship, from which the ummah is to be spared.

End quote from *Majmu` al-Fatawa*, 21/617-619.

Secondly:

If we rule that the dog's saliva is impure, there remains the question of what the ruling is on what the dog carries in its mouth of game, whether the dog caught it itself or is retrieving it for the hunter. There is no differentiation in the ruling between these two scenarios, because hunting dogs are used in both scenarios, and there is nothing in any of the hadiths or statements of the jurists to suggest that we should differentiate between them regarding what is pure and what is impure.

The jurists differed concerning this matter, and there are two views:

The first view:

The game must be washed where the dog held it in its mouth. This is the view favoured by the Shafa`i and Hanbali madhhabs, and appears to be the view favoured by the Hanafi madhhab, as they stated that the 'leftovers' of a hunting dog are impure. The word translated here as leftovers includes whatever is left over of water, food or anything else, and we have not come across anything to suggest that they exempted the case of hunting from that.

It says in *Maraqi al-Falah*, p. 30, which is a Hanafi book:

'Impure leftovers' means that from which the dog has drunk; hunting dogs, herding dogs and others are all the same in that regard.

Ibn Hajar al-Haytami (may Allah have mercy on him) said:

The place where the dog bit the game is impure in the sense of being extremely impure, like anything else that was touched by some part of the dog when it was wet. The more correct view is that it is not to be overlooked on the grounds that it is something rare, and the more correct view is that it is sufficient to wash it seven times, the of which should be with soil, like any other scenario. It is not necessary to cut it off and throw it away, because there is no textual evidence to suggest that, and the possibility that the meat may have absorbed some of the dog's saliva has no impact, because nothing that is inside the animal is to be regarded as impure, as was stated by the scholars.

End quote from *Tuhfat al-Muhtaj*, 9/331.

Shaykh al-Bahuti (may Allah have mercy on him) said:

Whatever the dog's mouth touched must be washed off, because it is a place where impurity has reached. Therefore it must be washed like any other things, such as garments and vessels.

End quote from *Kashshaf al-Qina`*, 6/224.

Al-Mardawi narrated from him that he [al-Bahuti] said: This is the correct view in our madhhab.

See: *Al-Insaf*, 10/433.

The second view:

It is not necessary to wash whatever part of the game the dog touched with its mouth; rather it is something that may be overlooked. This is one of the views in the Shafa`i madhhab – as an-Nawawi narrated it in Al-Majmu`, 9/124 – and is one of two views in the Hanbali madhhab, as al-Mardawi (may Allah have mercy on him) said: He classed it as authentic in *At-Tas-hih* and *Tas-hih al-Muharrar*, and stated that it is the correct view in *Al-Wajiz*.

End quote from *Al-Insaf*, 10/434.

Shaykh al-Islam thought it most likely to be correct, as did Shaykh Ibn `Uthaymin (may Allah have mercy on them both).

They quoted as evidence the apparent meaning of the verse:

{Eat what they catch for you, but pronounce the name of Allah over it [when releasing the hunting animal]} [Al-Ma'idah 5:4].

They said: Yet Allah did not enjoin washing the game, even though in most or all cases there will inevitably be impurity on it. Hence the Prophet (blessings and peace of Allah be upon him) did not mention that, even though there are many hadiths that mention hunting dogs, and the Prophet (blessings and peace of Allah be upon him) was repeatedly asked about that.

See: *Al-Majmu`*, 9/124.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said:

If the dog's saliva gets onto the game, it is not essential to wash it according to the more correct of the two scholarly views, and that is also one of two views narrated from Ahmad. That is because the Prophet (blessings and peace of Allah be upon him) did not instruct anyone to wash the game in that case, so dog's saliva may be overlooked when there is a reason for that. And it is enjoined to wash it at times when there is no reason to overlook it. This indicates that the Lawgiver pays attention to what is in people's best interests and takes their needs into consideration.

End quote from *Majmu` al-Fatawa*, 21/620; see also: 19/25-26.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

The Messenger (blessings and peace of Allah be upon him) said, "If [a dog] laps," and he did not say "If [a dog] bites." It may be that things come out of the dog's stomach when it drinks that do not come out when it bites.

Undoubtedly the Sahabah (may Allah be pleased with them) did not wash meat seven times, the first of them with soil, and that implies that this matter is overlooked. Allah, may He be Glorified, is

the All-Powerful, and He is the Creator, and He is the Lawgiver. If something is overlooked according to Islamic rulings, then it is deemed to be harmless by Allah's universal decree. For example, dead meat (meat of an animal that died without being slaughtered in the prescribed manner) is impure and is prohibited, but if a person is compelled to eat it, it becomes permissible, and it does not harm the one who is forced by necessity to eat it.

Therefore the correct view is that it is not obligatory to wash that which was touched by the dog's mouth when hunting, for the reasons noted above, because the original purpose of allowing hunting with dogs is to make things easy, otherwise Allah could have enjoined people to hunt by themselves and not using trained dogs. Thus the concept of making things easy applies even in this scenario, which means not having to wash whatever is touched by the dog's mouth, as this is something that Allah, may He be Exalted, has overlooked.

End quote from *Ash-Sharh al-Mumti`*, 1/420.

The second view:

This is the more correct of the two views concerning this issue, because of the strength of its evidence, and because it protects people from hardship, but the ruling does not necessarily imply that dog's saliva is pure at all times, even if it has lapped water from a vessel, as the Malikis say. The ruling mentioned above applies specifically to hunting only, and is an exception from the general principle that dog's saliva is impure. An exception cannot be taken as an analogy to compare other situations to it, otherwise this would lead to nullifying the original ruling, and the original ruling is proven in the authentic Sunnah, which says that it is obligatory to wash a vessel from which a dog has drunk. Thus the view that the dog's saliva is overlooked in the case of hunting is a way of reconciling all the evidence, and applying each ruling to the appropriate situation.

Overlooking the place where the dog bit the game is only by way of making things easier for people, because it is something that is unavoidable and difficult to guard against.

And Allah knows best.