

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

The Use of Animal Parts, Organs and Bones

To: Ahmed Al-Khateeb

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

I noticed some shops selling rosaries/masabih necklaces, bracelets, etc. from animal bones. My question is about animals, is it permissible to use animal parts and organs?

The Prophet (saw) said: «من يرد الله به خيراً يفقهه في الدين» **“The one for whom Allah wills good (Khair), He grants him Fiqh.”**

May Allah reward you well, and may Allah keep us steadfast on the Truth and the work to establish His state of Islam.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

The issue of the use of animal parts and organs is a very detailed issue and there is a difference in the jurisprudence schools and the Ijtihads of scholars, and I summarized them in this answer as follows:

First: The use of bones (the horn, tooth, hoof and nail are included with them):

1- Bones of an animal whose meat is edible and slaughtered in accordance with the provisions of Islamic Sharia

It is permissible to use the bones of an animal whose meat is edible if the slaughter (Dhakah) of the animal was carried out according to the Islamic Sharia, because the dhabihah (the slaughtered meat) of an animal whose meat is edible is pure (*tahir*) by the Shari' slaughter (Dhakah); therefore, it is permissible to use it all; its meat, bone and other things, a matter upon which we did not find any disagreement among the Muslims. Muslims used to cook the slaughtered meat with their bones and eat them, so if bones were impure (Najis) they would not do that. This indicated that their bones are *tahir*, so it is permissible to use them. Al-Bukhari narrated on the authority of Ibn Abbas, may Allah be pleased with them both, that «أَنَّ رَسُولَ اللَّهِ ﷺ أَكَلَ كَتِفَ شَاةٍ ثُمَّ صَلَّى وَلَمْ يَتَوَضَّأْ» **“The Messenger of Allah (saw) ate from the shoulder of a sheep then he offered Salah without performing Wudu' (ablution).”** and the shoulder had a bone in it.

2- Bones of dead animals whose meat is eatable:

An animal whose meat is eatable may die a natural death, and it may die because it was slaughtered in a non-Shari' way, such as being slaughtered by a Buddhist, for example, and in both cases it is considered Meeta (Dead), and it is subject to the rulings on Al Meeta (Dead). As for the use of the bones of those dead, there was a disagreement among the scholars; some saw their bone is Najis (impure) and said that it is not permissible to use their bones, and they are the Jumhoor (majority of the Scholars) of the Maliki, Shafi'i, Hanbali and others. And some saw that their bone is Tahir (pure) and said that it is permissible to use their bones, including the Hanafi scholars, Ibn Sirin and Ibn Jurayj.

What I prefer is the opinion that the bones of a dead animal whose meat is edible are impure to which the description of Al Meeta (Dead) applies, because Allah Almighty said, ﴿قَالَ مَنْ يُحْيِي الْعِظَامَ وَهِيَ رَمِيمٌ﴾ **“He says, "Who will give life to bones while they are disintegrated?”** [Ya-Sin: 78] The connotation of the term "يُحْيِي" "will give life to" with the bones indicates that the bones of the dead are also dead, so it is not permissible to use them because they are impure (Najis) and because

they are dead animals (Meeta). And according to the Prophet's saying (saw) in the hadith that Al-Bukhari provided in "At-Tarikh" and Ibn Hibban in his Sahih and others on the authority of Abdullah Bin Ukeem, he said: Some men from Juhayna told us that the Prophet (saw) wrote to them: «لا تَتَنَفَّعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» **"Do not make use of anything from dead animals."** Al-Albani mentioned it in The Chain of Authentic Hadiths and Some of its Jurisprudence and its Benefits (7/366), and he said about it (and this is an authentic (Saheeh) chain of narrators, its men the trustworthy men of al-Saheeh), and Ibn Hibban's narration is: «لا تَسْتَمْتِعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» **"Do not enjoy anything from dead animals."** It is clear from the hadith the impermissibility of making use of dead animals from all aspects and not the prohibition of eating their meat only, unless if a specific evidence is provided, and there is no such evidence for bones.

3- Amputated bone of an animal whose meat is edible:

What is meant by an amputated bone is the bone that is cut from the animal while it is alive, so this bone takes the rule of the dead animal, so it is impure (Najis) and it is not permissible to use it, because of what Al-Hakim narrated in his Al-Mustadrak and others on the authority of Abu Waqid Al-Laithi, who said: People in the Jahiliyah were in the habit of cutting the humps off of the camels and cutting the buttocks from the sheep so they eat it and take fat from it. When the Prophet (ﷺ) came to Al-Madinah, they asked him about that, and he said: «مَا قُطِعَ مِنَ الْبَيْهَمَةِ وَهِيَ حَيَّةٌ فَهُوَ مَيْتٌ» **"Whatever is cut from an animal while it is alive, then it is dead flesh."** (Al-Hakim said: This hadith is with a Saheeh chain of transmission and they did not extract it), and al-Dhahabi said (Saheeh). Wadak is: "the fat and grease of meat that is extracted from it". And of course, the amputated bone of a dead animal is also dead, because it is part of the dead animal, so it is not valid to use it.

4- Bones for animals whose meat is not edible:

They are the bones of animals that Allah has forbidden to eat, such as lions, elephants, eagles and the like. The disagreement occurred regarding the ruling on using the bones of these animals while they were alive, such as if their bones were amputated, and the disagreement occurred regarding the ruling on using their bones after their death, and some differentiated between whether they had died a natural death or died slaughtered... etc., in many details and differences among the scholars, and what I prefer is the prohibition of using the bones of an animal whose meat is not eatable:

A - If the bone that was taken from it was amputated from it while it was alive, then it is a Meeta (dead) that is not permissible to use because of his (saw) saying, «مَا قُطِعَ مِنَ الْبَيْهَمَةِ وَهِيَ حَيَّةٌ فَهُوَ مَيْتٌ» **"Whatever is cut from an animal while it is alive, then it is dead flesh."**

B - If it has died a natural death, then it is a Meeta (dead) like an animal whose meat is edible. Rather, it is more fitting to that than the animal whose meat is eatable, and it applies to it in this case the saying of Rasulullh (saw): «لا تَتَنَفَّعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» **"Do not make use of anything from dead animals."**

C - If it died by slaughtering, then it is also dead because the slaughter is not considered a Shari' slaughter (Dhakah) except in the matter of the animal whose meat is eatable. As for the animal whose meat is not eatable, there is no Shari' slaughter (Dhakah), so there is no effect of slaughtering it in giving it the status of the animal slaughtered according to Sharia, so it is a dead animal (Meeta) whose bone is not permissible to use, and in this case it applies to it also the saying of Rasulullh (saw): «لا تَتَنَفَّعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» **"Do not make use of anything from dead animals."**

5- Fish bones and sea dead animals:

Fish and the dead animals of the sea are permissible as it came in hadiths. Ibn Majah narrated on the authority of Ibn Umar, may Allah be pleased with them, that the Messenger of Allah said: «أَحَلَّتْ لَنَا مَيْتَتَانِ الْحُوتُ وَالْجَرَادُ» **"Two kinds of dead meat have been permitted to us; fish and locusts"**. Al-Tirmidhi narrated in his Sunan that Al-Mughirah ibn Abu Burdah heard Abu Hurairah related that a man asked the Messenger of Allah (saw) "O Messenger of Allah, we sail on the ocean and we carry only a little water. If we use it for ablution, we will have to go thirsty. May we use sea water for ablution?" The Messenger of Allah (saw) said: «هُوَ الطَّهْرُ مَاؤُهُ الْجَلُّ مَيْتَتُهُ» **"Its (the sea) water is pure and its dead (animals) are lawful"**. Abu Issa said this is a Hasan authentic hadith. Also, it was narrated by Bukhari in his Sahih from Jabir (r.a) said: We set out in the army of Al-Khabyr and Abu Ubaida was the commander of the troops. We were struck with severe hunger and the sea

washed up a dead fish the like of which we had never seen, and it was called Al-`Anbar. We ate of it for half a month. Abu Ubaida took (and fixed) one of its bones and a rider passed underneath it (without touching it). (Jabir added:) Abu 'Ubaida said (to us), "Eat (of that fish)." When we arrived at Medina, we informed the Prophet (saw) about that, and he said: «كُلُوا رِزْقًا أَخْرَجَهُ اللَّهُ، اطْعَمُونَا إِنْ كَانَ مَعَكُمْ» «Eat, for it is food Allah has brought out for you, and feed us if you have some of it." So some of them gave him (of that fish) and he ate it".

This means that the meat of dead animal from sea is Tahir (pure) and Halal, and it is permissible to use it, which includes using its bones.

Second: Use of leather:

1- The skins of animals whose meat is edible, and that has been slaughtered a Shari slaughter (Dhakah):

It is permissible to use the skins of animals whose meat is eatable and has been slaughtered according to the Shari slaughter (Dhakah) because of its purity (Tahara) as a result of slaughtering (Tadhkiyah), and because of what was narrated by An-Nasa'i in his Sunan and authenticated by Al-Albani, from Salamah bin Al-Muhabbah that: during the campaign of Tabuk, the Prophet of Allah (saw) called for water from a woman. She said: "I only have a waterskin of mine made from a dead animal." He said: «أَلَيْسَ قَدْ دَبَّعْتَهَا؟» "Didn't you tan it?" She said: Yes. He said: «فَإِنَّ دَبَّاعَهَا ذَكَّاهَا» "Tanning it purifies it." So, the Prophet (saw) made tanning the skin of the dead animal takes the place of the Shari slaughter of meat that is eatable because the Shari slaughter is only in it, so this indicates that it is permissible to use the skin of an animal whose meat is eatable and that it is slaughtered in accordance to Shari slaughter. And we have not found disagreement on the permissibility of that.

2- Skins of dead animal whose meat is edible:

There has been a disagreement among scholars regarding the ruling on using the skins of a dead animal whose flesh is edible, and what I think most likely is that it is permissible to use the skins of an animal whose meat is edible, whether it has died a natural death or by an unlawful sacrifice, such as if it was slaughtered by a Buddhist, but on condition that it be tanned, because the skin of the dead is impure (najis) and the tanner purifies it if the skin was of a dead animal whose meat is edible for the following evidence:

(A) it was narrated by An-Nasa'i in his Sunan and authenticated by Al-Albani, from Salamah bin Al-Muhabbah that she said: during the campaign of Tabuk, the Prophet of Allah (saw) called for water from a woman. She said: "I only have a waterskin of mine made from a dead animal." He said: «أَلَيْسَ قَدْ دَبَّعْتَهَا؟» "Didn't you tan it?" She said: Yes. He said: «فَإِنَّ دَبَّاعَهَا ذَكَّاهَا» "Tanning it purifies it." It is clear from the hadith that tanning dead skin of an eatable meat purifies it and makes it permissible to use it as is the case in the waterskin mentioned in the hadith.

(B) It was narrated by Ibn Hibban in his Saheeh from Al-Aliyah, daughter of Subay', that she said: I had some sheep at Uhud, and they began to die. I then entered upon Maymunah, wife of the Prophet (ﷺ), and mentioned it to her. Maymunah said to me: If you took their skins and made use of them, (that would be better for you). She asked: Is that lawful? She replied, Yes. some men of Quraish passed by the Messenger of Allah dragging a sheep the size of a donkey. He said to them: «لَوْ أَخَذْتُمْ إِيَّاهَا» "Why don't you take its skin?" They said: "It is dead meat." The Messenger of Allah (saw) said: «يُطَهَّرُهَا الْمَاءُ وَالْقَرَزُ» "Purify it with water and Qaraz.", and Qaraz is the leaves of tree used for tanning. As well as the hadith of the sheep of Maimunah, may Allah be pleased with her, which Muslim narrated in his Saheeh from Ibn Abbas that the Messenger of Allah (saw) passed by a sheep belonging to Maimunah that had died and said: «أَلَا أَخَذُوا إِيَّاهَا فِدْبَعُوهَا» «فَانْتَفَعُوا بِهَا» "Why don't you take its skin and tan it and make use of it?"

C- Al-Tirmidhi narrated in his Sunnah on the authority of Ibn Abbas, who said: The Messenger of Allah (saw) said: «أَيُّمَا إِيَّابٍ دُبِّعَ فَقَدْ طُهِرَ» "Any skin that is tanned has been purified." Abu Easa said: (... hadith ibn Abbas Hasan and Saheeh)

These evidences show that tanning the skin of a dead animal whose flesh is edible will make it pure (Tahir) and permissible to use it, accordingly the skin of a dead animal whose flesh is eatable is excluded from the prohibition on using Al Meeta (the Dead), which is indicated by his (saw) saying: «لَا تَتَنَفَعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» "Do not make use of anything from dead animals."

3- Skins of animal whose flesh is inedible:

The scholars differed greatly, with many ramifications regarding the ruling on using the skins of animals whose meat is not eaten. What I prefer in this matter is the prohibition of using the skins of all animals whose flesh is not edible, because the Prophet (saw) has forbidden the use of the dead: «لا تَتَنَفَعُوا مِنَ الْمَيْتَةِ بِشَيْءٍ» **“Do not make use of anything from dead animals.”**, and the use of animal skins whose meat is uneatable is not usually until after its death, and the dead animal is impure (Najis) and its skin is impure because the Prophet (saw) mentioned about the dead animal whose meat is eatable: «لَوْ أَخَذْتُمْ إِيَّاهَا» **“Why don't you take its skin?”** They said: "It is dead meat." The Messenger of Allah (saw) said: «يُطَهَّرُهَا الْمَاءُ وَالْقَرِظُ» **“Purify it with water and Qaraz.”**, which indicate the impurity (Najasah) of the skin of Al Meeta (the Dead).

And it is not said that the skins of the Dead other than those whose meat is eatable are purified with tanning for the generality of his (saw) saying: «أَيَّمَا إِيَّاهِ دُبِغَ فَقَدْ طُهِرَ» **“Any skin that is tanned has been purified.”**, and the hadith of the Prophet (saw) on the dead sheep: «لَوْ أَخَذْتُمْ إِيَّاهَا» **“Why don't you take its skin?”** They said: "It is dead meat." The Messenger of Allah (saw) said: «يُطَهَّرُهَا الْمَاءُ وَالْقَرِظُ» **“Purify it with water and Qaraz.”**, and the Hadith the sheep of Maimunah, may Allah be pleased with her, that the Messenger of Allah (saw) passed by a sheep belonging to Maimunah that had died and said: «أَلَا أَخَذُوا إِيَّاهَا فِدْبَعُوهُ فَانْتَفَعُوا بِهِ» **“Why don't you take its skin and tan it and make use of it?”**.

This is not said because these hadiths, although they can be general in the purity of the skin of any dead if tanned, but this is intended for the skin of a dead animal whose meat is eatable because the hadiths relate to the skin of a sheep. It was stated in a hadith of the Prophet (saw): «فَإِنَّ دِبَاغَهَا ذَكَاتُهَا» **“Tanning it purifies it.”** This connotation with warning denotation indicates that tanning purifies just like slaughtering (Dhakah), and since Dhakah is only for animals whose meat is eatable, purification by tanning is only in the skin of a Dead whose flesh is eatable. The generality remains in the matter itself, which here is the purification of the skin of a Dead whose meat is eatable, and not the purification of anything else, so, these hadiths do not include the skins of other Meeta (Dead). Accordingly, the skins of Dead whose meat are uneatable are impure and do not purify by tanning or otherwise, and it is forbidden to use them.

4- Skins of fish and whales and all sea dead animals:

It is permissible to use the skins of fish, whales and other sea dead animals for the evidences that we have brought in the statement of the ruling on the use of bones of sea dead animals: «أُحِلَّتْ لَنَا مِيتَتَانِ الْخُوْتُ وَالْجِرَادُ» **“Two kinds of dead meat have been permitted to us; fish and locusts”** «هُوَ الطَّهْرُ مَاؤُهُ الْحَلْلُ مِيتَتُهُ» **“Its (the sea) water is pure and its dead (animals) are lawful”**, «كُلُّوا رِزْقًا أَخْرَجَهُ اللَّهُ، أَطْعَمُونَا إِنْ كَانَ مَعَكُمْ فَاتَاهُ بَعْضُهُمْ فَأَكَلَهُ» **“Eat, for it is food Allah has brought out for you, and feed us if you have some of it.” So some of them gave him (of that fish) and he ate it”**. They include the whole sea animal, of bone, flesh, skin, etc., and indicate their purity and permissibility to use them.

Third: The ruling on using animal parts to make necklaces, bracelets, rosaries, utensils, and the like:

Based on the details mentioned above, the answer to your question about the use of animal parts and organs in the manufacture of necklaces, bracelets, prayer beads, etc.: If it is permissible to use the part of the animal as mentioned above, then it is permissible to use it in the manufacture of those goods. And if it is not permissible to use the animal part, as shown above, then it is not permissible to use it in the manufacture of these goods, and these goods are impure if they are made from the part of the impure animal that is forbidden to use, and the use of these goods is forbidden (haram) because they are impure (Najis).

Your brother,

Ata Bin Khalil Abu Al-Rashtah

5th Rabii' Al-Akhir 1442 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/2802784369967569>