



Fiqh of Taharah: Class Fifteen

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

We continue in the Chapter on the Nature and Cleansing of Najassah

The Hadith:

وَعَنْهُ قَالَ: { لَمَّا كَانَ يَوْمُ خَيْبَرَ, أَمَرَ رَسُولُ اللَّهِ (أَبَا طَلْحَةَ, فَنادَى: "إِنَّ
اللَّهَ وَرَسُولَهُ يَنْهَيَانِكُمْ عَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ فَإِنَّهَا رِجْسٌ" } مُتَّفَقٌ عَلَيْهِ

Narrated Anas bin Malik: "On the day of Khaibar, Allah's Messenger commanded Abu Talha to announce: Allah and His Messenger have prohibited for you the flesh of donkeys, for it is unclean."

[Agreed upon]

[Reported by Ahmad and at-Tirmidhi, and the latter graded it as Saheeh]

The Explanation:

The Author may Allah have mercy on him now turns to the subject of the impurity of some animals, and the prohibition of their flesh.

Abu Talhah narrates the first hadith, which he begins by stating the date that the narration took place, i.e. the Day when Khaibar was liberated. He does this in order to indicate that whatever happened before this date was different and that this was a new ruling that came about, which began on the Day of Khaibar.

The Day of Khaibar was in the 7th year after Hijra, and the Messenger of Allah commanded Abu Talha to announce the prohibition, although it was generally from the habit of the Prophet to choose someone from his close relatives to make proclamations. Why did he choose Abu Talha, when Abu Bakr, Umar, and Uthman nearby.

When we look at the biography of Abu Talha, we see the reason. And we learn from this that when it comes to carrying out actions or roles, we should put forward those who have specialization over others.

Abu Talha was a senior member of his tribe, and strongly built, and it is said that the voice of Abu Talha in an army was like a large group. And it was said, the voice of Abu Talha in army was like a thousand men.

So Abu Talha had a loud powerful voice. And like him was Abbas. If Abbas was in the city of Madina, and his servant was out in the desert, 7 or 8 kilometers away, Abbas would ride his horse up the nearest mountain, and call out to his servant, and he would hear him.

There are some people who have been given special qualities, whether physical or mental. And we shall speak about this when we speak about specialization in knowledge.

Abu Talha called out, "Indeed Allah and His Messenger have forbidden the flesh of donkeys."

The response came that they had already slaughtered the donkeys.

Humr is the plural of hyyaar in Arabic, and they are divided into two types:

Hyyaar al ahliyy, which refers to donkeys.

The other type is hyyaar al wahshee, which are zebras.

They used to eat donkey flesh, and that day, they had slaughtered the donkeys, and its flesh was in the pots, cooking on the fire. When the caller of the Prophet made the announcement, they immediately dumped out the pots.

In the hadith, the Prophet said, “For it is indeed unclean.”

The donkey is unclean when it is dead, but pure when it is alive, since it intermingles with people, since they are always using it.

But as for it being forbidden to eat, the Jumhoor state that. Although some say that this ruling was abrogated.

Yet, we have the date of this hadith. Were there any hadith narrated after it?

We have a hadith stating that a man came to the Prophet during a year of famine, and he said, “Oh Messenger of Allah, we have been afflicted by famine. And I do not have anything to feed my family except some fat donkeys.”

So the Prophet said, “Feed your family from your fat donkeys.”

Some scholars said, “This is proof that the Prophet permitted a man to feed his family from the flesh of donkeys.”

However, the majority of scholars state that this hadith does not have a sound chain of narration, even if we neglect the fact that it

contradicts much stronger texts. So what about considering the fact that it contradicts other texts, which are stronger and agreed upon in their authenticity.

And in order for a text to abrogate an earlier text, it has to be at least as strong in terms of authenticity. So the majority of Ulema state, it is not correct to claim that the earlier text is abrogated.

There remains one question: Ibn Abbas used to hold that the prohibition on the flesh of donkeys was more of a dislike and not absolute prohibition.

And when asked, he said, "I do not know if they have been forbidden in order to preserve them since people ride on their backs, or because they eat the trash around the town."

And the meaning of the statement, "I do not know..." can this be used to contradict and clear and unambiguous text? No.

And also, this statement is regarding the reasoning ('illah) behind the prohibition, either because they are rides for people, or eat trash and even impurities.

And any animal, even if its meat is normally permissible, eats impurities, it is forbidden to eat its flesh, unless it is captured and fed pure clean food for a period of time, no less than three days.

This could be for chicken, or even cows, since it is very harmful to them.

The response to this view is that one, that not all donkeys are free to roam the town and eat impurities. Some of them are kept in the countryside.

And two, horse meat was permitted for us, and if we say donkey was prohibited in order to preserve rides for the Muslim army, than horse meat has more right to be prohibited. They fight on them, and horses are stronger and carry more than a donkey can carry, and they have more patience on journeys than other animals.

So based on this, we say that the opinion of Ibn Abbas was a personal view (ijtihaad shakhsi) that differed from other Sahabah, may Allah be pleased with them. This is in the case that this statement attributed to him proves to be authentic, but others state that this narration is to be rejected outright because of its chain.

Another question remains, which is: why has donkey (al hyyaar al ahli) meat been prohibited while the animal from the same family as the donkey, the zebra (al hyyaar al wahshi) is permissible?

What is the reasoning that donkey is haram while zebra is halal?

If we look for a superficial answer, we cannot find one.

But, before searching for the reasoning, and the reasoning does exist, but before looking for the reasoning behind rulings in general, we as Muslims, if we hear from Allah or the Messenger, it is obligatory that we begin by closing our eyes and acting in accordance to what they say.

This is the fulfillment of obedience to the command of Allah, and the Messenger. Allah is Hakim (Wise) and 'Alim (Knowledgeable.)

He does not legislate except for a reason and a wisdom.

Also, by saying La illaha illa Allah, Muhammadur rasoolullah, this implies that whatever Allah commands, one obeys, since worship is only to Allah.

If one worships other than Allah, they have nullified the statement, la illaha illa Allah.

And likewise, if a person does not accept the teachings of the Prophet, or rejects part of what he taught, then he has nullified the statement: Muhammadur rasoolullah.

Let me give you a simple example:

In diplomacy, when two countries make diplomatic relations, they exchange ambassadors, and this ambassador has his official papers,

and he is given an official recognition when he travels throughout the world because of these papers.

After this, whenever this person speaks, he speaks on behalf of his home country, and his remaining in the host country continues as long as there is a stable relationship politically between the two countries.

If the host country refuses to acknowledge the ambassadors requests, this could harm the relationship between the two countries.

Likewise, a Muslim realizes that he worships none except Allah, and the meaning of worshipping only Allah is that he accepts everything that comes to him from Allah.

And Allah does not command him directly, but rather He commands him through His Messenger.

The Messenger presents his official papers, which are those miracles that Allah gives him as proof of this truth, things that violate natural laws, and that will remain as a proof for his truth until the day of Judgment, namely the Book of Allah, the Quran.

As say this as an introduction, for when we look for wisdom in Islamic Law, if we find it, and we in accordance to the truth, then this is a great blessing. “As say: My Lord increase me in knowledge.”

“Do you not believe? Yes, but in order for my heart to find rest.”

But if we cannot find the immediate wisdom, than as a matter of principle, we act according to the law, even if the wisdom may not be apparent to us.

Another point, many people criticize those who seek to find the wisdom in Allah’s Laws. They say, “What does it concern you? Allah commands a thing, you must obey.”

Yes, but some people take the hidden nature of some wisdoms in the Shariah as a means of creating doubts in the masses of people.

We shall see this for example when we speak about the urine of a young baby boy, which is washed lightly, while the urine of a baby girl is rinsed. Some say: “The Shariah has differentiated between two identical things, and this is a contradiction.”

Or they say, “One must perform wudu after eating the flesh of a camel, but not that of a sheep. This is meat, and that is meat. The Shariah is differentiating between two identical things.”

But when the wisdom is made apparent, and the Fuqaha and legal scholars, of old or new, make clear the wisdom behind each ruling which some see as being the same, and that they are not really the same. There is a difference, that requires a different ruling.

If this is done, it closes the door to those who seek to introduce doubts into the Shariah, using the excuse that the Shariah differentiates between two identical things.

So here, we have the donkey and the zebra, both from the same family. Yet one is haram and the other is halal. They say, this is proof that the Shariah discriminates between two things that are really of the same type.

Why? My brothers, if we search the books of Fiqh, we may not find any clear reason that indicates why the prohibition is one way or the other.

But if we refer to the other sciences, as Shaikh Amin al Shinqeeti used to say, “Parts of knowledge serve one another. Knowledge is accompanied other knowledge.” One field of knowledge will make clear and strengthen other fields of knowledge. This knowledge builds off of that knowledge.

Now, if we look at the reasoning and wisdom behind the Shariah, we find that scholars of nutrition and genetics state that there is a difference in donkeys that is not present in zebras. What is it?

The Quran points to this difference when it gives the example of those who have knowledge but do not benefit from it as a donkey carrying books, they do not get any benefit.

The key difference in the donkey is that since it is domesticated, and lives amongst people, it is well known for its dumbness and rude nature and stubbornness. It is said that a child cannot convince a donkey to work, but only a strong man.

The reason it is dumb is because it has been domesticated, and it never needs to struggle or work to acquire its food.

Unlike a zebra, which first and foremost must defend itself from predatory animals. And second, it must strive to acquire its nutrition, and cannot wait for it to come to it. So the qualities of dumbness, stubbornness, lowly nature are removed from the zebra.

And zoologists state that mother zebras, when they give birth, they bite the calf of the baby zebras right leg, so that it will not run far away, and stay nearby to its mother, who protects it from any predators. When the leg recuperates, the baby zebra will have grown and is strong enough to run alone and escape any predator.

What an amazing form of Tarbiyyah!

And what we notice is that the qualities of an animal, they have an effect on a person if he eats a lot of it. Many scholars have spoken about this.

Many of them point to what Abu Hayyan states about the prohibition of the pig: What we have found is that the pig does not have any protective jealousy over its female companions, so whoever eats a lot of it finds that his own protective jealousy is affected and weakened.

And if a person has no protective jealousy (gheera) for his women, this is one of the causes.

And if pig is prohibited for this reason, likewise the donkey is prohibited for the evil traits that it contains, of stubbornness, dumbness, and rude behavior. Allah nor the Messenger, nor any person admires such qualities, and would not want to acquire them.

And similar to this is the wudu from the meat of camel, and not from the meat of sheep. The Prophet was asked, "Must we perform wudu from the meat of a camel?" He replied, "Yes." "And from the meat of sheep?" He replied, "If you like."

If we search in the books of Fiqh, they state that this is because of the heat of the meat of camels, but others say that deer meat is more hot, and others said the meat of pigeons is even hotter, but one must not make wudu from eating these animals.

But, if look farther than this, at the general meaning of the texts, regarding camel, and derive a more general ruling.

Just like the reasoning of Ali regarding the carrying of a child, which he said was 6 months from two ayahs.

The Prophet forbade praying in the stalls of the camels, but not the stalls of sheep. He said, the camels have a shaitan with them.

If a camel finds a person sleeping in its place, it will harm them, whereas a sheep will be peaceful and tranquil.

And also, we have the hadith, “The herders of camels have arrogance and showing off. But herders of sheep have tranquility and humbleness.”

The camel is large and beautiful, but the sheep is tranquil, and that is why all Prophets were shepherds, so that they would learn tranquility and easiness.

“It has a shaitan with it.”

And the Prophet once saw a man who was angry, and he said “Anger is from the Shaitan, and shaitan is from the fire, so put it out with water (wudu).”

So if we put this ahadith together, we see that eating a camel affects a person, the shaitan is with him, and we put it out with wudu.

Thus, by searching, we find a difference between two things that seem identical.

And here, donkeys have a low and stubborn nature, and it is not strange if we say that someone who eats it a lot will be affected by its qualities, and this is not from the qualities of a believer.

What we have spoken about is not directly about our hadith, but this is a response to those who accuse the Shariah of differentiating between identical things, but rather these things are different if we look into them.

And Allah knows best.

End of Class Fifteen.