



Categorization of Permitted & Prohibited Meats In Maliki Fiqh

Imam Malik's usul (method) regarding food rulings is very simple:

- All food rulings are made by the Quran only based on 6:145 An'am.
- Any prohibitions about foods that the Prophet peace be upon him made was intended as a discouragement, not a prohibition.
- The default of all foods is permissibility based upon 2:173.
- The entirety of food rulings come in four verses (verses listed at end of document):

2:173 Baqara

5:96 Ma'ida

6:145 An'am

16: 5-8 Nahl

Summary of permitted & prohibited foods (additional commentary below):

Permitted

- 1 Grazing animals
- 2 Birds
- 3 Wild, non-predatorial animals
- 4 Insects
- 5 Sea creatures
- 6 What is pure of edible things

Prohibited

- 1 That which alters the mind
- 2 That which harms the body
- 3 The Najis
- 4 Pig
- 5 Donkeys, mules and horses
- 6 Soil and dirt

Discouraged

- 1 Rodents
- 2 Predators

Permitted in dire need

- 1 Anything that would keep him alive

PERMITTED FOODS & DRINKS

1 Grazing animals (النعيم)

Cattle, camel, sheep, goat, etc.

2 Birds (الطيور)

Even if it has claws, it is permitted. Muslim relays from Ibn ‘Abbas that the Prophet peace be upon him prohibited animals with canines and birds with claws. However, the narration of Malik and Zuhri did not contain “birds with claws.” Further, Malik considered the prohibition in this hadith to indicate discouragement, as in his usual, all prohibitions of foods occurs in the Quran only. That which is from the Sunna (hadith) therefore only implies discouragement.

3 Wild, non-predatorial animals (الحيوانات الوحشية غير المفترسة)

If it uses najasa, it is makruh. Regarding snakes, if one is not harmed by its poison, then it is permitted.

4 Insects (خشاش الأرض)

It’s dhakat is by anything that kills it, since it does not have flowing blood. It’s mayta is not permitted to eat, but it is not najis either. Insects may be eaten alive with the intention that chewing it is its dhakat, while reciting Allah’s name if one is able and remembers. This permissibility is based upon customs and norms, in that if eating a certain animal or insect would render the eater ill, then it is no longer permissible on the account of harming oneself. If insects die in food and one is unable to separate them, then the food is thrown away, unless it is only a small amount (less than half), then it may be eaten. There is no prohibition in eating insects that live and die in fruit.

5 Sea creatures (الحيوانات البحرية)

It is halal in all cases, dead or alive. They have no dhakat. Sea creatures are defined as that which can survive in water (unlike Abu Hanifa who defines it as that which dies outside of water). Thus, even the crocodile and aligator is halal, even when it is found dead. The only prohibition is on account of causing illness, in which case the prohibition lies in the prohibition of harming oneself, not the animal. Evidence that its mayta is permitted is 5:96 Ma’ida, which permits two things: that which is hunted in the sea and that which is edible, and what can be eaten besides that which is hunted except that which is dead. Thus the term ‘what is edible’ means what is dead. This was the understanding of Abu Bakr and ‘Umar according to Qadi

Abu Bakr b. al-'Arabi. It is also permitted in an explicit hadith, "It's water is for purification and its dead is permitted for eating" (Malik, Abu Dawud, Tirmidhi). Since they have no dhakat, it is permitted to eat what the pagan catches.

6 What is pure of edible things (ما طهر من الطعام والشراب)

- a plants that do not alter the mind nor harm the body.
- b milk from animals permitted to eat if it comes out of a living animal or after dhakat.
- c eggs, and its ruling is as the ruling of milk. If the animal is mubah for eating, then its eggs are as well.
- d all juices, even from grapes, barley and rice, provided they do not intoxicate.

PROHIBITED FOODS & DRINKS

1 That which alters the mind (ما يفسد العقل)

Regardless whether it is a solid, liquid, smoke or a cream that is rubbed.

The liquid is called a muskir and it is najis. It's drinker is given the hadd, whether he drank much or little, and be it from grape or otherwise.

The solid is called a mukhaddir. It is tahir and its user does not receive a hadd punishment, but rather is reprimanded. A small amount that does not alter the mind is not forbidden, but frowned upon.

2 That which harms the body (ما يفسد البدن)

Poisons

3 The Najis (النجس)

Mayta (dead animals), urine, feces, blood. This includes dead insects, unlike the other madhhabs. The mayta of insects is pure in that one would not need to wash it off their body, clothes or place of prayer, because they do not have flowing blood.

4 Pig (الخنزير)

5 Donkeys, mules and horses (البغال والحمير والخيول)

The basis is 16:8 Nahl. The prefix lam is to indicate the purpose (ta'lil) and limit it to that (hasr). The previous verses cite the functions of other animals and include their use as food. If a domesticated donkey, mule or horse becomes wild, then it returns to being permitted to eat.

6 Soil and dirt (الطين والتراب)

This is due to harm it may cause.

WHAT IS DISCOURAGED

1 Rodents (القوارض)

Due to their filth. Bats are treated as rodents when it comes to eating.

2 Predators (السباع والحيوانات المفترسة)

foxes, wolves, hyenas, lions, tigers, monkeys, bears, cats, dogs. A predator is defined as that which would attack a human or other animals. As for the hadith, "Eating anything with canines is haram," it is a solitary (ahaad) hadith, the establishment of which is speculative (zanni). Therefore it cannot be used to restrict or qualify a verse of Quran, the establishment of which is mutawatir. This again points to Malik's usul on food, which is that its ruling is from the Quran only, and that which comes from hadith will serve as karahiyya, or discouragement, but not prohibition. The Quranic verses in specific are 2:173 Baqara and 6:145 An'am.

WHAT IS PERMITTED IN TIMES OF DIRE NEED

1 Anything that would keep him alive (كل ما يحفظ الحيات من كل محرم)

The meaning of dire need is that one would die without it. The order of prohibitions, from least to worst, is as follows:

- a the halal which was stolen
- b the differed upon, such as the horse, which is haram to Malik, but halal for Shafi'i
- c mayta
- d that which the muhrim (dressed in ihram) hunted
- e khazir

Stolen food takes priority because being punished for that is less than dying. Eating mayta takes priority to eating what was hunted by a muhrim (sayd al-muhrim) because hunting by a muhrim is a sinful act, whereas the natural death of an animal is not connected to any sin. Sayd al-muhrim, in turn, is preferable to eating pig, because the former is merely prohibited due to how it was accessed, whereas pig is prohibited in itself.

FOOD VERSES

2:173 Baqara

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ ۖ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ۚ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah . But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful.

5:96 Ma'ida

أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَّكُمْ وَلِلسَّيَّارَةِ ۖ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرُمًا ۖ وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ

Lawful to you is game from the sea and its food as provision for you and the travelers, but forbidden to you is game from the land as long as you are in the state of ihram. And fear Allah to whom you will be gathered.

6:145 An'am

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهْلًا لِغَيْرِ اللَّهِ بِهِ ۚ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ

Say, "I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is impure - or it be [that slaughtered in] disobedience, dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], then indeed, your Lord is Forgiving and Merciful."

16: 8 Nahl

وَالْخَيْلَ وَالْبِغَالَ وَالْحَمِيرَ لِتَرْكَبُوهَا وَزِينَةً ۚ وَيَخْلُقُ مَا لَا تَعْلَمُونَ

And [He created] the horses, mules and donkeys for you to ride and [as] adornment. And He creates that which you do not know.