
| RESEARCH ARTICLE

The Sale of Carrion in Islamic Jurisprudence

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| ABSTRACT

In Islamic jurisprudence, transactions and commercial exchanges are among the most important means of fulfilling material needs and organizing economic relationships within society. Islam emphasizes lawful earnings and regards legitimate trade as a means of promoting cooperation and social welfare. However, Islamic law prohibits the sale and purchase of certain forbidden objects and unlawful commodities in order to preserve public interests and prevent corruption. This prohibition is based on religious texts and established juristic principles aimed at safeguarding religion, intellect, life, and public morality. The study of the sale of carrion (maytah) demonstrates that the legitimacy of transactions in Islam depends upon the lawfulness of the subject matter, the existence of a permissible benefit, and the avoidance of harm and corruption. Therefore, understanding the limits and regulations governing such transactions plays a significant role in explaining the Islamic economic system and guiding Muslims toward lawful business practices while avoiding invalid and prohibited transactions.

| KEYWORDS

Islam, Sale of Carrion, Islamic Jurisprudence, Fiqh, Maytah

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Introduction

In the name of Allah, the Most Gracious, the Most Merciful.

All praise is due to Allah. We praise Him, seek His help and forgiveness, and seek refuge in Allah from the evils of ourselves and the consequences of our deeds. Whomever Allah guides, none can misguide, and whomever He leaves astray, none can guide. I bear witness that there is no deity worthy of worship except Allah, and I bear witness that Muhammad is His servant and Messenger.

Allah the Almighty has placed the earth and its resources at the disposal of humankind so that people may strive, work diligently, and utilize them properly to fulfill their needs through lawful means. Islam condemns laziness, idleness, and dependence on others, and encourages continuous effort and productive work in pursuit of lawful sustenance. A hardworking and productive individual gains respect and appreciation in society because of his independence and constructive role, whereas a lazy and unemployed person who becomes dependent on others loses social esteem and dignity.

In Islamic teachings, work and lawful earning occupy a highly esteemed position. Every profession and occupation that provides a lawful means of livelihood is considered honorable and valuable. Therefore, Islam does not permit the belittlement of any lawful profession. The Prophet Muhammad (peace and blessings be upon him) consistently encouraged Muslims to work and rely on their own efforts. As narrated by Abu Hurairah (may Allah be pleased with him), the Messenger of Allah (peace and blessings be upon him) said:

"For one of you to gather a bundle of firewood on his back is better than asking another person, whether he gives him something or refuses him." (Al-Bukhari, 1422 AH, Hadith No. 2074)

This hadith clearly demonstrates the virtue of work and self-reliance and the undesirability of begging and dependence on others.

Furthermore, Allah the Almighty has made trade and commercial transactions lawful to facilitate the fulfillment of human needs. Since no individual can independently provide all necessities of life, people inevitably depend on interaction and cooperation with one another. In this regard, exchange, trade, and buying and selling constitute some of the most effective means through which individuals satisfy their mutual needs and maintain economic and social stability.

Research Method and Materials

In every research study, the researcher seeks to select and employ the most appropriate and accurate methodology. The purpose of doing so is to determine which approach can provide answers to the research questions with greater accuracy, efficiency, speed, and cost-effectiveness.

The present study adopts a library-based research method. To enrich the study, authoritative Islamic sources, including the Holy Qur'an, Prophetic traditions (Hadith), and classical works of Islamic jurisprudence, were consulted. These sources were examined and analyzed using an analytical approach in order to derive relevant legal rulings and scholarly conclusions concerning the subject under investigation.

Definition of Sale (بيع)

Linguistic Definition

The term *Bay'* (sale) is derived from the Arabic verb *bā'a-yabī'u-bay'an* and, linguistically, denotes exchange or barter in a general sense. The two terms *Bay'* (selling) and *Shirā'* (buying) are sometimes used interchangeably. Both terms belong to the category of words that may convey opposite meanings and are therefore considered among the Arabic linguistic phenomena known as *al-addād* (contronyms).

As stated in *Lisān al-'Arab*:

"Al-bay' is the opposite of al-shirā', and al-bay' may also mean al-shirā'; therefore, it is one of the words of opposite meanings." (Ibn Manẓūr, n.d., Vol. 1, p. 401)

Technical Definition

In Islamic jurisprudence, sale (*Bay'*) is defined as:

"The exchange of property for property by mutual consent for the purpose of lawful acquisition." (Ibn al-Humām, n.d., Vol. 4, p. 78)

Accordingly, sale refers to a transaction in which one form of property is exchanged for another with the mutual agreement of both parties and with the intention of acquiring ownership through a lawful contractual arrangement.

Pillars (Essential Elements) of Sale

According to the Hanafi jurists, the only essential pillars (*arkān*) of a sale contract are offer (*ijāb*) and acceptance (*qabūl*). As stated in *Badā'i' al-Ṣanā'i'*, the essence of sale consists of exchanging one desirable item for another desirable item. Such an exchange may be effected either through verbal expression or through conduct. In juristic terminology, the verbal manifestation of this exchange is realized through offer and acceptance (Al-Kāsānī, 1982, Vol. 5, p. 133).

Evidence for the Legitimacy of the Sale Contract

The legality and permissibility of sale and commercial transactions in Islamic law are established through the Holy Qur'an, the Prophetic Sunnah, and the consensus (*ijmā'*) of the Muslim community.

1. Evidence from the Holy Qur'an

Allah the Almighty says:

"Allah has permitted trade and forbidden usury (*ribā*). Therefore, whoever receives an admonition from his Lord and refrains (from usury) may keep his past gains, and his affair rests with Allah. But whoever returns to it—those are the companions of the Fire; they will abide therein eternally." (Qur'an, Al-Baqarah 2:275)

This verse clearly establishes the permissibility of trade and commercial transactions while simultaneously prohibiting usury. It serves as one of the primary textual evidences for the legitimacy of sale contracts in Islamic law.

2. Evidence from the Prophetic Sunnah

It was narrated from Abū Burdah through Wā'il ibn Dāwūd and Jamī' ibn 'Umayr that the Messenger of Allah (peace and blessings be upon him) was asked:

"Which earning is the purest and best?" He replied: "A man's work with his own hands and every honest and lawful sale." (Al-Hākim, 1411 AH, Vol. 2, Hadith No. 2158)

This hadith demonstrates the virtue of lawful labor and legitimate commercial transactions. It highlights that earnings acquired through personal effort and honest trade are among the most commendable forms of livelihood in Islam.

3. Evidence from Consensus (إجماع)

The Muslim community has reached a consensus (*ijmāʿ*) on the permissibility and legitimacy of sale and commercial transactions. From the time of the Prophet Muhammad (peace and blessings be upon him) until the present day, buying and selling have been continuously practiced and recognized as lawful. This uninterrupted acceptance and practice among Muslims constitute a strong juristic basis for the legitimacy of sale contracts in Islamic law.

Wisdom behind the Legitimacy of the Sale Contract

Allah the Almighty has made sale and commercial exchange lawful in order to facilitate human life and expand the means through which people may fulfill their needs. Every human being is in constant need of food, clothing, and other necessities of life and cannot remain independent of such needs as long as he or she lives. It is evident that no individual is capable of providing all personal necessities independently. Consequently, people must rely on one another to obtain what they require.

To achieve this objective, no method is more effective and beneficial than exchange and trade. Through the sale contract, an individual may transfer goods or property that exceed his or her needs and are of little personal use, while receiving in return something that is needed. In this way, sale serves as a practical mechanism for satisfying mutual needs, promoting cooperation among members of society, and facilitating economic stability and social welfare. Therefore, the legitimacy of sale in Islamic law reflects the divine wisdom of ensuring ease, mutual benefit, and orderly economic relations among people.

Carrion (ميتة)

Definition of Carrion (Maytah)

In Islamic jurisprudence, *Maytah* (carrion) refers to an animal that has died without undergoing a valid Shariʿah-compliant slaughter. Likewise, any part severed from a living animal is considered carrion and is subject to the same legal ruling. This is based on the narration of Abū Wāqid al-Laythī (may Allah be pleased with him), who reported that the Prophet Muhammad (peace and blessings be upon him) said:

“Whatever is cut from an animal while it is still alive is considered carrion (maytah).” (Abū Dāwūd, n.d., Vol. 3, Hadith No. 2860)

This hadith establishes the principle that any flesh or limb removed from a living animal is legally treated as carrion and is therefore subject to the rulings applicable to dead animals.

According to Islamic legal principles, animals slaughtered by individuals whose slaughter is not recognized under Islamic law are also regarded as carrion. Classical jurists, for example, considered the slaughter of Zoroastrians (Majūs) invalid; consequently, animals slaughtered by them were treated as carrion.

It is narrated that Salmān al-Fārisī (may Allah be pleased with him) was asked about cheese, fat, and hides. He replied:

“What Allah has declared lawful in His Book is lawful, what He has declared unlawful in His Book is unlawful, and concerning that upon which He remained silent, it is among the matters pardoned and overlooked?”

This statement reflects an important juristic principle in Islamic law: the original ruling concerning things is permissibility unless there is clear evidence establishing their prohibition.

Exceptions to the Ruling of Carrion (ميتة)

Islamic dietary law recognizes certain exceptions to the general prohibition of carrion and blood. Although the consumption of dead animals and blood is generally forbidden in Islamic law, two types of carrion and two substances originating from blood have been specifically exempted and declared lawful. This ruling illustrates the juristic principle of *takhsīs al-ʿāmm* (specification of a general rule), whereby a general prohibition is restricted by a specific textual evidence.

ʿAbdullāh ibn ʿUmar (may Allah be pleased with them both) narrated that the Messenger of Allah (peace and blessings be upon him) said:

“Two kinds of carrion and two kinds of blood have been made lawful for you. The two carrion are fish and locusts, while the two bloods are the liver and the spleen.” (Ibn Mājah, n.d., Vol. 2, Hadith No. 3314)

This hadith establishes that fish and locusts are exempt from the general prohibition of carrion, while the liver and spleen are exempt from the prohibition concerning blood.

Furthermore, creatures that do not possess flowing blood, such as ants, bees, and similar insects, are considered pure (*ṭāhir*) according to the majority of jurists. Therefore, if such creatures fall into a substance and die therein, they do not render it impure. Ibn al-Mundhir stated that he was unaware of any disagreement regarding the purity of these creatures, except for a narration attributed to al-Shāfiʿī. According to the well-known position of the Shāfiʿī school, they are considered impure; however, if they fall into a liquid without altering its characteristics, the matter is excused.

Likewise, the bones, horns, claws, nails, hair, feathers, hides, and similar parts of a dead animal are generally regarded as pure. The basis for this ruling is the legal presumption of purity (*aṣālat al-ṭahārah*), as there is no definitive evidence establishing their impurity (Sābiq, 1420 AH, Vol. 6, p. 110).

Rulings Related to Carrion (ميتة)

The Ruling on the Sale of Carrion According to the Four Sunni Schools of Law

1. The Hanafi School

The Hanafi jurists consider the sale of carrion (*maytah*) to be invalid due to its impurity and lack of lawful proprietary value (*māliyyah*). According to *Al-Hidāyah*, whenever one or both counter-values in a sale contract are unlawful, the contract becomes defective (*fāsīd*), such as the sale of carrion, blood, wine, or pork. Likewise, a sale is defective when one of the exchanged items is not legally owned. Therefore, the Hanafis prohibit the sale of carrion because it is impure and lacks recognized economic value in Islamic law (Al-Marghīnānī, n.d., Vol. 3, p. 170).

The Hanafi school distinguishes between invalidity (*buṭlān*) and defectiveness (*fasād*). If carrion itself constitutes the subject matter of sale, the contract is void (*bāṭil*); however, if carrion is used as the price, the contract is considered defective (*fāsīd*).

2. The Maliki School

The Maliki jurists likewise prohibit the sale of carrion because it is impure and cannot be lawfully utilized. Since Islamic law has explicitly prohibited carrion, its sale is deemed unlawful.

3. The Shafi'i School

The Shafi'i jurists also prohibit the sale of carrion on account of its impurity. One of the conditions for a valid subject matter of sale (*ma' qūd 'alayh*) in the Shafi'i school is purity. Since carrion is impure, it cannot serve as a lawful object of sale.

4. The Hanbali School

The Hanbali jurists share the same view as the other three schools and hold that the sale of carrion is prohibited and invalid.

Comparative Analysis of the Four Schools

An examination of the opinions of the four Sunni schools demonstrates a unanimous agreement regarding the prohibition of selling carrion. The basis of this consensus is that carrion is considered impure, lacks lawful proprietary value, cannot be lawfully benefited from, and its price is therefore unlawful. Consequently, no legal effects arise from a contract involving the sale of carrion.

The Ruling on the Sale of Parts of Carrion

After examining the juristic rulings regarding the sale of carrion itself, it is necessary to consider the legal status of its parts, such as bones, hides, hair, and similar components.

The Sale of Bones of Carrion

Hanafi School

The Hanafi jurists regard the bones of carrion as pure. Consequently, since no legal impediment remains after establishing their purity, the sale of such bones is permissible. An exception is made for pig bones, because the pig is intrinsically impure (*najis al-'ayn*), making the sale of its bones impermissible.

Shafi'i School

According to the Shafi'i school, the bones, horns, and similar parts of carrion share the same ruling as the carrion itself. Since carrion is impure, its separated parts are likewise impure and therefore may not be sold.

Maliki School

The Maliki position is generally consistent with that of the Shafi'is, maintaining that the parts of carrion take the same ruling as the original carcass.

Hanbali School

The Hanbali jurists hold that all parts of carrion are prohibited because impurity extends to the entire body of the dead animal. Therefore, its parts are impure and their sale is impermissible.

The Sale of the Hide of Carrion

The jurists have differed regarding the sale and use of animal hides after tanning (*dabgh*). The primary issue concerns whether tanning purifies the hide and consequently permits its lawful use and sale.

Views of the Four Schools Regarding the Effect of Tanning on Purification and the Sale of Hides

Hanafi School

The Hanafi jurists maintain that tanning purifies all animal hides except those of pigs, due to their intrinsic impurity, and human skin, due to the inherent dignity of human beings. Accordingly, any hide other than these two becomes pure after tanning and may lawfully be bought and sold.

Maliki School

The Maliki jurists believe that tanning purifies animal hides; however, this purification is not absolute. The use of tanned hides is generally permitted for dry purposes and water storage, but praying upon them is not considered valid. Consequently, some Maliki jurists allow their use while maintaining certain restrictions regarding their sale.

Shafi'i School

The Shafi'i jurists, like the Hanafis, maintain that tanning purifies animal hides and therefore permits their sale. However, they expand the exceptions by excluding both pig and dog hides, arguing that tanning does not render either of them pure.

Hanbali School

The Hanbali jurists distinguish between animals whose meat is lawful to consume and those whose meat is unlawful. According to their view, the hides of intrinsically impure animals or animals whose meat is not lawful do not become pure through tanning and therefore cannot be sold. In contrast, the hides of lawful animals become pure after tanning, making both their use and sale permissible.

Evidence of the Four Schools Regarding the Sale of Tanned Hides of Carrion

Evidence of the Hanafi and Shafi'i Schools

1. The Hadith of Ibn 'Abbās (May Allah Be Pleased with Him)

Ibn 'Abbās (may Allah be pleased with him) narrated:

"The Prophet (peace and blessings be upon him) passed by a dead sheep and said: 'Why did you not benefit from its hide?' They replied, 'O Messenger of Allah, it is carrion.' He said: 'Only its consumption has been prohibited.'" (Al-Dāraquṭnī, 138 AH, Vol. 1, Hadith No. 98)

2. The Hadith: 'When a Hide Is Tanned, It Becomes Pure'

Ibn 'Abbās (may Allah be pleased with him) reported that he heard the Messenger of Allah (peace and blessings be upon him) say:

"When a hide is tanned, it becomes pure." (Abū Dāwūd, n.d., Vol. 3, Hadith No. 4125)

Mode of Reasoning (Wajh al-Istidlāl)

The Hanafi and Shafi'i jurists argue from the general wording of the term *al-ihāb* (hide) in these narrations that every hide becomes pure through tanning unless there is a specific text excluding it from this ruling. The Hanafi school excludes pig hide because of its intrinsic impurity, while the Shafi'i school excludes both pig and dog hides. Consequently, once tanning has taken place, the hide becomes lawful to use and, according to these schools, may also be bought and sold.

Evidence of the Maliki and Hanbali Schools

1. Evidence from the Holy Qur'an

Allah the Almighty says:

"Forbidden to you are carrion, blood, and the flesh of swine..." (Qur'an 5:3)

Mode of Reasoning (Wajh al-Istidlāl)

The Maliki and Hanbali jurists maintain that the hide constitutes a part of the dead animal. Since carrion is prohibited, its hide likewise remains subject to the prohibition and cannot be lawfully utilized without restriction.

2. The Hadith Prohibiting Benefit from the Hide of Carrion

It is narrated that the Messenger of Allah (peace and blessings be upon him) wrote to the tribe of Juhaynah approximately one month before his death:

"Do not derive benefit from any hide or tendon of a dead animal." (Abū Dāwūd, n.d., Vol. 4, Hadith No. 4130)

Mode of Reasoning (Wajh al-Istidlāl)

The Maliki and Hanbali jurists argue that this narration abrogates (*naskh*) the earlier narrations that appear to permit benefiting from tanned hides. They maintain that because this instruction was issued during the final period of the Prophet's life (peace and blessings be upon him), it represents the later and therefore prevailing ruling. Accordingly, they restrict or prohibit benefiting from the hides of carrion based on their respective interpretations of this evidence.

Discussion and Preferred Opinion (ترجيح)

The evidence advanced by the Maliki and Hanbali schools has been subject to scholarly criticism. The latter hadith prohibiting benefit from the hide of carrion has been questioned with regard to its chain of transmission, as a number of hadith scholars have identified issues of *irsāl* (disconnected transmission) and *iḍṭirāb* (inconsistency) in both its chain and text.

Furthermore, their reliance on the Qur'ānic verse prohibiting carrion is challenged by the fact that several authentic hadiths specifically qualify the general wording of the verse with respect to tanned hides. According to the established juristic principle that specific textual evidence qualifies general evidence (*takhsīs al-'āmm*), the prophetic traditions concerning the purification of hides through tanning restrict the general prohibition relating to carrion.

On this basis, the position of the Hanafi and Shafi'i schools appears stronger in terms of evidential support and is therefore regarded as the preferred opinion (*al-qawl al-rājiḥ*). According to this view, the hide of any animal capable of being tanned becomes pure after tanning, and its use as well as its sale becomes permissible. The exceptions are pig hide and human skin; additionally, according to the Shafi'i school, dog hide is also excluded from this ruling and does not become pure through tanning.

Conclusion

The present study on the sale of carrion (*maytah*) in Islamic jurisprudence has led to several important findings:

- Muslims are required to earn their livelihood through lawful and legitimate means and should strive to seek *halal* sustenance.
- Everything that Allah the Almighty has prohibited is intended to protect human welfare and preserve religion, intellect, and moral values.
- The jurists of the four Sunni schools of law, despite differences in terminology and certain subsidiary issues, agree that sale (بيع) fundamentally refers to the exchange of property for property based on the mutual consent of the contracting parties. However, they differ regarding the inclusion of benefits (*manāfi'*) within the scope of sale.
- The prohibition of selling carrion, blood, and pork is firmly established through the texts of the Holy Qur'an and the Prophetic Sunnah.
- The four Sunni schools unanimously agree that the sale of carrion itself is unlawful because it is regarded as impure, lacks lawful proprietary value, and is not a legitimate object of commercial exchange.
- The jurists differ concerning the sale of certain parts of carrion, such as bones and hides, due to their differing views on purity and lawful benefit.
- The stronger juristic opinion indicates that tanning purifies the hides of animals that are capable of being tanned, thereby permitting their lawful use and sale, with certain exceptions recognized by the respective schools of law.

In conclusion, the rulings concerning the sale of carrion demonstrate the comprehensive nature of Islamic commercial law, which seeks to regulate economic transactions in a manner that safeguards public welfare, prevents harm, and promotes lawful economic activity.

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