



The Legitimacy of Sea Animals: A Critical Analysis

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Abstract

Quran is the basic source of the religion of Islam. Allah Almighty has bestowed upon us is the fact that he has made our religion easy for us, and has not made it too difficult or unbearable. ﴿Allah intends for you ease, and He does not want to make things difficult for you.﴾ (Al-Baqrah 2:185). In this article, we will discuss about the sea- animals which is used for food. Seafood includes any form of food taken from the sea. Furthermore, seafood is any kind of sea life regarded as food by humans. Seafood prominently includes fish and other sea creatures like shellfish, prawns, crabs, lobsters, shrimps etc. In the last few years, the demand of seafood has doubled. The trends of seafood are widely eaten around the world, especially in Asia. There are many deviated exegeses of seafood in each school of thought. Al-Hanafī school of thought said: all fishes except squids are halāl. In al-Shāfaī school of thought: all aquatic animals except those that have a human terrestrial counterpart are halāl. Al-Mālikī school of thought: all aquatic animals are halāl. Al-Hanbali school of thought: all aquatic animals are halāl. In Shia school of thought: only fishes with scales and also shrimps are halāl. Al Shāfaī, al Mālikī and al Hanbali are laxed on this particular issue where they regarded most of the creatures of the ocean to be halāl. The view in Hanāfi school of thought is very much restricted, because they allow fish to be consumed from the sea. All other creatures are considered to be harām. "Allah has made lawful to you is the fished of the sea and its food" [Al-Māidah 5:96]

Keywords: Halāl, Harām, Sea-animals, Seafood, Dead Fish, Shellfish, Shrimps, Lobsters, Prawns, Hunting Fish.

Islam is a religion that assigns significant attention to practice. The practices are an aspect of religious identity and social life, and in Islamic belief. From starting, Muslims relied on a convenient set of categories for classifying lawful and unlawful practices. Halāl was one of these categories, used for classifying “permissible”, lawful practices by the Qurān and Sunnah, and the doctrines of the different schools of Islamic law (Fiqh). In Islamic law and ethics, Harām has been used to classify forbidden and unlawful practices. This term is used in contrast to Halāl, which is used for lawful and permitted ones. Among the blessings that Allah has bestowed upon us is the fact that He has made our religion easy for us, and has not made it too difficult or unbearable. He has allowed us many things that were forbidden according to previously-revealed laws. Allah says: (Allah intends for you ease, and He does not want to make things difficult for you)¹

Halāl:

(In Arabic: حلال, "permissible") ,also spelled hallal or halaal, refers to what is permissible or lawful in traditional Islamic law. It is frequently applied to permissible food and drinks.² Halāl is an Islamic Arabic term meaning "permissible".³ Halāl is religiously acceptable according to Muslim law. Denoting or relating to meat prepared as prescribed by Muslim law.⁴ Halāl: sanctioned by Islamic law especially: ritually fit for use halāl foods; selling or serving food ritually fit according to Islamic law halāl restaurant.⁵

Harām: The term **Harām** referred as: Harām (Adjective) Forbidden or proscribed by Islamic law.⁶ Harām: harām | hä-'rām|: forbidden by Islamic law.⁷

Al-Halālwa'l-Harām:

The permitted and forbidden in Islam. This constitutes the fundamental division between what Allah permits and what he forbids. The creation principle is that everything which God has created is for human use (Qurān 2. 29; 31. 20; 45. 13), but that for specific reasons in each case, some things are prohibited.⁸

In the Quran:

The term Halāl is particularly associated with Islamic dietary laws, and especially meat processed and prepared by those requirements. The words halāl and harām are the usual terms used in the Qurān to designate the categories of lawful or allowed and unlawful or forbidden. In the

Quran, the root h-l-l denotes lawfulness and may also indicate exiting the ritual state of a pilgrim and entering a profane state. In a literal sense, the root h-l-l may refer to dissolution (e.g., breaking of an oath) or alighting (e.g., of God's wrath). Lawfulness is usually indicated in the Quran by means of the verb Ahalla (to make lawful), with God as the stated or implied subject. In the Quran, the word halāl is contrasted with haram (forbidden).⁹

The Basic Principle:

The basic purpose and direction of all the directives of the Islamic Shari'ah is the purification and cleansing of the human mind, body and soul. In general directives the Shari'ah also requires man to keep in perspective of 'good' and 'bad' in his selection of what may and may not to be eaten.

The Quran says: ¹⁰ ﴿أُحِلَّ لَكُمْ الطَّيِّبُ﴾

All things suitable (for eating) have been permitted to you. The prerequisite criteria of 'suitable' and 'unsuitable' is the basic guidance of the Shari'ah regarding the lawful and unlawful in edibles. The Shari'ah has generally considered this basic guidance to be sufficient for man. As stated earlier, it is for this reason that the Shari'ah, has given us basic guidance regarding to lawful and unlawful things of what man should and should not eat.

Regarding Dead Fish and Locusts:

A word used in the Arabic language for carrion is dead animal in الْمَيْتَةُ (Maytāh). In the Arabic language, the usage of this word is, traditionally, restricted. The word, for instance, is not used for dead fish or dead locusts. It is precisely on this basis that the Prophet (PBUH) is reported to have said: ((Two dead animals and two kinds of blood are allowed for you to eat. As for the two animals that you can eat if they are dead, they are fish and locusts. As for the two bloods, they are liver and the spleen)).¹¹

An Exception Regarding the Prohibitions:

The mentioned list of prohibitions is to be strictly followed under all conditions. The only exemption is where a person is forced by necessity into benefiting from any of the stated prohibitions. The Qurān has, generally, referred to this exception in the following words:

¹² ﴿فَمِنْ أَضْطَرٍّ غَيْرِ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِذَا لَاقَى غَفُورٌ رَحِيمٌ﴾

Nonetheless, whoever (eats of these things), due to being driven by necessity, intending neither sin nor transgression, there shall be no sin upon him. Indeed God is extremely Forgiving, Eternal in mercy. The same words have been repeated in Al-Nakhl 16: 115. However, in Al-Māidah 5: 3, the Qurān has altered the words by adding a slight clarification of the phrase 'driven by necessity'. The related part of reads as:

﴿فَمَنْ أَضْطَرُّ فِي مَخْصَصَةٍ غَيْرِ مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾¹³

Then, the person is being forced by hunger (eats of these things), without the inclination toward sin, then indeed God is very forgiving, eternal in mercy. As is clear from the style and the words of this exception to the rules regarding the prohibitions, it refers to a situation where a person is forced to save his life by eating something which is clearly prohibited by the Shari`ah. Under such circumstances where a person is forced to prohibitions of the Shari`ah, he should do with dislike and abhorrence, rather than with the inclination of his heart. The permission to take advantage of the express prohibitions of the Shari`ah, in the presence of these words, should be pure with the spirit to save one's life, which obviously implies that it should be restricted to the quantity necessary to save one's life and it should, under no circumstances, exceed this limit.

The Qur'an doesn't exclude any type of fish. It simply says that meat from the sea is lawful:

- * ﴿Lawful to you is water-game and its use for food, for the benefit of yourselves and those who travel, but forbidden is land-game as long as you are in a state of Ihrām. And fear to Allah to whom you shall be gathered back.﴾¹⁴
- * ﴿And He it is who has subjected the sea, that you eat thereof fresh tender meat (i.e. fish), and that you bring forth out of it ornaments to wear.﴾¹⁵

Everything in the sea is Halal:

﴿Lawful to you is water-game and its use for food, for the benefit of yourselves and those who travel, but forbidden is land-game as long as

you are in a state of *Ihrâm*. And fear to Allah to whom you shall be gathered back.¹⁶

The word “fished” includes all types of *Sayd* (anything “caught”) in the sea. It means in the sea. Among the blessings that Allah has bestowed upon us is the fact that He has made our religion easy for us, and has not made it too difficult or unbearable. He has allowed us many things that were forbidden according to previously-revealed laws. Allah says:

﴿Allah intends for you ease, and He does not want to make things difficult for you﴾.¹⁷

﴿Lawful to you is water-game and its use for food, for the benefit of yourselves and those who travel, but forbidden is land-game as long as you are in a state of *Ihrâm*. And fear to Allah to whom you shall be gathered back.﴾¹⁸

In hadith described that: ((Ibn-‘Abbas narrates: *Sayduh* (Hunting) refer to things which are taken from the sea (alive), and *ta’āmuh* (food) refers whatever is taken dead)).¹⁹

Dead Fish (which float):

Being a fish *Halāl*, depends on some conditions provided that these conditions observe, otherwise it will be *Harām* and it is prohibited. In order for fish to become permissible for a Muslim, it must have the following conditions:

- * The fish must have scales on it.
- * The Muslim should be certain or satisfied that the fish has come out of the water alive or that it died while it was already in the fishing net.

The Prophet PBUH said ((What the sea throws up and is left by the tide you may eat, but what dies in the sea and floats you must not eat)). Fish that dies naturally without an external cause and begins to float on the surface of the water is considered *Harām*.²⁰

Samk Ī Tāfī:

The animals which are born and live in water are *Halāl*. All types of fishes are *Halāl*, except that fish which dies naturally without any external reason. On the other hand, if a fish die due to some external cause such as cold, heat and colliding with a stone, etc. then it would be

Halāl. ²¹ Allah says: ﴿Forbidden to you (for food) are: dead meat, blood, the flesh of swine﴾. ²²

As above mentioned in the verse, Allah Almighty forbade the meat of all dead animals without differentiate between sea animals and land animals. Therefore, all sea animals would also be included in this general prohibition. On the other hand, fish has been exempted from this general ruling due to the clear mention of its acceptability by the Messenger of Allah (PBUH).

Sayidanā Abdullah ibn ‘Umar (R.A) narrates that Muhammad (PBUH) said: ((Two types of dead meat and two types of blood have been made lawful for use: two dead meats are: fish and locust, and two types of blood are: liver and spleen)). ²³

حَدَّثَنَا أَبُو مُصْعَبٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدٍ بْنُ أَسْلَمَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أُحِلَّتْ لَنَا مِيتَتَانِ: الْحَوْتُ، وَالْجَرَادُ

Moreover, there is no mention in the Sunnāh literature that the Messenger of Allah or his Companions (Allah be pleased with them all) ever consumed the meat of a sea-animal besides the fish. Hence if it was permitted, it would have at least been consumed once in order to show its permissibility.²⁴

As far as the fish which dies naturally in the sea without an external cause (Samak ē Tāfi) is concerned, Sayidanā Jabir ibn Abdullah (R.A) narrates that Muhammad (SAW) said: ((What the sea throws up and is left by the tide you may eat, but what dies in the sea and floats you must not eat)). ²⁵

عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا أَلْقَى الْبَحْرُ أَوْ جَزَرَ عَنْهُ فَكُلُّهُ وَمَا مَاتَ فِيهِ وَطَفَا فَلَا تَأْكُلُوهُ

Sayidanā Ali (Allah be pleased with him) forbade the selling of naturally dead fish (floating fish) in the markets. ²⁶

In mentioned above, all sea animals are Harām apart from fish. According to the rules of Shari`ah it will be permitted to eat fish even without slaughtering it. Though, a fish that dies naturally without an external cause and begins to float on the surface of the water (Samakē Tāfi) is also considered Makrouh according to Hanāfi school of thought.

Hunting of Fish:

If a fish with scales is caught alive from water, and it dies after that, it is Clean (Tāhir, Pāk) and it is halāl to eat it, even if the scales are shed off later due to some reasons. And if it dies in the water, it is clean, but it is harām to eat it. However, it is lawful to eat it if it dies in the net of the fisherman. A fish which has no scales is harām even if it is brought alive from water and dies out of water. If a fish falls out of water or a wave throws it out, or the water recedes and the fish remains on dry ground, if someone catches it with his hand or by some other means before it dies, it will be halāl to eat it after it dies. It is not necessary that a person catching a fish should be a Muslim or should utter the name of Allah while catching it. It is, however, necessary that a Muslim should have seen or ascertained that the fish was brought alive from the water, or that it died in the net in water. If a dead fish, whether it was caught from water alive or dead, is bought from a Muslim, it is halāl, but if it is bought of a non-Muslim it is harām. Even if he claims that he has brought it alive from the water; except when a man feels satisfied that the fish was brought alive from the water or that it died in the net. It is halāl to eat a live fish but it is better to avoid eating it. If a fish is roasted alive, or is killed out of the water before it died itself, it is halāl to eat it, but it is better to avoid eating it. If a fish is cut into two parts out of the water, and one part of it falls into the water while it is alive, it is halāl to eat the part which has remained out of the water, and the recommended precaution is that one should refrain from eating it. Fish is halāl without slaughter. ²⁷

The Prophet (SAW), on these very grounds, is reported to have said:

أُجِلَّتْ لَنَا مِيتَتَانِ وَدَمَانِ فَأَمَّا الْمِيتَتَانِ فَالْحُوتُ وَالْجَرَادُ وَأَمَّا الدَّمَانِ فَالْكَبِدُ
وَالطَّحَالُ ²⁸

Two (types of) dead and two (forms of) blood are not forbidden for us: The former being fish and locust and the latter being liver and spleen.

Is Shark meat halāl:

Four major schools of thoughts are agreed that without any doubt consuming all types of fish is Halāl because it mentions in the Qurān and Sunāh. The acceptability of eating all types of fish without Islamic method of slaughtering is a special dispensation given to us by Allah. The general ruling for the impermissibility of fish has been exempted from eating dead animals, and it can be consumed in every kind of possible ways. ²⁹

Allah says: ﴿Lawful to you is water-game and its use for food, for the benefit of yourselves and those who travel, but forbidden is land-game as long as you are in a state of Ihrâm. And fear to Allah to whom you shall be gathered back.﴾³⁰

This verse, according to the understanding of the Hanāfi Mujtahids, refers to fish only, and not other animals. Moreover, Sayidanā Abdullah ibn ‘Umar (Allah be pleased with him) narrates that the Messenger of Allah (Allah bless him & give him eternal peace) said: “Two types of dead meat and blood is lawful for our consumption: “The two dead meats are: fish and locust, and the two types of blood are: liver and spleen.”

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَحِلَّتْ لَكُمْ مَيْتَتَانِ وَدَمَانِ، فَأَمَّا الْمَيْتَتَانِ، فَالْحُوتُ وَالْجَرَادُ، وَأَمَّا الدَّمَانِ، فَالْكَبِدُ وَالطِّحَالُ

Due to the above mentioned there is complete consensus with regards to the permissibility of eating all kind of fish, including sharks and whales. In fact, there is a renowned Hadith in Sahih al-Bukharî and elsewhere that alludes to the permissibility of eating large fishes such as the shark and whale. The narration clearly shows that the “Anmbar” fish which the sea had thrown out for the consumption of the Companions (Allah be pleased with them all) was a huge and gigantic fish. Sayidanā Jabir (R.A) resembled it to a small mountain and Sayidanā Abu ‘Ubayda (R.A) made an arch with its ribs, and a camel-rider passed under it without his head touching the ribs. Thus, it can be said (and Allah knows best) that this fish may be some kind of a whale or shark.³¹

In conclusion, all the Fuqāha of four schools of thought are in agreement that all types of fish are Halāl for consumption. This also includes sharks, for they are also considered to be from the fish family.

Catfish:

In Islamic law other than the Hanāfi (Shafi'i, Maliki and Hanbali) the general ruling is that all things which generates the sea is acceptable. The implication is that everything from the sea is lawful to consume except of a sea-dog and sea-pig. But, according to the Hanāfi School, whatever is known to be form the fish family will be permitted, and the rest is unlawful. Keeping this principle in mind, it is evident that a catfish is without any doubt is Halāl according to the other three schools of thoughts. In Hanāfi school, this depends on whether it is considered a fish

or not. The scholars mention that it's a special type of fish, thus lawful to eat according to the Hanafi School also.³² In general, animal creatures are divided into several categories: Sea creatures, Land creatures, birds and insects. Sea Creatures include all types of small n big fishes, Shell Fishes, Oysters, and Amphibians. There are few certain types of water animals which some scholars exclude from the permission outlined above. These are Crabs, Prawns, Lobsters, Shrimps, Otters, and Snail etc.³³

Crabs and prawns:

Those scholars who classify crabs and prawns as fish regard it as permissible to eat the same. However, there are many 'Ulam'a do not classify them as fish, hence it is better to abstain. Nabi ﷺ has said:

الحلال بين والحرام بين وبينهما مشبهات لا يعلمها كثير من الناس فمن اتقى
المشبهات استبرأ لدين هو عرضه³⁴

"Halāl is clear and Harām is clear. Between the two is that which is doubtful which many people do not know about. Whoever protects himself from the doubtful protects his religion and integrity."

Shrimps:

Shrimps can also live outside water and no one calls it a fish in regular day to day language. The cautious scholars of the past have discussed about it and gave no judgment; it is the choice of every individual to decide. Shrimps are doubtful legality.³⁵ The fatwa should have been worded differently. Although some contemporary scholars opine that a crab is fish and no consideration should be given to science, none of the classical scholars ever classified a crab as fish. There is a consensus amongst traditional scholars and hence, crabs will not be permissible according to the Hanāfi school of thought.

Prawns in Hanāfi School of thought:

However, with regards to prawns in the Hanafi fiqh there are differences of opinions. The question is whether they are considered from the fish family or not. According to the Arabic Language (lughāt) prawns are considered to be like a fish. Therefore, Maulana Ashraf Ali Thanwi (RA) has said it is permissible to consume prawns.³⁶ However, contemporary zoologists do not consider prawn be a fish, as it does not have a spine.³⁷ Such issues are based on technical point of view on the understanding of the common people. The understanding of scholars and

in the Arabic Language they have considered it to be a fish thus, lawful to consume.³⁸

However, there is a difference of opinion between the scholars, regarding the permissibility of prawns. There is a disagreement between the scholars whether prawns are considered a fish or not. Because of this there is a difference in its permissibility and impermissibility. From the apparent, its appearance is not similar to a fish but resembles an insect, therefore it should be avoided.” Similarly, it is stated regarding prawns in Ftāwā Rid,wyāh: “Prawns are disputed upon. Those who believe it to be a fish consider it Halāl as every type of fish is Halāl, and those who believe it to be otherwise, consider it Harām as any animal other than fish in the water are considered to be Harām. It is better to abstain in such matters.”³⁹

Because of this difference between the scholars regarding prawns, they are considered to be Makrūh [disliked] and should be avoided. However, for lobsters, there is no explicit mentioning of them within the writings of the scholars. As lobsters highly resemble a creature other than fish, they will be considered to be a creature of the water and not a fish; therefore it is not permissible to eat lobsters.⁴⁰

Is eating lobster Halāl or Harām?

Lobsters are from among the animals found in the water, and from the animals found in the water, only fish are Halāl to consume.⁴¹ Seafood is allowed in the Shāfi school of thought, whether they are fish, sea vermin's like shrimp, prawns, lobsters, and all shellfish. Crustacean are also included (i.e. they must be entirely aquatic only, not like land crabs and amphibious creatures), whether they were harvested from the sea or found dead on the shore.⁴²

Snails:

The Māliki said that a creature has no flowing blood should not be slaughtered, rather they included it under the same ruling as locusts, and it is slaughter or by boiling, roasting, or piercing it with a stick or needle until it is dead, whilst saying the name of Allah over it. The question is that a snail that is found in the desert or on the trees, can it be eaten? He said: I think it is like the locusts. I do not think there is anything wrong with eating it, but if it is found dead, it should not be eaten.⁴³

Crocodiles:

The correct view is that eating these is not allowed, because they have fangs and live on land even though they may spend a lot of time in the water. So precedence should be given to the reason for forbidding it. ⁴⁴

Frogs:

The correct view about frogs, it is not permitted to eat them because the Prophet (PBUH) forbade to killing them. It narrates in the hadith of ‘Abd al-Rahmān ibn ‘Uthmān, who said that, The Messenger of Allah (PBUH) did not allow the killing of frogs. According to mainstream Islamic dietary laws frog meat is consider as harām. It is not halāl because it includes together of having those animals, with ants, bees, and seabirds, which should not be killed by Muslims. Al-Shāfi school of thought forbids the use of frogs. In Islamic dietary law there are some debates and differences about the consumption of frog legs. In different school of Shāfi, Hānfi and Hānbali strictly forbids the utilization of frogs, but according to the Mālikī school of thought only certain type of frogs may be eaten.⁴⁵ In books a common rule is discussed i.e everything which we are forbidden to kill; we are not allowed to eat; if we are allowed to eat it we are allowed to kill it.

Otters and Turtles:

The right view is that to be on the secure side, it is permitted to eat them after slaughter them properly, because they live both on land and in the sea. The animals which live both on land and in the sea, the rules concerning land animals should be given precedence. But on the safe side, they must be slaughtered properly, except for crabs which do not need to be slaughtered. However they live both on land and in the sea, because they do not have blood. ⁴⁶ Everything that can cause harm is forbidden as food, even if it comes from the sea, because Allah says: ﴿And do not kill yourselves” (nor kill one another). Surely, Allah is Most Merciful to you.﴾⁴⁷ Furthermore said that: ﴿ and do not throw you into destruction﴾⁴⁸

The Opinion of Fuqahā in different school of thought:

In Hanāfi school of thought: It is Harām to eat shellfish (lobster, crab, shrimp, oyster, etc. Every fish and animals in the shape of fish are permissible. According to the Hanāfi sect, fishes such as turbot, carp, flipper and eel are permissible to eat. However, sea vermin’s such as

crab, mussel, oyster, lobster, crawfish and prawn are not eaten. Also, other water animals which are not in the shape of fish such as walrus, sea pig etc. are not eaten as well. In the Hanāfi school of thought, any living creature in the form of a fish only is permitted. Turbot, carp, flipper, eel and shark are included. Sea vermin's are not permitted because they are not in the form of fish. According to the Hanafi sect, eating the flesh of the animals which are not in the shape of fish is harām. Accordingly, animals which perpetually live in the water can be eaten. Turbot, carp, flipper and eel are in this group. But other water animals are not permissible. Mussel, oyster, lobster and crab are not accepted as permissible, they are accepted as harām. The reason why Hanafi sect accepts them as harām is because these kinds of animals are accepted as dirty both in the respect of appearance and the flesh they have.⁴⁹

In Shāfi and Hanblī school of thought:

Everything from the sea is Halāl. According to Imam Ahmed Ibn Hanbal (RA) And Imam Shafi'i (RA) all living creatures that live in the sea are halāl whether they are in the form of fish or not. Imam Mālik (RA) has said that all living creatures are halāl except for an eel. Based on this oyster, shrimp, lobsters and crabs will be permissible to consume.⁵⁰

In Mālikī school of thought:

Everything is Harām but the Eel is Halāl. According to other three sects (Shafi'i, Mālikī, Hanbali), all of the sea foods are eaten. While animals such as mussel, carp may be eaten in the sects of Shafi'i, Mālikī, and Hanbali; according to Hanafi sect they are not eaten. Their evidences are the following verse in which Allah (SWA) has said: ﴿The game of the sea and its eating has been made lawful for you﴾.⁵¹ Furthermore, Sayidanā Abu Hurairah(R.A) narrates that a man asked the Prophet of Allah: "O Prophet of Allah (PBUH), we travel on the sea and take a small quantity of water with us. If we use this for ablution, we would suffer from thirst. Can we perform ablution with seawater? The Prophet of Allah (PBUH) replied; its water is pure and what dies in it is lawful food."⁵²

In Shiā school of thought:

There is a small group of scholars (including the late Sayed Muhammad Hussein Fadl ullah from Lebanon) who argue that all

seafood is permissible, given that it has been killed outside of the water (i.e., not by dynamite). There is a general rule about fish. "Eat any fish that has scales, and do not eat what does not have scales." ⁵³

Conclusion:

In summarize that: It is known, in point of where they live, animals separate into two as land and sea animals. In regard with which animals of land are permissible, it is explained in the fiqh books. As for the sea animals, there are different views between sects. Complying to the ayahs of which we gave the meanings above, according to Shafī'i, Mālikī and Hanbali sects' scholars; all of the sea animals, that is to say all of the animals which live only in the sea but not in the land, it does not matter where they are available, whether they are in the shape of fish or anything else; they are permissible, they can be eaten.

Al-Hanafī school of thought: All fishes except squids are halāl.

Al-Shāfī school of thought: There are 4 different viewpoints:

- * Exactly like Hanafi branch, above.
- * All aquatic animal except those that have a harām terrestrial counterpart are halāl. (e.g., horses are halāl in Shāfī and they have a aquatic counterpart, seahorse. So this counterparts are halāl too, and the sea counterpart for dog is beaver, so it's harām.)
- * All aquatic animals are halāl except the following: frog, Crocodilia, Turtle.
- * Except frog, all other aquatic animals are halāl.

Al-Mālikī school of thought: All aquatic animals are halāl.

Al-Hanblī school of thought: All aquatic animals are halāl.

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عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ قَالَ بَعَثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعْثًا قَبَلَ السَّاحِلِ فَأَمَرَ عَلَيْهِمُ أَبَا عُبَيْدَةَ بْنَ الْجَرَّاحِ وَهُمْ ثَلَاثُ مِائَةٍ وَأَنَا فِيهِمْ فَخَرَجْنَا حَتَّى إِذَا كُنَّا بِنَعْصِ الطَّرِيقِ فِي الزَّادِ فَأَمَرَ أَبُو عُبَيْدَةَ بِأَزْوَاجِ ذَلِكَ الْجَيْشِ فَجُمِعَ ذَلِكَ كُلُّهُ فَكَانَ مِرْوَدِي تَمْرٍ فَكَانَ يَقْوَتُنَا كُلَّ يَوْمٍ قَلِيلًا قَلِيلًا حَتَّى فِيَّ فَلَمْ يَكُنْ يُصِيبُنَا إِلَّا تَمْرَةٌ تَمْرَةٌ فَقُلْتُ وَمَا نُعْنِي تَمْرَةٌ فَقَالَ لَقَدْ وَجَدْنَا فَقْدَهَا حِينَ فَنَيْتُ قَالَ ثُمَّ انْتَهَيْنَا إِلَى الْبَحْرِ فَإِذَا حَوْتُ مِثْلُ الظَّرْبِ

فَأَكَلَ مِنْهُ ذَلِكَ الْجَيْشُ ثَمَانِي عَشْرَةَ لَيْلَةً ثُمَّ أَمَرَ أَبُو عُبَيْدَةَ بِضِلْعَيْنِ مِنْ أَضْلَاعِهِ فَنُصِبَا ثُمَّ أَمَرَ بِرَاحِلَةٍ فَرُحِلَتْ ثُمَّ مَرَّتْ تَحْتَهُمَا فَلَمْ تُصِبْهُمَا. (Sahih al-Bukhari, Hadith No: 4102, Kitab al-

Maghazi)

; In another version of this narration, Sayyiduna Jabir (Allah be pleased with him) says:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: «خَرَجْنَا وَنَحْنُ ثَلَاثُ مِائَةٍ نَحْمِلُ زَادَنَا عَلَى رِقَابِنَا، فَقَمِي زَادُنَا حَتَّى كَانَ الرَّجُلُ مِنَّْا يَأْكُلُ فِي كُلِّ يَوْمٍ ثَمْرَةً»، قَالَ رَجُلٌ: يَا أَبَا عَبْدِ اللَّهِ، وَأَيْنَ كَانَتِ الثَّمَرَةُ تَقَعُ مِنَ الرَّجُلِ؟ قَالَ: «لَقَدْ وَجَدْنَا فَقْدَهَا حِينَ فَقَدْنَاَهَا، حَتَّى أَتَيْنَا الْبَحْرَ، فَإِذَا حُوتٌ قَدْ قَذَفَهُ الْبَحْرُ، فَأَكَلْنَا مِنْهُ ثَمَانِيَةَ عَشْرِ يَوْمًا مَا أَحْبَبْنَا» (Sahih al-Bukhari, Hadith

No: 4104)

³⁰. Al-Mā'idah, 5: 96.

³¹. Masnad Ahmad, Vol. 2 P. 97; Sunan Ibn Majāh, Hadith No: 331; Sunan Ibn Majah, Hadith No: 3314.

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