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Discourse Three: Ethical Studies

Observing ethical ocnsiderations towards animals by human beings is of special importance in the true religion of Islam, to the extent that they should ask for God's pardon for their ill-treatment the animals.

If Allah pardons you for what you have done to animals, He has given you a great pardon. 1

Be wary of God concerning what Allah has given to you and the tongueless among your possessions. Someone asked, "What do you mean by tongueless among our possessions?" He said, "Sheep, cats, pigeons, etc."2

Therefore, it would be natural that Islam, through expressing ethical instructions, mention to man the procedures and manners of utilizing animals. The ethical considerations and instructions can be divided into two general sections: physical considerations, psychological consideration.

Physical Considerations

Examining the ethical instructions of Islam concerning animals' physical aspects, we arrive at two general principles:

1. Productivity and Power of Animals

In Islamic law, the proportion between the capacity of the one charged with a duty (*mukallaf*) and the duty (*taklif*) itself is a principle common to human and animals. The intellect and religion deem it as unjust that the Almighty God demands tasks from His servants that are beyond their capacity:

♦ Allah does not task any soul beyond its capacity. 3 ﴾

In addition, in their relationships between one another, people are not allowed to demand each other to perform tasks that are beyond their capacity (impracticable). This principle is also true for the relation between man and animal; that is why man is not permitted to use the animal beyond its capacity or create a situation that it cannot tolerate.4

This principle enjoys so highly a status in Islamic thought that if not upheld, it would yield two critical results:

First, non-acceptance of devotional acts: Imam al-Sadiq (A.S.) asserts that God will not accept the prayers and Hajj of the person who spurs a mount to force it to move faster beyond its capacity.5

Second, Punishment: The Commander of the Faithful Imam "Ali (A.S.) reprimanded the caravan leader who had driven his mounts faster for arriving at destination sooner and deprived him of working in Kufa.6

Notice some functions of this principle concerning animals:

1.1. Taking Rides: using quadrupeds for riding is an accepted practice in Islam, as the Holy Qur'an has also approved it:

And horses, mules and asses, for you to ride them.

However, from two standpoints, this kind of usage should be proportionate to the animal's capacity and not cause it any harm:

First, how to ride it: the one who is using the mount for riding should watch out the way he sits on the animal that would not cause distress and pain to it and would fit the animal's body structure.

The Holy Prophet (S.A.W.) has prohibited the Muslims from *tawarruk* on animals. What is meant by *tawarruk* is a way of sitting on an animal with both legs hanging on one side or sitting in a cross–legged position, not dividing the weight of one's body on the entire animal's back.

Do not pull up your legs on the animal's back [or hang them on one side] and do not make its back a place for dialogs with others.8

Second, the number of riders: if the standard for using the animal is its capacity, this capacity is definitely limited for bearing the weight of a human being. For this reason, the Holy Prophet (S.A.W.) does not permit several people ride on the back of an animal (*irdaf*) at the same time and has warned that if they do that, one of them would be cursed (*mal'un*).9

Obviously, the permissibility or impermissibility of more than one person riding on an animal's back is subject to the capacity and tolerance of the animal; in case an animal cannot stand the weight of more than one person (unendurable), this would be impermissible. 10 Thus, to give the animal due consideration, people had better use the animal for riding in turn (*i'tiqab* = one by one), as it is practiced by the Holy Prophet (S.A.W.) on various occasions. 11

2.1. Carrying Loads: the animal's owner is not permitted to load it with goods heavier than its capacity under the pretext that he owns it, 12 because such an act would torment (*ta'dhib*) and harm (*idhrar*) the animal. 13 The Islamic ruler (government) is obliged to prevent the owner in case of perpetrating this

It is worth mentioning that in some legal sources two conclusions have been derived from this issue. First, in case of renting one's animal to others (lease), the owner is not allowed to agree that the renter can overload the animal. 15 Second, the user of the animal is not allowed to change the type or amount of loads being transported by the animal by changing the content of the lease contract, causing torment to the animal. 16

Furthermore, the load should be positioned on the back of the animal in a way that it may not cause any injury to it.

A caravan of camels was passing by Imam al–Sadiq (A.S.). He saw a camel whose load was tilted; he said, "O young boy! Do justice to this animal, because Allah loves justice." 17

The Holy Prophet (S.A.W.) said, "Place the loads on the rear part of the animal's back, because the two hands [front legs] are suspended (loose) and the two feet [hind legs] are firm." 18

- **3.1. The Amount and Speed of Movement**: according to the religious doctrines, two factors have to be taken into consideration in determining the amount and speed of the movements of animals such as horses and camels.
- **1.3.1. The Quality of the Track on which to Move**: the one who uses an animal for travelling has to be careful not to cause any harm to the animal in this way; thus, he is obliged to choose the easiest path for it to move on.

Once any one of you rides an animal, take it through smooth roads. 19

2.3.1. Speed of Movement: also, the animal's speed should be chosen proportionate to the quality of the path (road).20

When you are travelling on a verdant land, give the camel a chance to graze; and when you are travelling in a dry and arid land, pick up your speed before the animal becomes restless with the roughness of the path. And when the night falls, stop moving on, because during the night the predators and creepers move on the way [and may be harmed as you are moving on].21

God loves tolerance and helps practicing it. Whenever you ride lean animals, use them according to their capacity; if the land is dry pick up their speed and if it is green, leave them to graze.22

If you are moving on a verdant land, be tolerant to the animal to graze, but if you are travelling on a dry land, pick up your speed.23

For this reason, in some Islamic sources directing animals through the [right] pathway is regarded as among their rights so that they would not be harmed out of unfamiliarity with the path (The right thing for

the rider to do is to say to the pedestrian: [move out of] the way!).24

Therefore, only man's need for fast movement is not enough to force the animal to move fast; rather, it should be noted that this kind of movement would not do any harm to the animal.25

2. Utilization and Welfare of Animals

According to religious instructions, constant use of animal is not permissible; the animal should be given intervals to rest. 26 It was on this basis that when the Holy Prophet (S.A.W.) performed his morning prayer on journey, he would dismount his camel and let it rest for a while. 27 Similarly, in praise of the one who rested his animal after climbing up steep slopes, he said:

Anyone who dismounts an animal when riding in mountain passes, is like the one who frees a slave in the way of God. 28

Some supportive instructions of Islam in this regard are as follows:

1.2. Avoidance of Sitting on the Back of Animals for a Long Time: the user of the animal is not allowed to keep sitting on its back unnecessarily for a long time 29 and use its back as a place for conversation.30

Beware of using the back of animals as a place for conversation, since God has left them at your disposal to use them to attain places you normally would attain with difficulty; and He made the earth a settlement for you, so fulfill your needs by them [and release them].31

Ride the animals without hurting them and after fulfilling your needs, leave them unhurt; do not use animals as seats and as places for conversation on roads and in marketplaces. It is likely that an animal is better than the person riding it and is more in remembrance of the Almighty Allah than he is.32

Furthermore, one is not allowed to use the back of the animal as a place for sleeping and spending his resting time.33

2.2. Taking Loads off the Animal's Back: in view of some jurists, merely stopping the animal in intervals for resting it is not enough; rather, the load should be taken off its back so that the animal has a chance to have enough rest, as keeping loads on its back torments (*ta'dhib*) it.34

The Holy Prophet (S.A.W.) saw a camel whose legs were tied while bearing its saddlebag. He asked, "Where is its owner? He does not have mercy. Let him be ready for prosecution on Resurrection Day.35

3. Utilization and Health of Animals

Despite the two factors of capacity and welfare, there is a third factor in man's Utilization of animals, which can be inferred from the following saying of the Holy Prophet (S.A.W.):

Be wary of God concerning these animals; eat their meat when they are fattened and use them for riding when they are healthy. 36

In Muslim jurists' view, man's utilizing animals must not directly or indirectly result in their physical impairment.

To prove this issue, despite some reasons referred to in specific instances, the general law of *la dharar* wa la dhirar fi al-Islam (no injury or malicious damage is [allowed] in Islam) can be used here. As, according to this rule, any action that results in damage to oneself or others is not permissible and performing it is unlawful (*haram*), no matter it is done to man or other living creatures – animals and plants.37

For instance, man is entitled to use the milk of animals such as camel, cow, and sheep as a perfect food supply; however, this should not cause damage to the animal. Accordingly, three duties are stated for man in this regard:

Clipping nails: if one wants to milk an animal directly with their own hands, they are obliged to clip their nails to avoid hurting or injuring the animal 38

Giving advice to one of his companions for taking care of the sheep, the Holy Prophet (S.A.W.) said:

Tell your children to clip their nails to avoid scratching or injuring the animal's breast. 39

Obviously, if this is done indirectly by automatic milking devices, the above caution is also to be taken into consideration, even though no mention is made about it in early legal (Islamic) sources. Actually, the reason behind such a ruling in Islamic legal system is to prevent hurting the animal, without its way of doing has anything to do with that ruling (*tanqih al-manat* = refinement of the root of the ruling).

Not fully draining the milk: it is better (recommended) and sometimes necessary (obligatory) that the animal's breast is not totally drained of milk, because in normal conditions this would torment the animal and in time of drought and lack of fodder it would cause damage to the animal.40

Perhaps, it was for this consideration that the Holy Prophet (S.A.W.) said:

In time of abundance of water, milk your animal so that you can enter Paradise. 41

Furthermore, if the animal has a suckling baby, the total draining of the breast would endanger the baby's health; therefore, it is obligatory to leave some milk in the animal's breast to feed its baby, unless feeding it otherwise.42

It should be mentioned that what Islam intends by not totally draining the animals' breast is primarily providing for the health of the animal and its baby; however, this ruling can also be of benefit to human, since the little milk remaining in the animal's breast may cause more milk production.

The Holy Prophet (S.A.W.) told a man who was striving hard to milk a camel:

Leave out some of the milk to produce more milk. 43

Refraining from Milking (*tark al-halb*): acceptance of a bilateral legal relationship existing between man and animal causes each one of them to have a mutual right to each other. Given this, if man does not use his right to utilize the animal and it causes damage to the animal, this right turns into a duty obliging him to utilization, which he cannot shun under the pretext of not wanting to.

Therefore, man is not permitted to disregard his right to use the milk and milking the animal, because accumulation of milk and not draining the animal's breast in due time would inflict harm on the animal.44

Attempting to Increase the Animal's Weight: it is according to this attitude that some Islamic legal sources have examined the issue of fattening (*tasmin*) animals. Although increasing the weight of the animals whose meat is edible would entail economic benefits, it is necessary to notice that practicing this should not endanger the animal's health, especially if this increase is achieved by feeding it with chemical food supplements.45

Psychological Considerations

If we assume that animals have souls just like human beings do, we should not neglect their psychospiritual considerations in adjusting our behavior to them. Relying on the sayings of the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.), the Muslim jurists and legal experts have stated such considerations in terms of ethical rules:

1. Not Using Offensive Words

Using abusive and offensive words is not only remorseful to be used about human beings, but also a Muslim is not permitted to use them even about animals. For this reason, Imam Al-Sadiq (A.S.) has regarded not using foul language against animals as a right that has to be respected by man towards animals.46

The repugnance of this act is so strong that some Muslim jurists have not only viewed it as unlawful (*haram*), but also as among the major sins, 47 and have considered its perpetration as causing the obstruction of justice and non-acceptance of testimony by the offender in judicial issues.48

The Apostle of Allah (S.A.W.) said, "When the animal that is being ridden by someone disobeys and its owner says 'O! miserable' to it; the animal will answer back, 'miserable is the one who is more disobedient to the Lord'."49

The Apostle of Allah (S.A.W.) heard someone cursing his camel. He told him, "Go back and do not accompany us with the camel that has been offended."50

While travelling, the Holy Prophet (S.A.W.) heard someone's cursing and said, "What was that?" they answered, "A woman is cursing her camel." The Holy Prophet (S.A.W.) said, "Leave her, as she herself is cursed."51

The Commander of the Faithful Imam 'Ali (A.S.) said about animals, "Do not curse them (animals), because God curses the curser."52

The Holy Prophet (S.A.W.) warned against cursing the rooster and said, "It wakes you up for morning prayer."53

Not only a Muslim is not permitted to use harsh words when talking to animals, he is also obliged to have a respectful behavior towards them and address them with beautiful words.

The Apostle of Allah (S.A.W.) dismounted his horse and told it, "Bravo to you! Wait here until I perform my prayers and return to you." The Apostle of Allah (S.A.W.) went into the mosque and the horse was standing still there; the Holy Prophet (S.A.W.) said, "Bravo to you!" 54

2. Emotional Support

The spiritual and emotional interdependence of the mother and the child in human beings as well as in animals has always been of interest to Islam.

One day, I was travelling with the Holy Prophet (S.A.W.) when he left us for some task. I saw a bird with two fledglings. I took its two fledglings. The bird turned back and flew behind us for its fledglings. The Holy Prophet (S.A.W.) arrived and then said, "Who made this bird sad for its babies? Give it back its babies."55

We were sitting with the Holy Prophet (S.A.W.). A man arrived with something wrapped in the corner of his robe and said, "O Apostle of Allah! When I saw you, I came toward you. I was passing by a garden when I heard the sound of a bird's fledglings. I went to them, picked them up and put them in the corner of my robe. When the mother bird saw this, it began to fly over my head. I opened part of my robe for it and it dropped on its babies. I wrapped the robe and brought them to you." The Holy Prophet (S.A.W.) said, "…Take them back where you have taken them and take their mother with them, too"56.

This has led to the fact that the issue of their [the mother and the fledgling] separation is taken into consideration by the Muslim legal experts in two instances:

- **1.2. Selling and Buying**: it is discussed in some legal sources that when transacting quadrupeds, their babies should not be separated from their mothers and none of them should be sold without the other, 57 because this will torment both the mother and the baby; and the general law of prohibition of abusing animals applies to this issue, too. 58
- 2.2. Grazing: similarly, some jurists have brought up the issue of not separating the mother and the

baby when turning them out to graze until the baby can stand on its own and their need for each other is fulfilled so that grazing one without the other would not harm them.59

3. Strengthening the Feeling of Safety

Feeling of safety is among the psycho-spiritual needs common to man and animal that Islam has formally recognized for them and has approved non-disturbance of peace as a principle in its ethico-judicial system.

Accordingly, while prohibiting hunting swallows that take shelter in one's house, and within the framework of the law, "give shelter to any animal that take shelter with you", it stresses that animals and birds should feel at peace and secure when living with human beings.60

This principle is well represented in the Holy Prophet's (S.A.W.) conducts. When the army of Islam was leaving Madinah for Makkah, they encountered a dog that was breast–feeding its puppy and howling. The Holy Prophet (S.A.W.) told one of his soldiers to stand in front of the dog and its puppy lest they be hurt by the marching army.61

The ethical considerations of Islam in the importance of the safety of animals can be examined in the following two recommendations:

1.3. Not Encroaching upon the Birds' Habitats: most jurists believe that the birds' nestlings, as long as they are not enabled to fly, are in God's protection and that it is aversive (*makruh*) to hunt them in their nests.62

Contrary to this generally accepted view, some Shi'a jurists regard this act as unlawful (*haram*), just as Ahmad Murtadha, a Suuni jurist, by generalizing the issue, maintains that hunting the bird inside its nest is unlawful.63

Judging the above as unlawful or aversive is important from two perspectives: first, in respect to the father and mother birds, since they have to be sure their privacy is respected by human beings and no transgression is made when they leave the nest for procuring food. Second, in respect to the nestling that is entitled to spend its growth period assured by Divine protection without feeling in danger by its greatest hunter, i.e., human being.

The Exalted Allah has secured commitment from man not to take the mountain bird's nestlings from their nests until they are not enabled to fly.64

Do not go after the birds in their nests so long as they have not grown feather and learned to fly.65

[Someone asked Imam al-Sajjad (A.S.):] A sparrow has laid eggs in the house; can the nestling be taken from its nest? He answered, "No. The nestling is in God's protection so long as it has not begun to fly."66

Encroaching upon the birds' private domain and taking their nestlings is not only an indecent act, but the Holy Prophet (S.A.W.) has warned against it as the perpetrator will face Divine punishment for it.

There was once a man among the people of the past who would encroach a bird's nest and take its nestlings whenever its eggs hatched. The bird complained to God about this. God inspired to it that if he did this again, He would cause him to perish.67

2.3. Avoiding Hunting in the Night: According to Islam, time is of importance; nevertheless, nighttime is of special importance. Among the most significant features that the Holy Qur'an states in various verses is the restfulness of night:

♦He has made the night for rest, ≥ 68

It is He who made the night for you, that you may rest in it 69

The Holy Prophet (S.A.W.) has regarded as impermissible to perturb the birds' privacy during the night and disturb their peace, saying:

Do not enter a bird's sleeping place before morning arrives. A man asked him, "O Apostle of Allah! What is a bird's sleeping place?" He answered, "Night is the sleeping place of a bird. Do not seek to get the birds before morning falls."70

The Apostle of Allah (S.A.W.) prohibited going toward birds at night and said, "Night is a safe haven for the bird."71

Do not look for birds in their nests at night, because for them night is the source of security and that is because of the Mercy that Allah Almighty has for them."72

Accordingly, the Muslim jurists have considered hunting birds at night as impermissible (makruh).73

Although abiding by this ethical principle is enjoined only for the birds, hunting various types of animals can also be regarded as impermissible by accepting the relaxing quality of night for all animals with the use of the generalization principle.

Perhaps it is for this same reason that the Muslim jurists have declared killing animals at night as impermissible (*makruh*)74 and maintain that the negative effects of cruel behavior (killing) are stronger at night.75

Imam al-Sajjad (A.S.) would always reiterate to his servants to avoid slaughtering animals until dawn, saying, "God has made the night for rest for all creatures." 76

4. Reduction of Tension and Strengthening Relaxation

If we accept that the animals, like human beings, have immaterial souls and enjoy a kind of

understanding of and consciousness to what goes on around them, then we are obliged to adjust our behavior towards them in a way that may reduce their tension and negative emotions and give them back their lost peacefulness resulting from man's wrong exploitation of them.

The Apostle of Allah (S.A.W.) entered the house of one of the Helpers (ansars) in Madinah and there was a camel there. Upon seeing the Holy Prophet (S.A.W.), the camel's eyes filled with tears. The Holy Prophet (S.A.W.) went near it and cleaned its tears with his own hands. The camel calmed down; then, the Holy Prophet (S.A.W.) said, "Who is the owner of this camel?" A young man from among the Helpers came forward and said, "O Apostle of Allah! It is mine." His Holiness (S.A.W.) said, "Do you not fear God in the matter of this beast, which He has made you its owner? This camel has complained that you leave it hungry."77

Paying attention to this principle is so important in Islam that if the types of exploitation of the animal by man is (essentially) agitating, he is obliged to treat it in his utilization in such a way that would bring the anguish to the lowest level possible.

For instance, among different types of utilization is the man's use of some animals' meat, skin, and other organs, which will not be possible except by slaughtering them; however, man is not allowed to perform the slaughtering by adding to the anguish to the animals without ethical considerations.

The Holy Prophet (S.A.W.) says in this respect:

God has prescribed for you to do good to everything; so, when you kill and slaughter (animals) do kill and slaughter in a good way. 78

Accordingly, by devising laws adopted from the great religious personalities, Muslim jurists have attempted to demonstrate that from the Islamic point of view the animals should not be psycho-spiritually abused even when being killed.79

Imam al-Baqir (A.S.) said in this respect:

Treat the animal that is supposed to be slaughtered with kindness and gentleness and not with violence, either before slaughtering it or afterwards. 80

4.1. Not Killing (Slaughtering) Animals in Front of Each Other: Among the abusive treatments of animals is killing them in front of each other (*qatl–i sabr*),<u>81</u> which although most Muslim legal experts regard as aversive (*makruh*),<u>82</u> it seems to be unlawful (*haram*) since it torments the animals that see the killing.

The Commander of the Faithful Imam 'Ali (A.S.) would never kill (slaughter) a sheep in front of another sheep and would say83:

Do not kill a sheep in front of another sheep and a camel in front of another camel 84

The repugnance of this action is so great that it is related that the reason for Jacob's (A.S.) separation from his son Joseph (A.S.) was that one day he killed a lamb in front of its mother that was wailing, without being moved with compassion.85

4.2. Not Sharpening the Knife before the Animal's Eyes: Muslims are not permitted (it is *makruh*) to sharpen the knife or the tool that is to be used for slaughtering the animal before its eyes, it behooves them to do this away from the animal's sight (*muwarat*);86 this would unduly torment the animal.87

The Holy Prophet (S.A.W.) was passing by a man who had laid his foot on the chest of a sheep and was sharpening his knife while the sheep was gazing at the man. The Holy Prophet (S.A.W.) told him, "Do you want to kill it twice? Why did you not sharpen your knife before you laid the animal down?"88

- **4.3. Not Showing the Knife to the Animal**: Among the Islamic rules of conducts at the time of slaughtering the animal is not showing it the knife and the tools used for killing it.89
- **4.4. Taking the Animal to the Slaughterhouse with Kindness**: From the viewpoint of the Muslim jurists, it is not permissible to treat animals violently even when preparing them for slaughtering because such a treatment would unduly intensify their torment (*'ilam*). 90 Therefore, one is obliged to take the animal to the slaughterhouse cautiously and kindly.91

The Apostle of Allah (S.A.W.) saw a man who had taken an animal's ear and pulling it toward the slaughterhouse. He told him, "Take it kindly to its death." 92

It seems it can be implied from this religious command that the animals enjoy a kind of consciousness that enables them to realize what others intend to do to them, as it is related in traditions.93

4.5. Laying them down [for Slaughtering] with Kindness: Among the religious rules for slaughtering small animals such as sheep is to be non-violent toward them when preparing them for slaughtering. For this reason, it is recommended to lay them down cautiously and kindly – preferably on the left side of their body94 – and then slaughter them.95

Verily, Allah is benevolent and likes benevolence; ... Whenever you slaughter an animal, slaughter it with benevolence; each one of you has to sharpen his knife and then lay the animal down.96

Allah has prescribed for you doing benevolence in everything you do... When you slaughter an animal, do it benevolently... You should lay it down on the left side of its body.97

Imam al-Baqir was asked about slaughtering the sheep while standing. He answered, "This is not proper. The religious tradition is to lay the animal down facing toward the Ka'ba (*qibla*).98

4.6. Not Slaughtering the Animal by its Breeder: There is no doubt coexistence with animals would provide for a reciprocal emotional relationship between human and the animal. Thus, it is recommended in religious sources that the one who undertakes to breed animals should not be the one who slaughters

them, 99 because this would not only have an unpleasant spiritual impact on the animal, it would make man cruel-hearted, as well. 100

I said to Imam al-Ridha (A.S.), "I had a sheep that I had fattened for offering as sacrifice. When I took it and laid down, it looked at me and I felt pity for it. Yet, after a while, I slaughtered it." Imam al-Ridha (A.S.) said, "I wish you had not done it; do not slaughter the animal that you have bred yourself." 101

I said to Imam al-Sadiq (A.S.), "A man gives fodder to a couple of sheep to slaughter them [later]." He said, "I do not like this." I said, "A man buys a camel or sheep and supplies fodder for them from here and there to fatten them for sacrifice; can he sacrifice them [when the time for sacrifice comes]?" The Imam (A.S.) said, "When the time [for sacrifice] comes, he should go to the market and buy a sheep or camel and sacrifice it." 102

5. Spiritual Tortures

Avoidance of psycho-spiritual torment of animals is among the ethical principles that if not attended to properly would entail physical damage to the animal, as well.

Two instances of these torments are touched upon in Islamic sources:

1.5. Entertainment with Animals: One of the spiritual torments to animals is to pit animals against each other (*tahrish*), which can be motivated by such factors as racing and entertainment.

The Holy Prophet (S.A.W.) has prohibited Muslims from such acts and the Infallible Imams (A.S.) have regarded it as aversive (*makruh*), except for the dogs.

The Holy Prophet (S.A.W.) prohibited pitting beasts against each other. 103

The Apostle of God (S.A.W.) prohibited pitting beasts against each other, except for dogs. 104

The Holy Prophet (S.A.W.) considers as aversive the castration of animals and pitting them against each other. 105

I asked about pitting animals against each other, he [the Holy Prophet] answered, "All of it is aversive except fro the dogs." 106

I asked Imam al-Sadiq (A.S.) about pitting animals against each other. He said, "I regard it as aversive, except for the dogs. 107

Excluding dogs from the undesirability of *tahrish* does not mean that pitting them against each other is desirable; rather, it indicates the permission to instigate (*ighra*') the hunting dogs and encouraging them to chase prey (*sayd*). 108

Pitting animals against each other is presumable in two cases: 1. pitting same species animals against

each other, 2. Pitting different species animals against each other, which in both cases are prohibited and despised by the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) and regarded as unlawful (*haram*). The reason is that, irrespective of injuring the animals, such an act would unduly inflict torment on them, as well-109

This religious precept seems to reflect the fact that from the viewpoint of Islam man is not permitted to misuse animals for his entertainment and profiteering, even though using such comely phrasings as races and sports to justify this practice. 110

Perhaps it was from this perspective that the Holy Prophet (S.A.W.) did not regard as permissible the unwise using of animals and exploiting them in useless and futile affairs and regards their utilization as permissible only when they are used in the way of God, namely, in the direction that God has specified in their creation. 111

Therefore, we can rightly judge that such contests as cock-fighting, dog-fighting and bull-fighting are indecent and unlawful practices.

5.2. Using Birds as Baits: Man has since long ago used different methods for hunting animals, among which is using the animals themselves. In this method, which is used for the flying birds, a bird is used on the land to lure the flying birds down to a certain place and catch them with a net.

Some Muslim jurists wonder if the birds can be used as baits, by means of which other birds can be caught. To reply, some argue that although using such birds is materially high yielding for man, using them as baits is impermissible and buying and selling them for this purpose is not right. 112

5.3. Children's Play with Animals: One of the treatments that can spiritually torment animals is leaving them with children. Although playing with small animals and certain birds is pleasing for children, it is not desirable since it tortures them. 113

It was on this basis that Imam al-Ridha (A.S.) advises his companions not to even leave a lark with children to play with. 114

Conclusion

Several significant conclusions can be made from all that was said above:

- 1. From the Islamic point of view, animals, like human beings, have the right to live. Therefore, man is not permitted to deprive animals of this right by way of [abnormal] exploitation.
- 2. From the Islamic point of view, tormenting animals is an undesirable practice; thus, man is not permitted to use animals in such way as resulting in their physical or psychological abuse.
- 3. From the Islamic point of view, animals enjoy a special spiritual status because of their non-material

soul; therefore, man is not permitted to use animals in such a way that would violate their dignity.

According to these three main principles, in normal conditions man is not permitted to bring (premature) death to the animals, endanger their physical health, cause physical deformity, torture them, and finally, abuse them by his behavior.

In abnormal (necessary) conditions, when medical research is not possible without using animals as subjects in laboratories, medical researchers are required to use procedures that entail the lowest death rate and abuse to the animals.

In such conditions, using genetic engineering and biotechnological experiments on animals that may result in their deformities, has to be carried out in such a way that while minimizing the physical and psychological torments to the animals to the lowest possible rates, it should not offend them or degrade their spiritual status.

- 1. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/66, No. 24973.
- 2. Makarim al-Akhlaq, p. 129.
- 3. Q. 2:286.
- 4. Rawdhat al-Talibin, 6/524; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/142; Al-Iqna' fi Hall Alfaz Abi Shuja', 1/224; Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/397; Mughni al-Muhtaj ila Ma rifat Ma ani Alfaz al-Minhaj, 3/463.
- 5. Man la Yahdhuruhu al-Faqih, 2/392-393, No. 2493; Bihar al-Anwar, 61/212, No. 19.
- 6. Bihar al-Anwar, 96/122, No. 8.
- 7. Q. 16:8.
- 8. Bihar al-Anwar, 61/214.
- 9. See: Bihar al-Anwar, 61/219; Wasa'il al-Shi a ila Tahsil Masa'il al-Shari a, 8/363; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/66, No. 24972.
- 10. Al-Majmu® fi Sharh al-Muhadhdhab, 4/391; Bihar al-Anwar, 61/219.
- 11. Al-Majmu fi Sharh al-Muhadhdhab, 4/392.
- 12. Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 8/503; Kifayat al-Ahkam, p. 198; Kashf al-Litham, 2/118; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/141-142; Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/397.
- 13. Al-Sharh al-Kabir, 9/312-313; Kashshaf al-Qina', 5/581.
- 14. Figh al-Sunna, 3/509.
- 15. Al-Majmu® fi Sharh al-Muhadhdhab, 4/390-391.
- 16. Bada'i al-Sana'i fi Tartib al-Shara'i fi, 4/214; Tuhfat al-Fughaha, 2/358; Al-Mabsut, 11/138; Al-Madunat al-Kubra, 6/163, 4/472.
- 17. Al-Mahasin, 2/361, No. 91.
- 18. Man la Yahdhuruhu al-Faqih, 2/292, No. 2491.
- 19. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/62, No. 24952
- 20. Al-Majmu® fi Sharh al-Muhadhdhab, 4/392-393, No. 24952.
- 21. Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. 435, No. 962; also see: Sahih ibn Khuzayma, 4/144 and 145.
- 22. Al-Mahasin, No. 87.
- 23. Ibid, No. 89.
- 24. Bihar al-Anwar, 61/214-215.
- 25. Kashif al-Ghita', Shaykh Ja'far, Kashf al-Ghita' 'an Mubhamat Shari'at al-Ghura', 2 vols. Lithography, Nashr-i Mahdi, Isfahan, 2/433.
- 26. Al-Majmus fi Sharh al-Muhadhdhab, 4/391.
- 27. Bayhaqqi, Al-Sunan al-Kubra, 5/255.

- 28. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/69, No. 24992; also see: Musnad al-Shammiyin, 1/381, No. 662.
- 29. Bihar al-Anwar, 61/219-220.
- 30. Al-Majmu® fi Sharh al-Muhadhdhab, 4/391.
- 31. Bihar al-Anwar, 61/219-220; Sunan Abi Dawud, 1/578, No 2567.
- 32. Miza al-Hikma, 1/712; also see: Ibn Habban, 'Ali b. Balban, Sahih ibn Habban, ed. Shu'ayb alArnu'ut, 16 vols.s, 2nd edition, Mu'assisat al-Risala, 1416/1993, 12/437, No. 5617; Sahih ibn Khuzayma, 4/142.
- 33. Al-Majmu® fi Sharh al-Muhadhdhab, 4/391.
- 34. Mawahib al-Jalil bi Sharh Mukhtasar Khalil, 4/169.
- 35. Bihar al-Anwar, 7/267; Nur al-Thaqalayn, 1/715.
- 36. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/67, No. 24980.
- 37. Al-Majmu fi Sharh al-Muhadhdhab, 4/390-391.
- 38. Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 3/463; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 31/397; Rawdhat al-Talibin, 6/524; Al-Iqna' fi Hall al-Alfaz Abi Shuja', 2/142; Kashshaf al-Qina', 5/581; I'anat al-Tallibin, 2/124. 39. Al-Tabagat al-Kubra, 7/48.
- 40. Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, 3/118; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa©id, 3/290; Kashf al-Litham, 2/118; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 31/397; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/143; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 3/463; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/142; Rawdhat al-Talibin. 6/524.
- 41. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/67, No. 24981.
- 42. Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, 3/118; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa®id, 3/290; Al-Lum'at al-Damishqiyya, p. 178; Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 5/486; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 8/502; Kifayat al-Ahkam, p. 198; Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, 2/168; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 31/396; Kashshaf al-Qina', 5/581; Al-Sharh al-Kabir, 9/313-314; Fiqh al-Sunna, 3/509; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/142; Fath al-Wahhab bi Sharh Manhaj al-Tullab, 2/218; Rawdhat al-Talibin, 6/524; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 3/463.
- 43. Ma'ani al-Akhbar, p. 284; also see: Al-Mujazat al-Nabawiyya, pp.250-251.
- 44. Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 3/463; Jawahir al-Kalam fi Sharh Shara'i© al-Islam, 31/397; Al-Muhadhdhab al-Bari' fi Sharh al-Mukhtasar al-Nafi', 2/500; Rawdhat al-Talibin, 6/524; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/142; Fath al-Bari Sharh Sahih al-Bukhari, 4/303.
- 45. Mawahib al-Jalil bi Sharh Mukhtasar Khalil, 4/377.
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- 48. I'anat al-Talibin, 4/324; Afandi, Muhammad 'Ala' al-Din, Takmilatu Radd a-Mukhtar 'ala Durr al-Mukhtar, 2 vols. Dar al-Fikr, Beirut, 1415/1995, 1/564; Kashshaf al-Qina', 5/581.
- 49. Wasa'il al-Shita ila Tahsil Masa'il al-Sharita, 8/356, No. 1-2.
- 50. Mizan al-Hikma, 1/712.
- 51. Sunan Abi Dawud, 1/577, No, 2561.
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- 58. Mawahib al-Jalil bi Sharh Mukhtasar Khalil, 7/552; Figh al-Sunna, 3/62.
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- 60. Wasa'il al-Shi⊡a ila Tahsil Masa'il al-Shari⊡a, 23/238.
- 61. Subul al-Huda wa al-Rishad fi Sirat Khayr al-'lbad, 5/212 and 7/29.
- 62. Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, p. 579; Jami® al-Madarik fi Sharh al-Mukhtasar al-Nafi®, 5/110-111; Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, 2/269; Mukhtalaf al-Shi®a, 8/353; Tahrir al-Ahkam, 2/158; Al-Muhadhdhab al-Bari' fi Sharh al-Mukhtasar al-Nafi', 4/158; Nuzhat al-Nazir fi al-Jam' bayn al-Ashbah wa al-Naza'ir, p. 46; Kashf al-Rumuz fi sharh al-Mukhtasar al-Nafi', 2/347; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 3/91; Hilli, Ja®far b. Hasan, Al-Mukhtasar al-Nafi® fi Fiqh al-Imamiyya, 3rd edition, Tehran, Bi'that Publication, 1410/1989, p. 241; Ibn Babuwayh, Fiqh al-Ridha, International Conference on Imam al-Reza (A.S.), Mashhad, 1406/1985, p. 295.
- 63. See: Al-Mughni', p. 422; Al-Hidaya fi al-Usul wa al-Furu', p. 312; Man la Yahdhuruhu al-Faqih, 3/321; Al-Mughni'a, p. 577; Sharh al-Azhar, 4/71.
- 64. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 6/117, No. 19326.
- 65. Wasa'il al-Shi⊡a ila Tahsil Masa'il al-Shari⊡a, 16/239, No. 1.
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- 67. Kanz al-'Ummal, 6/372, No. 16116.
- 68. Q. 6:96.
- 69. Q. 10:67.
- 70. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 16/239, No. 1.
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- 72. Makarim al-Akhlaq, p. 129; Al-Mu'jam al-Kabir, 3/131, No. 2896.
- 73. Al-Nihaya, p. 579; Al-Sara'ir, 3/91; Al-Mukhtasar al-Nafi', p. 241; Kashf al-Rumuz, 2/347; Al-Muhadhdhab al-Bari', 4/158; Jami' al-Madarik, 5/110. The reason for viewing it as impermissible and not unlawful (haram) despite the Holy Prophet's (S.A.W.) prohibition, is the weakness of the sanad of the narrated traditions and the inclusiveness of the reasons suggesting the lawfulness of hunting. See: Riyadh al-Masa'il, 2/269.
- 74. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/489; Kashf al-Litham, 2/1260; Jawahir al-Kalam fi Sharh Shara'i al-Islam, 36/134.
- 75. Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/60.
- 76. Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/60.
- 77. Lawaqiʻ al-Anwar al-Qudsiyya fi Bayan al-ʻUhud al-Muhammadiyya, p. 395; Ahmad, Musnad, 1/204; Sunan Abi Dawud, 1/574, No 2549; Al-Mustadrak ala al-Sahihayn, 2/66–100; Subul al-Huda wa al-Rishad fi Sirat Khayr al-ʻIbad, 9/512; Bihar al-Anwar, 61/111.
- 78. Sunan al-Nisa'i, 7/227.
- 79. "The necessity to kill them does not contradict the proper quality of doing it." Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 2/311.
- 80. Bihar al-Anwar, 62/316.
- 81. Al-Nihaya fi Mujarrad al-Figh wa al-Fatawa, p. 584.
- 82. Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 4/272; Jawahir al-Kalam fi Sharh Shara'ii al-Islam fi Masa'il al-Halal wa al-Haram, 36/137; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/490; Qawa'id al-Ahkam fi Maʻrifat al-Halal wa al-Haram, 3/322; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa©id, 4/138; Al-Durus al-Sharʻiyya fi Fiqh al-Imamiyya, 2/416; Al-Muhadhdhab al-Bariʻ fi Sharh al-Mukhtasar al-Nafiʻ, 4/174; Kifayat al-Ahkam, p. 247; Kashf al-Litham, 2/260; Mustanad al-Shi©a fi Ahkam al-Shari©a, 15/451.
- 83. For more information about some objections to proving unlawfulness of this act and the words of the Commander of the Faithful Imam 'Ali (A.S.), see: Figh al-Sadiq fi Sharh al-Tabsira, 24/43.
- 84. Al-Kafi, 6/229-230, No. 7.
- 85. I'anat al-Tallibin, 2/393.
- 86. Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 4/272; I'anat al-Tallibin, 2/392.
- 87. Al-Mabsut, 11/226; Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/61.
- 88. I'anat al-Tallibin, 2/393; also, see: Mizan al-Hikma, 3/2500; Al-Musannaf, 4/493, No. 8608
- 89. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/491.

- 90. Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/60.
- 91. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/491; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 4/272.
- <u>92.</u> This matter has been related in other forms as well: "Take its leg; Allah is merciful to the merciful servants", "The Holy Prophet (S.A.W.) saw a man taking the ear of an animal; he ordered to the man, 'Let go of its ear and take its neck, instead"; see: Almabsut11/227; Sunan-i Ibn Majja, 2/1059, No. 8609.
- 93. Al-Mabsut, 11/227: "Animals are negligent of all things except four: their Creator, their Provider (Razzaq), their death, and their mating."
- 94. Kashshaf al-Qina', 6/266.
- 95. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 11/491.
- 96. Al-Mu'jam al-Kabir, 7/275.
- 97. Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/60.
- 98. Bihar al-Anwar, 62/316.
- 99. Basa'ir al-Darajat, p. 368, No. 5.
- 100. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 36/138.
- 101. Wasa'il al-Shi⊡a ila Tahsil Masa'il al-Shari⊡a, 16/308, No. 1.
- 102. Ibid, No. 2.
- 103. Sunan al-Tirmidhi, 3/126, No. 1760.
- 104. Ibid, No. 1761.
- 105. Man la Yahdhuruhu al-Faqih, 4/60, No. 5096.
- 106. Al-Kafi, 6/553-554, No. 1.
- 107. Ibid, p. 554, No. 2.
- 108. Al-Kafi, 6/554, marginal notes.
- 109. SAli, Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249; Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, 5/299; Awn al-Ma'bud Sharh Sunan Abi Dawud, 7/165, No 137; Ibn al-Turkamani, 'Ala al-Din b. 'Ali, Al-Jawhar al-Naqi, 10 vols. Dar al-Fikr, 10/22; Fiqh al-Sunna, 3/511; Al-Majmus fi Sharh al-Muhadhdhab, 6/177; Al-Jamis li al-Shara'is, p. 397; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 3/563; Al-Mahasin, 2/628, marginal notes; Damayri, Muhammad b. Musa, Hayat al-Haywan al-Kubra, annotation and introduction by Ahmad Hasan Basj, Dar al-Kutub al-'Ilmiyya, Beirut, 2/368.
- 110. Hashiyat al-Dasuqi, 2/209.
- 111. Al-Khisal, p. 330, No. 28: "Do not stay on their backs except in the way of Allah."
- 112. Al-Mughni, 4/303 and 11/32; Al-Sharh al-Kabir, 4/10 and 11/40; Kashshaf al-Qina', 3/174; Muntaha al-Matlab, 2/1017; Tahrir al-Ahkam, 1/161.
- 113. Fath al-Bari Sharh Sahih al-Bukhari, 10/484.
- 114. Al-Kafi, 6/225, No. 1.

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