

Preface

Need for health is among the basic needs in human life. Man's physical and mental health is secured by two methods of prevention and treatment. In the first method, the pathogenic factors are diagnosed and rendered inactive, or minimized to the lowest possible level, so that one may go on living with a healthy body and soul. In the second method, however, it is attempted to bring the pathogenic factors under control and, in the best of conditions, destroy it so that one may regain one's health.

Although apparently seem two different ways, hygiene and treatment are supplementary to each other and in any case, the diagnosis of diseases is necessary.

Diagnosing the factors of diseases and the way they function in the body, on the one hand, and the way to neutralize them, on the other, is the main duty of medical science. In order to carry out this essential duty, medicine requires an environment enabling it to recognize the emerging process of the factors of diseases, the way they function, and finally the body's reaction against them; and then, by arranging the hygienic principles and regulations, to eliminate the grounds for their emergence, and in case of emerging, eradicate them.

Naturally, the environment for such discovering cannot be the very body of a human being; because, regardless of its contradiction with the objectives of medicine, which include protecting and taking care of man's health, it is incompatible with the status and self-esteem of human beings, as well. Thus, the need for vivisection of animals for research purposes is increasingly felt in the medical community.

Although the need for laboratory animals is understandable from the very early days that medicine turned from description of disease towards diagnosis of disease; with the passage of time, however, the question was raised, first in the minds of the physicians and then in the minds of the jurists, as to whether man is permitted to jeopardize animals' health in order to maintain their own health condition in the two areas of health and treatment.

It was then that, with the entrance of ethico-judicial thinking into the realm of medical studies and research, the ground was paved for the appearance of a new interdisciplinary science called bio-ethics. The bio-ethics researchers believe that although man's distinguished status among the other creatures

allows him to exploit animals for the benefits of advancing medical research but since the animals as creatures of the same system [of creation] also have the right to live, and of course living a healthy life, it is not so obvious that they can be utilized to our own benefits without any limitations.

Such an attitude towards animals led the researchers of bio-ethics to study the utilization of animals in the two legal and ethical fields, and, while reminding the qualifications and ethical principles of using the animals, design rules and regulations for keeping animals and working on them in laboratory environments.

Accordingly, the most important bio-ethical duty is the researchers' willingness to accept responsibility for supervising the work on animals. This responsiveness causes medical sciences researchers to be sensitive to the place and conditions, feeding, and hygiene of keeping animals and seriously prevent painful methods in dealing with them except in specific instances.

Now, there is a question before us, albeit in several forms: How is our work with the animals in a laboratory environment assessed from the viewpoint of Islam as one of the great Revealed religions, which has many rules and regulations in different human and animal fields?

To find an answer, it is inevitable that we first review the Islamic sources including both the Holy Qur'an and the *Sunna*, and then consider the viewpoints of different researchers of Islamic sciences.

Animals are among the wonders of the world of creation that the Exalted God calls humankind to deliberate on their creation so that, on the one hand, they may find out subtlety of their existence, and on the other, acknowledge the greatness of their Creator:

﴿***Do they not observe the camel, [to see] how she has been created?*** [1](#)﴾

As we will explain in detail later on, the Holy Qur'an has approved the love for animals and being delighted in relation with them as a principle, and states the Prophet Solomon's viewpoint in this respect as follows:

﴿***When one evening there were displayed before him prancing steeds, he said, "Indeed I have preferred the love of [worldly] niceties to the remembrance of my Lord until [the sun] disappeared behind the [night's] veil. "Bring it back for me!" Then he [and others] began to stroke [their] legs and necks.*** [2](#)﴾

The Holy Qur'an also describes the sense of beauty and splendor that humankind feels of seeing animals as follows:

﴿***There is in them a beauty for you when you bring them home for rest and when you drive them forth to pasture.*** [3](#)﴾

This pleasant and beautiful feeling of human co-existence with the animals has made the Infallible

Imams (A.S.) to regard some animals as household residents.

It is related from Imam al-Sadiq (A.S.) about cats: “A cat is among the residents of the household.”[4](#)

Therefore, the animals, like human beings, enjoy a kind of status and place to the extent that, on the one hand, God accepts their request and prayer⁵ and withholds the punishment of the human beings for their indecent behaviors for animals’ sake,⁶ and on the other hand, human beings are obliged to respect them, as the Holy Prophet (S.A.W.) has also viewed the animals as deserving to be greeted (*salam*).

A man went to the Holy Prophet (S.A.W.) and greeted him. The Holy Prophet (S.A.W.) said, “Greetings to you (two).” The man said, “O Apostle of Allah (S.A.W.), I am alone.” The Holy Prophet (S.A.W.) said, “Greetings to you and to your horse.”⁷

So also, Imam al-Sadiq (A.S.), not forgetting the animals, raises his hands to the Divine Threshold to pray:

*I pray in the Divine Presence for you and your beast.*⁸

Similarly, Imam al-Kazim (A.S.) and Imam al-Baqir (A.S.) would raise their hands to pray for solving the problems of some animals, whether that animal was a devouring lion or a little bird like a ringdove or a pigeon.⁹

It is in such circumstances that the animals like other members of a intimate family enjoy certain rights that the head of the family is obliged to fulfill, while being emotionally protected by him/her.¹⁰ That is why in Islamic texts there is mention about the rights of animals over their owners.

Imam al-Sadiq (A.S.) has enumerated six rights for the animals that the owner is obliged to observe: not to overload them; not to make their back a place for engaging in conversations; to feed them after using them; to let them have access to water; not to brand them on the face; not to whip their faces.¹¹

The Commander of the Faithful (A.S.) enjoined his administrators, who were in charge of collecting *zakat* (obligatory alms), of upholding moral principles in treating animals:

Do not entrust the animals (for shepherding) to anyone except someone who is a well-wisher, God-wary, trustworthy, and watchful; and who is not harsh (on them), nor makes them run too much, nor tires them, nor belabors them... When the trustee takes over the animals, tell him not to separate the she-camel from its young and not to milk all its milk because that would affect its young.

*Also, tell him not to exert it in riding. In this matter, he should behave justly towards camels, especially when riding the ones that are tired or wounded. He should allow camels (who are tired) to rest, and drive with ease those whose hoofs have been rubbed off. When you pass a water spring, stop the camels there for drinking and do not take them away from grasslands to barren paths. When he reaches grasslands, he should allow them to rest and then and give them time to drink water and eat grass.*¹²

Not only the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have advised on animals and their rights, but also Islam is the only Divine religion that since its advent, has undertaken to protect animals and declared the sacred territory of Makkah as a safe sanctuary for animals, a place where not only maltreatment of animals is not allowed, but also their hunting, evicting, and startling is declared as *haram* (unlawful). [13](#)

Since the very beginning of Islam, Muslims have always respected the animals and their rights in their day-to-day life and viewed their protection as among their obligatory duties.

For instance, after the Muslims conquered Egypt in 19/640, they set out for Alexandria to conquer Rome. The commander of the Muslim Army ('Amr b. 'As) before leaving Egypt ordered to pick up the commander's tent, but he was informed that a ringdove had nested there. The commander backed off from his order and allowed the tent remain intact. The existence of this tent caused people to gather there and built a city at that location which is still famous by the name Fustat (tent) and known to be the first city built by Muslims in old Cairo. [14](#)

In addition, one of the functions of good practice of endowment, [15](#) which has since long ago been confirmed by Islam and implemented by Muslims, is pious endowment for supplying food for animals. Some examples of such pious practice can be found in the endowment deeds preserved in the Astan Quds Razavi Documents Archive.

Some well-wishing pious people have endowed part of their immovable properties to provide food for birds and stray dogs in winter out of their fixed assets.

However, although the present research is not the first with an Islamic approach, [16](#) it is attempted to study the animals in three fields of theology, law, and ethics. The writer hopes that the results achieved from all these three fields may somehow clarify the viewpoints of Islam and the Muslim scholars concerning the animals, their rights, as well as the proper behavior of human beings towards them.

Undoubtedly, the path we are treading today will in future resolve the ethico-legal ambiguities of working with animals in a much brighter way through comprehensive researches done by the eminent scholars and researchers.

In conclusion, I draw the respected readers' attention to two issues:

First: there are different topics in *hadith* collections concerning animals, which we have avoided to talk about for the sake of brevity. Some of those topics are as follows: desirability of keeping animals; manners of keeping animals; manners and value of keeping different types of horses, donkeys and mules, camels, sheep, dogs, cats, doves, hens, roosters and the necessity of respecting them; manners of training animals, the way to fasten the saddles and bridles, manners of riding animals, variety of the colors of animals and their differences, eating before a dog, impermissibility of killing cats and quadrupeds, etc. [17](#)

Second: in this research, the traditions of the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) existing in the Sunni and Shi'i sources are widely applied. Although in legal researches, it is necessary to examine the traditions before considering their content in terms of their chains of transmission (*sanad*) in order to come up with a ruling, we did not do this because we trust their authenticity, as most of these traditions, are reliable despite the school of thought of their transmitters, as they stand to reason and match the generalities existing in the Book and *Sunna*.¹⁸

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1. The Qur'an, with an English Paraphrase, tr. Sayyid 'Ali Quli Qara'i, the Center for Translation of the Holy Qur'an, Qum, 2003, 88: 17.
2. Q. 38:31–33. There are other possibilities set forth on the meaning of these verses; see: Saduq, Muhammad b. 'Ali, Man la Yahdhuru al-Faqih, ed. 'Ali Akbar Ghaffari, 4 vols. 2nd edition, Jami'a-yi Mudarrisin, Qum, 1404/1984, 1/202, No. 606–607.
3. Q. 16:6.
4. Tusi, Muhammad b. Hasan, Tahdhib al-Ahkam fi Sharh al-Muqni'a, ed. Akhundi, 10 vols. 4th edition, Dar al-Kutub al-Islamiyya, Tehran, 1406/1968. 1/226, No. 256.
5. Kulayni, Muhammad b. Ya'qub, Al-Kafi, ed. 'Ali Akbar Ghaffari, 8 vols. 3rd edition, Dar al-Kutub al-Islamiyya, Tehran, 1388/1968, 8/246, No. 344.
6. Al-Kafi, 2/276, No. 31.
7. Rawandi, Fadhlullah, al-Nawadir, ed. Sa'id Ridha 'Ali 'Askari, Dar al-Hadith, 1407/1987, p. 196.
8. Tusi, Muhammad b. Hasan, Ikhtiyar Ma'rifat al-Rijal, ed. Mahdi Raja'i, Al al-Bayt Institute, Qum, 1404/1983, 2/687, No. 730.
9. Rawandi, Sa'id b. Habbat Allah, Al-Khara'ij wa al-Jara'ih, Imam Mahdi Institute, Qum, n.d, 2/649–650 No. 1; Tusi, Ibn Hamza, Al-Thaqib fi al-Manaqib, ed. Nabil Ridha 'Alwan, 2nd edition, Ansariyan Institute, Qum, 1412/1991, p. 390, No. 320; Saffar, Muhammad b. Hasan, Basa'ir al-Darajat al-Kubra, ed. Muhsin Kuchibaghi, A'lami Institute, Tehran, 1404/1983, p. 364, No. 16.
10. Accordingly, in Islamic traditions, there is talk about stroking the animals: The Apostle of Allah (S.A.W.) said, "Maintain relations with animals and stroke them on the forehead and back." Abi Dawud Sajistani, Sulayman b. Ash'ath, Sunan Abi Dawud, ed. Sa'id Muhammad al-Laham, 2 vols. Dar al-Fikr, Beirut, 1410/1990, 1/576, No 2553.
11. Al-Mahasin, 2/627, No. 963; also see: Rayshahri, Muhammad, Mizan al-Hikma, 4 vols. Dar al-Hadith, Qum, 1416/1995, 1/712, No. 981
12. Nahj al-Balagha, ed. Muhammad 'Abdu, 4 vols. Dar al-Ma'rifa, Beirut, p. 380, letter No. 25.
13. Ibn Idris Hilli, Muhammad b. Mansur, Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 3 vols. 2nd edition, Mu'assisa-yi Nashr-i Islami Qum, 1410/1990, 1/566; Hilli, Ja'far b. Hasan, Shara'i' al-Islam fi Masa'il al-Halal wa al-Haram, 4 vols. 2nd edition, Istiqlal Institute, Tehran, 1409/1988, 1/222.
14. Mas'udi, 'Ali b. al-Husayn, Al-Tanbih wa al-Ishraf, Dar al-Sawi, Cairo, p. 310.
15. What is ment by endowment is that a person leave to others some of his property to be spent on charity.
16. The animals' rights from the Islamic point of view has already been studied in Persian language in several works (articles and books) and it behoves me to express my gratitude and appreciation to them. Some of these works include: Fariduni, Husayn, Barrasi-yi Huquq-i Haywanat dar Islam wa Qawanin-i Ruz (Ph.D. Dissertation), Tehran University, Faculty of Veterinary Medicine, Academic year 1344/1965–1345/1966, No. 797. Ja'fari, Muhammad Taqi, Rasa'il-i Fiqhi (Huquq-i Haywanat dar Fiqh-i Islami), Nashr-i Kiramat Institute, 1377 sh/1998.

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Naji Jazayiri, Sayyid Hashim, Himayat az Haywanat dar Islam, 1st edition, Dar al-Thaqalayn, Qum, 1379 sh/2000.

Rashidi, Fariburz, Huquq-i Haywanat, Majalla-yi Dampizishk, V, No. 1, Fall, 1380/2001 and IV, No. 3, Spring, 1380 sh/2001.

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Ahmadihah, 'Ali, "Huquq-i Hayvanhat dar Sira va Sukhan-i Payambar-i A'zam", Majalla-yi Tarikh dar A'inay-yi Pazhuish, III, No. 11, Fall, 1385 sh/2006.

Muqimi Haji, Abu al-Qasim, "Huquq-i Haywanat dar Fiqh-i Islami", Faslnama-yi Fiqh-i Ahl-i Bayt, XII, No. 48, Winter 1385 sh/2006.

Kalantari Arsanjani, 'Ali Akbar, "Fiqh-i Shi'a wa Huquq-i Haywanat", Majalla-yi Fiqh, IX, No. 33–43.

[17.](#) For more information, see: Hurr al-'Amili. Muhammad Hasan, Wasa'il al-Shi'a ila Tahsil Masa'il al-Shari'a, ed. Rabbani, 20 vols. Dar Ihya' al-Turath al-'Arabi, Beirut, n.d, 8/339–362.

[18.](#) See: Majlisi, Muhammad Baqir, Bihar al-Anwar al-Jami'a li Durar Akhbar al-A'immat al Athar, 110 vols. 2nd edition, Mu'assisat al-Wafa, Beirut, 1403/1982, 62/316.

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