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Discourse Two: Legal Studies

Legal Presuppositions

Exploitation is the first and the most important issue that man has dealt with in his encounter with the nature – irrespective of its being animate or inanimate – since the beginning of his life on earth. This issue holds such a sublime status in human mind, hence in his behavior, that the Holy Qur'an has accepted it on both macro and micro levels. In a general statement, first the Holy Qur'an brings up man's utilization of the nature as follows:

It is He who created for you all that is in the earth. 1

Then, it goes on to specify in detail the relation between man and animals:

... and He created the cattle for you. \$2

Although these two principles denote the purposeful creation of the world of being and its creatures for humankind, the Muslim jurists are facing several important and fundamental issues in explaining the relation between man and animal and its legal status.

1. Creation of Creatures for Man

Understanding the creation of creatures for man is based on clarifying in what sense the word *lakum* (for you) in verse 29 of *Surat al-Baqara* is employed.

Two possibilities are proposed in the meaning of the word *lakum*, which is discussed in various Islamic sources (of exegesis, principles of jurisprudence, etc.):3

- **1.1. Utilization** (*Intifa'*): The intention in creating other creatures, especially animals, is for humankind to benefit from them.4
- 2.1. Taking Heed (I'tibar): Creation of other creatures for humankind is for human beings to take heed

from them so as thereby to achieve a better and higher understanding of the Exalted God.5

The basis for setting forth this possibility is a saying related from the Commander of the Faithful Imam 'Ali (A.S.) commenting on the above–mentioned verse:

It is He who created for you all that is in the earth. so that you think and take heed and attain God's pleasure in His Paradise and guard yourselves against His Fire... and because of His knowledge over all things, He knows what is good for you. Then, O children of Adam! He created for you all that is in the earth for your interest.6

Although these two possibilities apparently seem incompatible, it will be clarified with a little scrutiny that the relation between them is that of generic and specific, since "utilization" is a generic concept that encompasses both religious (ideological) and worldly fields. 7 Therefore, it can be concluded that God's intention in creating creatures, especially the animals, for mankind is for man's use of them, by which indeed the taking heed is also actualized.

The Holy Qur'an has asserted man's utilization of animals in various verses:

♦ Have they not seen that We have created for them – of what Our hands have worked – cattle, so they have become their masters? And We made them tractable for them, so some of them make their mounts and some of them they eat.]eat. ▶ 8

And most surely there is a lesson for you in the cattle: We give you to drink of what is in their bellies from between [intestinal] waste and the blood pure milk, easy and agreeable to swallow for those who drink.9

And most surely there is a lesson for you in the cattle. We make you to drink of what is in their bellies, and you have in them many advantages and of them you eat 10%

And Allah has given you a place to abide in your houses, and He has given you tents of the skins of cattle which you find light to carry on the day of your march and on the day of your halting and of their wool and their fur and their hair (He has given you) household stuff and a provision for a time. 11

Similarly, the content of some traditions asserts this issue:

Choose cattle for yourselves, as they are ornaments for you, by them you fulfill your needs, and the provision for their sustenance is upon Allah. 12

Among the signs of man's happiness is their having an animal to mount on to satisfy their needs and to fulfill the rights of their brothers. 13

Whoever buys an animal is entitled to use it as a mount and its sustenance is upon Allah. 14

2. Creatures that Humankind Would Benefit from

Having accepted the principle of utilization of other creatures by humankind, the question rises as to whether this right is restricted only to a group of creatures or human beings are entitled to use all creatures to their own benefit.

Given the application of the two words ma_{15} and jami'an in the verse, & khalaqa lakum ma fi al-ardhi jami'an = [He] created for you all that is in the earth. At is understood that man is permitted to make use of all that is in the earth. That is because, according to the Holy Qur'an, all that is in the heaven and earth is made subject to and disposed for man; therefore, human right for utilization is not restricted to a specific species or type of creatures.

♦ Do you not see that Allah has disposed for you whatever there is in the heavens and whatever there is in the earth and He has showered upon you His blessings, the outward and the inward? ▶ 16

And He has disposed for you [benefit] whatever is in the heavens and whatever is on the earth; all is from Him. There are indeed signs in that for a people who reflect. 17

3. The Type of Utilization of the Creatures

After accepting the permission for utilization and its non-restriction to a specific type of creature, the most important issue is determining the extent of this utilization.

There are two views in Islamic sources concerning determining the extent of man's utilization of creatures:

- **1.3. Non-Restriction**: Some believe that the result of accepting "the creation of creatures for man" is the license for man's unrestricted use of them (principle of permissibility = *ibaha*), because making benefit from some creatures is something that man's intellect is capable of comprehending without needing this legal precept. 18 Consequently, by virtue of intellect and religion (texts), man is entitled to use the natures' inanimate as well as the animate creatures in whatever way that they desire, except when we find a specific reason for the impermissibility of a specific type of exploitation. 19
- **2.3. Restriction**: In contrast, yet some others believe that the creation of creatures for man only suggests the existence of an formative relationship between man and other creatures, according to which the goal for creating the creatures is for man to make use of, without specifying what kind of utilization is legally or morally permissible.20

It seems that the statement, It is He who created for you all that is in the earth., although applying to individuals, i.e., suggesting the creation of all creatures for humankind, it does not apply to states, i.e., there is no mention of how to use the creatures. So, it cannot be claimed that human beings has the right to use the creatures in whatever way they wish; rather, we should seek for a specific reason for

being permitted as well as in what way to utilize any creature.21

4. Principles of Utilization

As our findings indicate, man's utilization of animals is based on two fundamental principles:

1.4. Coordination with Existential Structure: The shape and type of the body of any animal is designed to fulfill a specific goal; thus, human beings have to coordinate their utilization of the animals with that goal.22

This essential point can be epitomized in the phrase "escaping from injustice and welcoming justice"; for, what is meant by "justice" is to put everything in their right place, and in contrast, injustice is not to put everything in their right place. Therefore, if man's use of the animals is proportionate to the goal for their creation, it is permissible as it is justice; and on the contrary, if the utilization is not proportionate to that goal, since it is injustice it is regarded as indecent and illegitimate in the Islamic law.

The observance of utilization and its coordination with the existential structure of animals can be well understood from the following saying of the Holy Prophet (S.A.W.):

Beware of using the animals' backs as pulpits, as the Almighty and Glorious Allah has subjected them to you so that you can reach towns to which you would not reach unless with hardship.23

Therefore, we can neither stop using the animals' meat by turning to vegetarianism on the pretext of avoiding hurting them, 24 because in this case the goal for creation is not fulfilled and it will remain in vain, 25 nor can we exploit them beyond their existential structure on the pretext of the existence of a possessive relationship between man and animals – as some have claimed 26 – because all that possession proves is the right to use them, but it fails to indicate the method and the type of utilization.

2.4. Consistency with Divine Prohibition: 27 From the Islamic point of view, animals, like human beings, have a non-material soul, by which they enjoy a lasting coexistence with humankind, a coexistence that starts in the world and continues until the Day of Resurrection (resurrection of the animals).

Accepting a non-material and celestial dimension for animals in the Islamic cognition system would entail a value and status for them which is referred to as "reverence of the soul" or "divine right", 28 a status that is undoubtedly influential in the way man utilizes the animals.

The existence of this intangible value status for the animals (in Islam) is considered as a basis for expressing various legal opinions about them:

Protection of lost animals and saving them from death;29

Dropping goods off the ship in order to save animals from drowning [in the storm];30

Non-permission to separate the occupied parts of the ship in case it will cause the drowning of the animals being carried in it;31

Non-permission to pull out the suture thread from the (injured) animal's body in case it leads to the animal's death or (further) injury;32

Necessity to release the animal from a (occupied) container or place in which it has been trapped, even though it leads to their dismantling;33

Necessity of providing fodder, water, and other requirements of the animal that is in someone else's disposal (held in trust), even though the owner disagrees with this;34

Necessity of dressing the wounds of the animal even though the stuff used for dressing belongs to someone else (usurped).35

It is by the acceptance of such divine status that the issue of blood money for committing crime against the animals is set forth in the sources of Islamic law. As inadvertent killing of people, amputating them, and injuring their body causes the perpetrator to pay blood money to the victim, so also such treatment of the animal necessitates payment of blood money, which indicates the significance of the life and security of the animal's body and impermissibility of hostility towards them in Islam.36

Whoever blinds an animal, must pay off one fourth of its price as blood money.37

In regard to the horse that was killed in a collision with another horse, the Commander of the Faithful Imam 'Ali (A.S.) said, "the owner of the living horse is responsible to pay for the blood money of the horse killed."38

It is worth mentioning that this Islamic ruling includes the animal's fetus as well and if someone hurts a female animal aborting its fetus, they have to pay one tenth of the price of the female animal as blood money. 39

Similarly, although fogs are regarded as impure by Islamic law and it is indecent for the Muslims to mingle with them, they are not an exception to this rule and harming them would entail paying blood money. 40

Indicators for Utilizing Animals

As far as our studies show, five significant indicators are set forth in Islamic sources for utilizing the animals, which include protection of animals' lives, protection of animals' bodily health, protection of animals' sexual need, abstaining from harming and maltreating of animals, and abstaining from punishing animals.

However, with a little attention, it will be cleared that the pivot of these indicators is the magnanimity in

using the animals, that if the human society keeps it in mind, the above five principles would automatically be taken care of, as well.

The principle of magnanimity is finely illustrated in three anecdotes related from the Holy Prophet (S.A.W.).

The Holy Prophet (S.A.W.) of Islam regards as against magnanimity keeping loads on the back of a camel while its feet are tethered.

The Holy Prophet (S.A.W.) saw a camel whose feet were tied while holding its load on its back. He asked: "Where is its owner? He is not manly [magnanimous]. Let him be ready for judgment on the Day of Resurrection."41

Similarly, he does not regard as permissible taking a piece of bread from the sheep's mouth by forcing its neck.

Umm Salama said, "I was with the Holy Prophet (S.A.W.) when suddenly the neighbor's sheep entered the house and picked a piece of bread that was lying before us. I rushed toward it and took the bread off its mouth. The Holy Prophet (S.A.W.) said, 'It was not proper to press the animal's neck'."42

And finally, when one of the Muslim women escaped from the Quraysh pagans and made a vow to sacrifice upon her return the camel by which she had escaped upon her return, the Holy Prophet (S.A.W.) points out to her what an awful reward she had promised to this camel that saved her from the enemy, and she was going to kill it. Such a vow is not valid.43

1. Protection of Animals' Lives

Protecting the lives of animals – despite the expenses it entails – like protection of human life is a principle in Islamic law44, which is incumbent upon all Muslims to do their best to achieve.

The Holy Qur'an considers the value of the soul of a single person as equal to that of all other human beings and regards granting life to a single person as granting life to all the human beings.

... anyone who kills any person without another soul being involved or for causing mischief in the land, acts as if he had killed all mankind. Anyone who spares life acts as if he had granted life to all mankind. 45

There are similar notions in *hadith* sources concerning animals, too. The Commander of the Faithful Imam 'Ali (A.S.) has referred to undertaking the custody of an animal whose owner has abandoned it due to financial disability to provide for its expenses as "giving new life" (*ihya*).46

This principle enjoys such a status in Islamic thought that the life of the insects and tiny creatures are not neglected, as the Muslims are obliged to protect their lives lest they are unintentionally hurt.

To this end, the Holy Prophet (S.A.W.) advises the Muslims to avoid unnecessary nighttime walks on the passageways so that the tiny creatures that show up during the night to procure food would not be trampled.47

Paying attention to such a principle concerning the animals has become the ground for deducing various rulings in Islamic law:

1.1. Ablution (*wudhu*) and Protecting the Lives of Animals: Any Muslim is obliged to perform ablution with some water for their daily prayers. If the water available is limited and there is an animal around that is thirsty and in need of the water (for ablution), it is incumbent (*wajib*) upon the Muslim48 to give the water to the thirsty animal and perform dry ablution (*tayammum*) for their prayer.

The importance of such a ruling becomes clear when we find out that it is not necessary for the animal to be so thirsty that if the water is not given to it, it would die of thirst. Rather, even the possibility of its risk of dying in the future due to the likelihood of unavailability of water is sufficient for this purpose. It is for this reason that the Muslim jurists emphasize the use of *khawf* (fear = i.e. fear of inaccessibility of water in the future), as there is no difference between the animal belonging to oneself and the one belonging to another person.49

- **2.1. Prayer** (*Salat*) and Protection of Animals' Life: Performing prayers is among the religious obligations. The Muslims are not permitted (it is unlawful for them) to give up (interrupt) their prayer before it is over. However, if the life of an animal is in danger, it is obligatory for the Muslim to give up their prayer and try to protect or save the life of that animal.50
- **3.1. Fasting and the Protection of Animals' Life**: Similarly, if saving the life of an animal is subject to breaking one's obligatory fast, such as when an animal is drowning, and saving it requires the person to dip their head completely under water or breathe some gas (dense smoke), it is incumbent upon the Muslim to proceed to save the life of the animal.51
- **4.1. Inviolability of other Peoples' Properties and Animals' Life**: If a person who is taking care of an animal is not capable of providing fodder for their animal at a certain time and in case no one else would be ready to help them thereupon and the animal's life is in serious danger, they can use (usurp) the fodder belonging to another person in any possible way, without the owner's permission, and pay back the price of the fodder to its owner after their financial status is normalized.52

It is noteworthy that protection of Animals' life and health is among the issues that is not merely restricted to the animal's owner; rather, it is obligatory (a collective obligation) upon other people, who witness an animal's being killed or injured, not to withhold their protection as a social duty (a benevolent action) from the animals.

With this explanation, the significance of the following saying of the Holy Prophet (S.A.W.) regarding the value of saving the life of the animals can be understood:

The Apostle of Allah (S.A.W.) said, "A prostitute encountered a dog near a well that was about to die of thirst; she took off her shoe, tied it to her scarf, and drew some water from the well for the dog. This caused the forgiveness of her sins."53

It is worth mentioning that in some *hadith* sources, this narration has been quoted in another way, in which the Holy Prophet (S.A.W.) in the end of his saying has referred to the rule, "*fi kulli dhati kabidin ratbatin ajrun*" (lit. translation: in every wet liver, there is reward, meaning quenching every thirsty liver is rewarded.).54

In the desert one found a thirsty dog,

With naught of his life but last gasp left;

That man of seemly ritual made his hat a bucket,

Binding his turban thereto as a rope;

His loins he girt in service and opened up his arms,

And gave the helpless dog a fraught of water -

At all of which the Messenger (S.A.W.) proclaimed that man's condition

As pardoned by the Arbiter of Sins!55

5.1. Killing and Hunting Animals: Despite such an attitude towards animals' life, there is no wonder to know that killing animals except for using their meat in cases that their meat is consumable (*ma'kul al-lahm*) and man is in need of it, is not permissible. 56 That is why the Holy Qur'an regards the aimless killing of animals, which results in the extinction of their species, as indication of vicious (corrupt) human beings.57

And if he were to wield authority, he would try to cause corruption in the land, and to ruin the crop and the stock [humans and animals], and Allah does not like corruption. \$58

Accordingly, with the advent of Islam, the paganist tradition of *muaqara* (contending), in which the contenders practiced killing a great number of camels in a kind of contest to show off their financial authority, was declared as forbidden.59

When the Commander of the Faithful Imam 'Ali (A.S.) found out a number of camels were killed as per the above (paganist) practice, he did not allow people to eat the meat and ordered it to be transferred to the city's garbage dump so that only the carnivorous animals could eat it, because those camels were not killed for the purpose of human consumption.60

Perhaps it is for this consideration that God does not consider the slaughter of an animal as permissible

without mentioning the name of God so as to draw human beings' attention to the fact that using animals' meat is permissible only when the animals are slaughtered according to Divine rules.61

He has only forbidden you what has died by itself, blood and pork, and anything that has been consecrated to something besides God. 62

The prohibition of killing animals except for using their meat (*akl*)63 and the prohibition of killing them without a purpose (in vain)64 is among the principles that have various applications in Islamic iurisprudence.

For instance, "If an animal gets its head stuck in a container belonging to someone else, the animal cannot be killed under the pretext of preserving the container, however valuable it may be."65 "If an animal is in danger because of thirst, that animal cannot be slaughtered [without giving it water] and use the available water for performing ablution, because such an act is against Divine grace and kindness."66

Among the most important legal consequences of this principle is the prohibition of travel for hunting animals. All Muslim jurists – except for Abu Hanifa67 – regard as forbidden all the recreational trips intended for hunting animals (idle hunting), which is not permissible for a Muslim person68; and if they do it, they are obliged, contrary to other travelers, to perform their prayers in the full format (*tamam*) and observe the fast during the month of Ramadan, as well.

As we know, according to the Islamic law, if a Muslim gets as far as 24 kilometers away from their residence, they have to perform the four–rak prayers of noon (zuhr), afternoon (asr), and late evening ('isha') in shortened (two–rak'a) format (qasr). Similarly, it is not permissible to observe fast if this journey falls within the month of Ramadan. However, these two rulings do not apply to the one who goes on a trip for hunting and does not intend to procure food or earn livelihood for himself and his family. It is only Abu Hanifa, from among the Muslim jurists, who maintains that when travelling with the intention of hunting, the shortened prayers (qasr) and breaking one's fast (iftar) would be necessary.69

Condemning such a travel, the Infallible Imams (A.S.) have referred to it with phrases like travel of vanity (kharaja fi lahw);70 false way;71 unjust way (laytha bi masir-i haq);72 acquisitiveness (kharaja li talab al-fudhul).73 They have stressed that the Almighty Allah regards as lawful the hunting of animals only when human beings are in dire need of it and have no other ways for procuring their food (mudhtar, i.e. being in desperate plight).74 It is with this consideration that Imam al-Baqir (A.S.) and Imam al-Sadiq (A.S.), in interpreting the statement, But should someone be compelled, without being rebellious or aggressive..., which is repeated in verses 173 of Surat al-Baghara, 145 of Surat al-An'am, and 115 of Surat al-Nahl, have clearly stated that the one who hunts animals with the intention of entertainment (play and pastime) is oppressive and acquisitive (rebellious), and the rules of being mudhtar do not apply to him.75

According to Imam al-Sadig (A.S.), killing animals (with intention of play and pastime) is among the most

disgusting sins:

The most disgusting sins are three: to kill animals; not to give women their dowries; and to avoid paying the workers their wages. 76

The Commander of the Faithful Imam 'Ali (A.S.) considers the one who kills an animal intentionally and in vain as deserving punishment:

The Commander of the Faithful Imam 'Ali (A.S.) passed a decree for the one who kills an animal without a purpose, cuts down a tree, ruins the crop, destroys a house, or drains a spring or river to pay off the cost of what they have destroyed or ruined and to receive a number of lashes. If they do it by mistake or unintentionally, then they should only pay for the damage and not to be punished.77

In the Holy Prophet's (S.A.W.) view, anyone who kills an animal unreasonably (unrightfully), that animal will bring them to trial in the Divine Presence on the Resurrection Day:

There is no animal – birds, etc. – that is killed unrightfully, except that it will call its killer to trial on the Resurrection Day.78

No one would kill a sparrow or bigger than that unrightfully except that the Almighty and Glorious Allah would call them to account. The Holy Prophet (S.A.W.) was asked, "What is the animal's right?" He answered, "To slaughter it (for procuring their food) and eat it, rather than cut off its head and throw it away."79

Accordingly, the life of small birds, such as swallows, hoopoes, and sparrows are to be respected <u>80</u> and the believing person is not permissible to deprive them of the right to live without reason.81

Whoever kills a sparrow without reason, that sparrow will complain of them to Allah on the Resurrection Day and say, "O Lord! Such and such a person killed me aimlessly and for no benefit."82

No one would kill a sparrow except that it will complain on the Resurrection Day and say, "O Lord! This man killed me with no reason, neither benefitting from my killing nor leaving me to live on in Your earth."83

Whoever kills a sparrow unrightfully, Allah will call them to account on the Resurrection Day. People said, "What is its right [the right thing to do]?" He replied, "To slaughter it, rather than holding its neck and cutting it off."84

This ruling is not merely limited to the animals whose meat is eatable (*ma'kul al-lahm*); rather, from the viewpoint of the Muslim jurists, man is not permitted to kill animals that do not do any harm to him without any reason and in normal conditions. 85 Even in the wartime, the animals that are scattered in the war-ravaged territories should not be killed on the pretext of the war condition or taking revenge the

Although killing animals that can endanger human life and inflict harm upon him, like different kinds of reptiles (wild animals), is permissible in view of Muslim jurists, 87 it is not clear that one is permitted to commit such an act without feeling threatened by them, 88 because the religious permission for killing such animals is subject to their potential threat against human beings; otherwise labeling them as harmful (*mudhi*) is not right even though they are potentially harmful. 89 That is why the Holy Prophet (S.A.W.) has permitted killing an animate creature only when it is harmful and hurting to human beings.

The Apostle of Allah (S.A.W.) prohibited [people] from killing any animate creature, unless when it threatens to harm. 90

By virtue of the restricting concept of *illa* (unless) and the permissibility of using the derivative of *yudhi* in respect to the person who would in future appeal to the origin of the verb (*al-talabbus bi al-mabda'*), and the necessity of implying truth from speech, it can be concluded that so long as an animal is not actually threatening human safety, it may not be killed.

I asked Imam al-Sadiq (A.S.) concerning the killing or hurting swallows in the Holy Mosque (Masjif al-Haram). He said: "They must not be killed, because I was in the company of Imam al-Sajjad (A.S.), pestering a swallow. The Imam told me: O my son! Do not kill these birds and do not hurt them, since they do not harm anybody."91

It is worth mentioning that although in this *hadith* the narrator's question concerns killing and hurting the swallow in the Holy Mosque, the Imam's answer and the reason he mentioned would also apply to killing birds in places other than the Holy Mosque as well as killing any harmless creature.92

Such an attitude towards the status of animate creatures has lead to the impermissibility of small aquatic creatures such as frogs, even with the pretext of medical use 93 and such insects as honeybees 94; and also killing ants is not permissible except when they hurt human beings. 95

Therefore, man's entrance into the wild life and the killing of the animals for whatever motivation, is not permissible as long as human safety is not threatened by them. 96 Thus, claiming that all animals are created for man's exploitation and the man has the right to take their life (*ihlak*) is an incorrect claim. 97

2. Protection of Animals' Physical Health

Because of his need for animals, man has tried throughout history to keep animals alive to attain his own benefit; but the superiority of man over animals has caused him to endanger their lives whenever he wishes.

These behaviors include defiling animals' organs and cutting off, slitting, damaging, and breaking them; as in most instances, having a proprietary relationship with them would be the lame excuse for such

mistreatments.

Allah considers such treatments of animals an outcome of the Satan's interference and explains it in its language as follows:

And I will lead them astray and give them [false] hopes, and prompt them to slit the ears of cattle. 98

As this verse implicates, the best incentive for such behaviors is the existence of superstitious beliefs in ancient communities. For instance, in the community in which Islam emerged, as in many other communities, when the number of someone's camels exceeded one hundred, they would blind one eye of a male camel and if they exceeded one thousand they would blind the two eyes of a camel, in order to avert evil eye.99

Irrespective of the interference of superstition, which Islam has strongly opposed, other motivations such as revenge, pleasure seeking, entertainment, and the like have also been involved in such treatments of animals.

According to Islamic teachings, any deforming of the face and body of the animals, which is referred to as *muthla* (mutilation), is prohibited.

Literally, *muthla* is derived from the root *mathala*, meaning "to make an example of" and "to mark". Making [someone or something] notorious takes place with various motivations such as frightening others and making an example of them, punishing severely, mutilating, venting one's anger, entertaining and amusement. Having usually been performed by cutting off body parts such as nose, ear, hand, etc., this action was done to both human beings and living and dead animals. 100

Warning people against such an act, the Holy Prophet said:

Whoever mutilates an animal, may the curse of Allah, the angels, and all people be upon him. 101

Whoever mutilates a living animal and does not repent for that Allah will mutilate him on the Day of Resurrection. 102

Cutting off the animals' organs is unjust and impermissible to the extent that the religious authorities do not permit it even towards the stray and rabid dogs, either. 103

Such treatment of animals is not only an offence to them, but it also scars the beauty of their face and ruins the conformity of their body parts. It is for this reason that the Holy Prophet (S.A.W.) has considered it impermissible to shorten a horse's forelock and mane, and to cut its tail, explaining it as follows:

Do not cut the forelock, mane, and tail of a horse, because there is goodness in its forelock; the mane

would make it warm; and the tail disperses the insects from it. 104

You mutilated it! You mutilated it! Goodness is written on the forelock of the horse until the Resurrection Day and its owners would get assistance for it. The horse's mane is [represents] its dignity, its forelock is its beauty, and its tail is its strength. 105

With these explanations, there remains no doubt that cutting off the tusks of an elephant, the antlers of an elk and a wild goat, the tusks of a walrus, and the feathers of a peacock, and similar mistreatments would not be permissible.

3. Protection of Animals' Sexual Health

The animals' sexual functions, like their other functions, are of concern to Islam, which, has devised protective rules and commanded people to observe them.

1.3. Castration (*Ikhsa'*): Castration is among the most common treatments that man has practiced on animals throughout history. Despite the underlying motivation, this action is legally examinable from two perspectives: the torments and pain that the animal suffers during this action and its deprivation of the right to procreate in its lifetime.

Appealing to the principle of proprietorship, some jurists claim that since human beings are the proprietors of animals and the proprietors can exploit their property in whatever way they wish (the proprietor has authority over his/her property), they can castrate animals to suppress their sexual excitement or to fatten them (intending to make profit). 106

In contrast, jurists like Abu al–Salah al–Halabi, Ibn Barraj, and Shawkani consider such an action as unlawful, because the usefulness of an action would become a permit for performing it when a legal barrier would not prohibit us from such an action. However, in our premise, in addition to the prohibition of maltreating animals, the sayings of the Holy Prophet (S.A.W.) and the infallible Imams (A.S.) concerning the impermissibility of this action would suffice in proving its prohibition. 107

The Holy Prophet (S.A.W.) prohibited us from castrating the animals 108, saying, "Castration is not permitted in Islam." 109 Similarly, he deemed castration of animals as evil (detestable), believing that we should not destroy the power of God's creatures, 110 as the growth and development is in procreation. 111 He told a man who had castrated his horse at the pretext of being stubborn, "Woe on you! You have mutilated the animal's body; goodness is hanging on the forehead of horses until the Resurrection Day. 112

Similarly, Imam al–Sadiq (A.S.) has regarded as detestable (*makruh*) the castration and pitting animals against each other (*tahrish*).113

However, if we cannot prove the prohibition of castigating animals from these traditions and conceive the

word "aversion" by its literal concept, which is used in some traditions whether in its technical sense of prohibition or aversion, at least we have to accept that castration of animals is a detestable and aversive act and thus the Muslims had better avoid it. 114

2.3. Interbreeding Animals: Interbreeding animals is among the controversial issues in animals' law. Is man justified to provide for the interbreeding of animals of different species and thus produce animals of middle race?

The research conducted indicates that interbreeding animals of different species (an animal born of two different animals) has been discussed by Muslim jurists in terms of purity and impurity (*taharat* and *najasat*) and using their meat and other products (*akl* and *shurb*).

Some traditions related from the Holy Prophet (S.A.W.) concerning the interbreeding of a donkey and a horse indicate that His Holiness has regarded this practice as inadvisable and warned the Muslims against it, viewing such treatment as a result of human ignorance.

We are a household to whom (giving) charity (alms) is unlawful, and are commanded not to wipe the moist of our ablution (*wudhu*) and not to interbreed a donkey with a horse.115

The Apostle of Allah (S.A.W.) was an obedient servant; he did not enjoin us (his household) but against three things: not to wipe the moist of ablution; not to accept charity; and not to interbreed a donkey with a horse.116

The Apostle of Allah (S.A.W.) warned against interbreeding a donkey and a horse. 117

[He was asked:] "O Apostle of Allah! Shall we interbreed a donkey with a horse?" He answered, "Those who do this do not know."118

A mule was presented to the Holy Prophet (S.A.W.) as a gift. We said, "O Apostle of Allah! Shall we interbreed our donkeys with our horses so as they produce mules like this for us?" He replied, "Those who do this do not know."119

The impression of Muslim jurists about all these traditions is that the heterogeneous interbreeding of donkeys and horses, although indecent and inadvisable, is not regarded an unlawful (*haram*) act, because the purpose of such a ruling is to prevent the reduction of horse stock and to encourage its procreation. This practice has been prevalent in the time of the Holy Prophet (S.A.W.) and His Holiness (S.A.W.) has not expressed any strong opposition against it. 120 In some *ahadith*, this has been regarded as permissible 121 and in case of doubt in its permissibility and impermissibility, the practical principle of exemption (*bara'a*) denotes its permissibility. 122

Despite the unlawfulness or repugnance of heterogeneous interbreeding, the subject matter of the above traditions merely concern donkeys and horses; however, the question remains to be answered whether we can go beyond these traditions and seek to examine the issue of genetic engineering in Islamic law.

Can the undesirability of interbreeding donkeys and horses be an indication that from the Islamic point of view any manipulation in the genetic structure of animals leading to the appearance of middle animals cloned is not appropriate?

4. Preventing Cruelty and Maltreatment to Animals

Transgressing animals' rights is among the acts, which all revealed religions have been unanimous on its prohibition. 123 However, sometimes we encounter in every community unjust traditional practices in which the major pivot is cruelty and maltreatment of animals. Among such practices, which can also be traced in different forms in other communities, are the two superstitions of *habs al-balaya* (confinement of misfortunes) and *dharb al-thawr* (beating the bull), prevalent all over Arabian Peninsula (before the advent of Islam).

When a person died (during the *Jahiliyya* period), they would keep his camel in a ditch dug near his grave without giving it any water and fodder until it would die. This camel was called *baliyya* (misfortune) and this practice was called *habs al-balaya*, the purpose of which was that the dead person might not become pedestrian on the Resurrection Day! 124

It was also customary (during the *Jahiliyya* period) that when the cattle are moving toward a water pond to drink, first the bulls and then the cows drink water. Now, when the cow would not drink water, it was believed that the demons living in between the bull's horns is preventing the cow from drinking; thus, they would beat the bull to the extent that the cow would start drinking. 125

One of the earliest measures taken by Islam was to fight against such superstitions, which were partially or widely prevalent in Arabian Peninsula (during that period). The Holy Prophet (S.A.W.) frequently prohibited his companions from such superstitious acts.

Do not oppress (torment) the creatures of God. 126

The Holy Prophet (S.A.W.) prohibited from oppressing (tormenting) the creatures of God. 127

From the point of view of religious authorities, a Muslim is not permitted to maltreat animals even if this should be done by snatching a leaf from an ant's mouth:

The Apostle of Allah (S.A.W.) prohibited snatching and eating what an ant is holding in its mouth. 128

Similarly, the Commander of the Faithful Imam 'Ali (A.S.) clearly declared that if he were offered the whole universe to grab a barley husk from an ant's mouth in return, he would not do it.

By Allah, if they grant me all the heavens and the whole world and ask me in return to disobey God by grabbing a barley husk from an ant's mouth, I would not do that. 129 Commenting on the *aya*, Allah will inflict retribution on him 130, Imam al–Sadiq (A.S.) pointed out a man who terrified a fox by bringing a fire close to its face so much as the fox wetted itself out of panic, and the Almighty God sent a snake to him at night so as he got himself wet in an intense panic. 131 Similarly, His Holiness (A.S.) tells the story of a man who because of throwing stones at pigeons was hit by a thunderbolt. 132

Accordingly, not only maltreating and oppressing animals is regarded as impermissible, but also keeping silent before indecent and pervasive treatment of animals is not permissible either and one should prevent others from it; because, otherwise, one's acts of devotion would be devoid of any value and will ensue Divine punishment.

There was an old pious person among the Children of Israel. One day, while performing prayer, he noticed two little boys who were holding a rooster and plucking its feathers. The old man kept on performing his prayer, not preventing the children from that. God ordered the earth to swallow this servant of His and the earth swallowed him. 133

The issue of maltreating and abusing animals in Islamic jurisprudence has been studied by Muslim legal experts who have in different cases, which will be explained later on, regarded such treatments of animals as unlawful (*haram*).134

Semantics: Before legal examination of this issue, it is to be noted that in legal sources different terms such as *ilam*, *ta'dhib*, and *idhrar* have been used to describe man's indecent treatment of animals.

Structurally, *ilam* is infinitive and from the root word *alama*, which is used in Arabic as meaning severe pain (*waj'*). 135 Similarly, *Ta'dhib* is structurally an infinitive and from the root word *'adhaba*.

There are three possibilities in the meaning of this root word (i.e. *alama*): 1. prohibition, 2. continuity, 3. beating (*dharb*). 136 So also for '*adhab* different definitions are proposed: pain (*alam*), loss (*madharr*), 137 pain along with hardship, 138 pain along with degradation, 139 continuous and unremitting pain (*istimrar al-alam*). 140

A careful examination of these definitions would imply that pain (*alam*) has varying degrees (is gradational), which, depending on its intensity, continuity, or discontinuity, can be named '*adhab* (chastisement). 141 Therefore, it can be concluded that every '*adhab* includes pain (*alam*), but every pain is not always '*adhab*. 142

On this basis, we can regard *ilam* as equivalent to maltreatment and *ta'dhib* as torture. However, since *ilam* is conceptually more widespread than *ta'dhib*, as it encompass both torture and suffering extra pain and undergoing tension and pressure in life, instead of using any of the words here we use the word maltreatment (*azar wa aziyat*) so that it may designate both concepts. However, in some cases we would mention the Arabic equivalent in parentheses for accuracy in phrasing.

1.4. Branding Animals: Among what has been much practiced by human beings for a long time is branding animals (*wasm* or *kayy*).

Branding animals has been normally practiced for two purposes:

First, treatment referred to as *kayy*, on the basis of which certain superstitions have also crept in. For instance, whenever a camel developed a disease called *'urr* (mange), namely, its lips or inside its mouth would blister, they would brand a healthy camel to cure it [the diseased one].143

1.1.4. Branding the Face: The Holy Prophet (S.A.W.) has frequently prohibited Muslims from such acts 144 and when he saw a donkey whose face was branded, he cursed (damned) the perpetrator 145 and warned one of his companions that the perpetrator of such an act will be punished in the same way on the Resurrection Day. 146

Despite causing maltreatment of the animal, branding the face would sustain serious damage to the face and ruin its beauty. Thus, in a general command, the Holy Prophet (S.A.W.) has bewared Muslims of doing anything that may damage the animals' beauty (*la tagbahu al-wujuh*). 147

Given the prohibition and cursing by the Holy Prophet (S.A.W.) as well as the consensus (*ijma'*) of Muslim jurisprudents, branding the face of animals is an unlawful act, because it causes cruelty (*ta'dhib*) to animals and ruins their beauty. 148

2.1.2. Branding other Parts of Animals' Body: The Holy Prophet (S.A.W.) and the infallible Imams (A.S.) have asserted that except for the face, other parts of the animals' body can be branded; 149 among which, the ears and buttocks are considered as the most suitable for this purpose. 150

Except Abu Hanifa, all other Muslim jurists consider branding other parts of animal's body for the purpose of their recognition and separation as permissible and, in some cases, even as recommended (*mustahab*), with respect to the sayings of the religious authorities.

Abu Hanifa believes that since branding animals causes their maltreatment and our Holy Prophet (S.A.W.) has bewared us of any maltreatment and abusing of animals, it is an indecent (detested = *makruh*) act. In contrast, other legal experts maintain that since this is performed for a rational purpose and the Holy Prophet (S.A.W.) has approved it toward animals, it can be considered as an exception to the prohibition of maltreating and abusing animals and judge it as permissible. 151

- **2.4. Hamstringing Animals** ('*Aqr*) 152: According to our findings, hamstringing animals has been practiced for two different purposes in pre–Islamic Arabia:
- **1.2.4.** In the Battlefield: In the past, when some animals such as horses were frequently used in battles, the belligerent party would cut off the four legs of their own horses or those of their enemy's ('aqr') so that the enemy would not be able to use them to their own benefit or by which the soldiers could not flee the battle scene; and also, in order to cripple the enemy forces.

The Holy Prophet (S.A.W.) allowed his troops to kill (slaughter) their quadrupeds whenever they become defiant in the enemy's land and stop from moving on, but they are not permitted to cut off their legs.

Whenever a beast of yours becomes defiant– that is, it desists from moving in battlefield in the way of Allah – slaughter it but do not hamstring it."153

Muslim jurists maintain that the Holy Prophet's (S.A.W.) statement concerns the time when such an action is possible; but if the battle is so fierce that it would be impossible to kill the animal in a legal way (i.e., to slaughter it) and there is fear of the enemy's opportunistic exploitation of this event, then one can hamstring his animal.

Therefore, although in normal conditions maltreatment and abusing of animals is not permissible, special circumstances of war allows man to do so; 154 just as when Ja'far b. Abu Talib, the commander of the Muslim army in battle of Mu'ta (against the Byzantine) did so.155

2.2.4. On the Tomb of a Deceased Person: The *sunna* of 'aqr (hamstringing) is among the superstitious practices of pre–Islamic Arabs. According to this *sunna*, when a person passed away, a camel (sheep or cow<u>156</u>) would have been hamstringed at his or her grave, its blood sprinkled over the grave, and its carcass was left around to be eaten by carnivorous animals.

Different motivations have been mentioned for this superstictious practice, such as compensating the hospitality during his/her lifetime, 157 showing the deep grief of the bereavement, and sacrificing one's best properties for that 158

The Holy Prophet (S.A.W.) forthrightly outlawed this practice by stating, *la 'aqra fi al-Islam* (there is no hamstringing in Islam), and said hamstringing is outlawed in Islam.

3.4. Using Animals as Targets (*Sabr*): Archery is among the athletics, learning and competition matches of which is highly recommended in Islam; however, if this sport brings about maltreatment and abusing of animals, it is not only undesirable but unlawful, as well.

Among the practices opposed to by Islam is *sabr al-baha'im* (taking aim at animals). What is meant by this is to tie up an animal's legs and let it die gradually and painfully by taking aim and shooting at it. 159

The Holy Prophet (S.A.W.) has prohibited Muslims from such a way of killing animals and cursed its perpetrator. Having taken for granted the existence of soul for the animals, it is stressed in some traditions that the animal possessing soul should not be killed this way.

The Apostle of Allah (S.A.W.) prohibited targeting beasts; he prohibited killing any animal by way of aiming at it while its legs are tied up. The Apostle of Allah (S.A.W.) prohibited al-mujaththama (killing an animal lying in a squatted position), which Abu Muhammad further explained as: al-mujaththamata al-masbura (squatted while its legs are tied up). Do not take the life of any animal with spirit by taking aim at it; the Apostle of Allah (S.A.W.) prohibited taking the soul of an

animal by taking aim at it. He cursed the one who takes the soul of a tied up animal by taking aim at 160

The Holy Prophet's prohibiting and cursing the perpetrator of such an act indicates the unlawfulness of this act in Islam; it is besides the principle that regards the maltreatment and hurting (*ta'dhib*) of animals as unlawful. 161

4.4. Confining Animals: As it will be explained in the following lines, man has different duties towards animals, the most important of which is to try to preserve their life, and it may best be achieved simply by supplying their water and food.

Confining animals is among the indecent conducts towards animals. In this procedure, the animal is detained in a place without water and food so that it may die gradually out of hunger and thirst.

According to the Muslim jurists, such a treatment of animals is impermissible and unlawful (*haram*). 162

In his spiritual ascension to the Unseen (*mi'raj*), the Holy Prophet (S.A.W.) talks about his meeting with a woman, who, due to her mistreatment and abusing of a cat, had been punished in the Hell.

The night I ascended to the mi'raj, I saw a woman in fire. I asked for the reason, it was said, "she had tied up a cat without giving it water and food and would not let it go to eat insects of land until it died. That was why God punished her." 163

- **5.4. Crucifying Animals** (*Salb*): Some jurists believe that crucifying animals before killing them is not permissible, because it would torment them and is incompatible with the Islamic creed enjoining tolerance with animals (practicing benevolence towards animals when slaughtering them). 164
- **6.4. Burning Animals** (*Ihtiraq*): According to the Islamic law, burning animals even though they cause harm to human beings is impermissible and unlawful (*haram*). 165

Once on a journey, the Holy Prophet (S.A.W.) found out that some of his companions had set an ant hole on fire, he reproached them and said, "Punishing with fire does behoove no one except the Creator of fire." 166 "It does not behoove man to punish a creature like God does." 167

Accordingly, a question is raised in legal sources as to whether the living small fish can be put in boiling oil or fire to cook them for eating.

This question is examined in two aspects: 1. maltreatment of the animals, 2. eating these animals without observing the hunting conditions.

Apart from the second aspect, which concerns the eating and drinking issue (at'ima wa ashriba), the first aspect has drawn the attention of the jurists, some of whom regard such treatment as unlawful and impermissible as it inflicts torment on the fish. 168 Some jurists, however, have only discussed the issue in respect to the second aspect and do not view eating such fish as permissible 169 according to the

tradition narrated by 'Ammar Sabati. 170

Nevertheless, the Muslim jurists have only in one case given *fatwa* as to the legal obligation of burning animal's body, and it is when an animal whose flesh is lawful to eat is sexually exploited by a human being. In this case, the animal is first killed (slaughtered) as per the instructions given in Islamic sources, and then the flesh is burned and buried. 171

It is necessary to keep in mind two points in this judgment:

First: Burning the body of the animal after killing is not for punishment of the animal because it has not had any role in its being sexually abused; rather, it is to show the indecency of the act, while suppressing the desire for such ignominious act and preventing human health from hazardous problems. 172

Second: this judgment is only applicable to the animals whose meat is for human consumption; as for other animals, just their place of living is to be changed and then sold so that the owner of the animal is not reproached for that. 173

7.4. Full Shearing of Animals Wool (Hair): As it is explicitly pointed out in the Holy Qur'an, some animals' wool (hair) has many uses in human clothing, which in turn can pave the way for profiteering. For this reason, the Muslim jurists have commented in this regard using the general rule concerning "the unlawfulness of maltreatment and abusing of animals."

From the viewpoint of the Muslim legal experts, the owners of animals such as sheep are not permissible to shear off the wool close to the skin, because such an act would hurt (*ta'dhib*) the animal. 174 Accordingly, some jurists do not deem as permissible the sale of the sheep's wool before it is sheared, because such a transaction is apparently the sale of the whole wool of the sheep and access to such a thing is not possible except through shearing the wool close to the skin, which would hurt the animal. 175

8.4. Slaughtering the Animal, Avoiding Maltreatment: Although consuming the animal's meat is not possible except by killing (slaughtering) it, one should not torment the animal under the pretext of obtaining meat and ignore the Holy Prophet's (S.A.W.) command in doing benevolence while slaughtering them. 176 That is because there is no conflict between the necessity of slaughtering animals and doing benevolence to them in doing so. Thus, one should avoid any action that increases persecution and maltreatment of the animal. 177

Verily, Allah has ordained you to do benevolence to everything; so, when you slaughter and kill animals, do it with benevolence. 178

In a letter to one of his judges and pointing out the necessity of instructing the butchers on how to slaughter animals properly, the Commander of the Faithful Imam 'Ali (A.S.) emphasizes that the

butchers who slaughter the animals in an improper way should be reprimanded. 179

It is in respect to such an attitude that the Holy Qur'an, while explaining different methods of killing animals, deems only one method as permissible and does not permit Muslims to consume the meat of the animals that are killed in such ways as described in the following verse:

♦ You are prohibited carrion, blood, the flesh of swine, and what has been offered to other than Allah, and the animal strangled or beaten to death, and that which dies by falling or is gored to death, and that which is mangled by a beast of prey barring that which you may purify and what is sacrificed on stone altars [to idols], and that you should divide by raffling with arrows. All that is transgression. ▶ 180

Benevolence in slaughtering animals cannot be restricted to specific instances, because what is meant by benevolence is to avoid maltreatment; so, whatever that may bring us a step closer to that goal is regarded as benevolence. 181 We study benevolence in two stages:

- **1.8.4. While Slaughtering:** In Islamic sources, the following instructions are given to reduce tormenting of animals when being slaughtered.
- **1.1.8.4. The Sharpness of the Slaughtering Tool**: It is befitting to slaughter animals with a tool of iron (metal) and sharp like a knife 182 so that its bluntness would not torment the animal. 183

When you want to slaughter an animal, do not torment it; sharpen your knife, lay the animal down facing the *qibla*, and do not cut off its spinal cord before it dies. 184

When you slaughter an animal, do it well; each one of you should sharpen your knife and relieve the animal. 185

The Holy Prophet (S.A.W.) commanded that the Muslims sharpen their knives when slaughtering animals. 186

The sharpness of the slaughtering tool is a necessary rather than sufficient condition for the reduction of animal's pain; because, if a tool, however sharp it is, still causes pain to the animal, should not be used. For this reason, some jurists believe that using tools such as a jagged scythe for slaughtering is not permissible, because its being jagged would add to the animal's pain (*ta'dhib*). 187

2.1.8.4. Swift and Powerful: Tardiness in action also increases the process of slaughtering, causing further pain to the animal. Therefore, as the Holy Prophet (S.A.W.) ordered, the animal is so that it can be slaughtered as swiftly and powerfully as possible to tolerate it more easily. 188

When one of you slaughters an animal, you should act swiftly. 189

3.1.8.4. Avoid Cutting Lengthwise: To slaughter an animal, its four main arteries are to be cut off so

that blood can gush out quickly; emptying its blood vessels and end its worldly life in the shortest time possible. To this end, it is not permissible to use any other method that would cause the gradual and painful death of the animal.

Among such methods is the upward cutting of the animal's throat (*qalb al-sikkin*). In this method, the knife is inserted in the animal's throat and moved upward while rotating it, causing the animal to die slowly. 190

In response to the question as to how the animals should be slaughtered, Imam al–Sadiq (A.S.) warned the Muslims against the above way of slaughtering. 191 Having regarded the *sanad* of this *hadith* as valid, some Muslim jurists have considered such an act as unlawful and eating the flesh of the animal slaughtered this way as impermissible. 192 In contrast, another group has regarded such an act as detestable (*makruh*) and enjoined the Muslims to avoid it, while throwing doubt on the validity of the *sanad* of the *hadith* due to the unclearness of the identity of Qasim b. Muhammad (its narrator). 193

2.8.4. The Interval between Slaughtering and Final Death: With the acceptance of the animals' enjoyment of an immaterial (pure) soul and the existence of a relationship between death and separation of the soul from the body (disjunction) and since this process is gradual, we should avoid doing anything that may inflict more pain to the animal until the soul is fully separated from the body.

1.2.8.4. Skinning: Among the legal considerations, whose basis is the avoidance of tormenting animals, is the unlawfulness of skinning the animal (*salkh*) before its body is cold enough after being slaughtered; i.e. before the total separation of the soul from the body.

It seems – as some Shi'i and Sunni legal experts have asserted – that the coldness of the animal's body that is accompanied by the ceasing of its throbbing motions can be regarded as a sign of the total separation of its soul from the body. Thus, the difference between *qabl al-mawt* (before death) and *qabl al-bard* (before getting cold), as stated in some legal books is not correct; "until it gets cold, i.e., until its soul departs from the body", "before it gets cold... before the soul exits the body", "unless there exists a correlation between dying and getting cold". 194

Some jurists believe that since the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have regarded as unlawful eating the meat of the animal that is skinned before its body gets cold, 195 there is a correlation between the unlawfulness of eating the meat of such an animal (*akl*) and the unlawfulness of doing such an act (*al-salkh qabl al-bard* = skinning before the animal's body gets cold). 196 So skinning the animal before the completion of its dying process is indecent, unlawful (*haram*), or detestable (*makruh*).

Although according to the extant documents, the Holy Prophet (S.A.W.) has never in his life skinned a sheep before its body getting cold, 197 it seems for proving the unlawfulness of such an act we need no specific reasons except the judgment of intellect, the impermissibility of tormenting animals, and the words of the Holy Prophet (S.A.W.) concerning the unlawfulness of torturing (*ta'dhib*) animals, 198

provided that we accept that the animal preserves its ability to perceive and feels the tormenting of its body till the end of the process of the soul leaving the body (coldness of the body). 199

2.2.8.4. Cutting off the Spinal Cord (Paralyzing): According to the religious teachings, the killer of the animal (zabih = slaughterer) is not allowed to cut off the animal's spinal cord (nakh') by cutting off its head or breaking off its backbone²⁰⁰ before its ultimate death (before the body becomes cold).²⁰¹

Irrespective of the disagreement among the jurists on the unlawfulness or repugnance of cutting off an animal's spinal cord before its body gets cold as well as eating its meat, 202 we should look for the reason for this ruling.203

Since the spinal cord lies in the spinal column, breaking it off is not possible without breaking its neck; for this reason, the traditions in which cutting off the animal's spinal cord is discussed are interpreted as referring to the issue of breaking the neck (*raqaba*) as well.

So long as the animal's body does not get cold (enough), its spinal cord should not be cut off and its neck should not be broken.204

After slaughtering, the spinal cord is not cut off and the neck bone is not broken.205

He was asked about the person who cuts off the neck of an animal before it dies, and he replied, "Although it is an evil act, its meat can be eaten." 206

Cutting off the spinal cord and breaking the neck of an animal in the early stages of its killing (*dhibh*) denotes two points:

1. The Slaughterer's Haste;

O butchers! Do not break the animal's neck bone and do not hasten its dying [process] until the soul leaves the body by itself. 207

2. The Slaughterer's Violence. 208

There is no doubt that this hastening and violence would torment the animal, because by the time the dying process is over, the animal's overall nervous system is active and it feels all the injuries and pains inflicted upon its body. For this reason, by cutting off the four main arteries of the animal's neck, the blood should be allowed to be completely drained from its body and only after the body's activity is totally stopped the neck and the spinal cord can be cut off.

It is in respect to this issue that the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have regarded cutting off the spinal cord in the interval between slaughtering and death of the animal as impermissible; however, they have permitted it after its death, i.e. after the complete separation of the soul from the body (*idhhaq-i nafs*).

The animal's spinal cord is not to be cut off until it dies; so, when it dies, then cut off its spinal cord.209

Do not cut off its spinal cord until it is quite death.210

Do not cut off its spinal cord, nor cut off its head, nor tear apart its meat until its soul is separated from the body.211

Therefore, cutting off the animal's spinal cord and breaking its neck intentionally before its death process is over is an indecent act since it causes unreasonable intensification of its pain.212

The Exalted Allah has obliged you to do good to all things; then, when you slaughter, do it with benevolence.213

3.2.8.4. Cutting the Body (Flesh) into Pieces: If we accept that there is an interval between slaughtering the animal and its final death – which is referred to as the complete departure of the soul from the body – and if we regard its getting cold as a sign of dying, then we are not permitted to cut the animal's flesh into pieces before its final death.214

Animals Vexing Humans: So far, we have pointed out some instances in which Islam did not allow human beings to hurt and abuse animals in different ways and under any pretext; however, the question remains to be answered as to if animals prevent humans from utilizing them by vexing them, what can humans do?

Obviously, when we talk about rights it concerns a mutual relation. Therefore, as much as man is obliged to observe the animals' rights, his own rights in utilizing them are also to be observed, as we talked about it before. Thus, in order to secure his rights, man is permitted to seek procedures for protecting himself against the animals' harm, but these procedures should not cause their physical or psychological damage.

For instance, man has the right to use the honey produced by the honeybee, but he is threatened by the bees when he approaches their hives. To solve this problem, some legal sources have suggested producing smoke (*tadkhin*) to keep safe from the bee stings.215

5. Avoiding Punishment of Animals

Among the simplest and at the same time most widespread treatments of animals by man is beating them for various motives such as training, spurring (making it do something, e.g. go faster), and sometimes – unfortunately – taking revenge. Such treatments by man, despite its motivation, is based on accepting a kind of privilege for him; but is he really entitled to such treatment of animals?

Before legal examination of this issue, it is to be noticed that from the viewpoint of religious authorities, such treatment of animals has not been agreeable and their practical life story (*sira*) has suggested avoiding such acts.

For example, Imam al-Sajjad (A.S.) went on Hajj pilgrimage with a camel forty times without whipping his camel for even once.216

In response to the question as to when one can beat the animal one rides, Imam al-Sadiq (A.S.) said, "When the animal is not moving like when it is returning to its manger." 217 Deliberating on this question and answer, it is well understood that beating an animal is permissible only when it refuses to do its duty, for which it is created.

As we explained previously, according to the Holy Qur'an's delineation, the creation of the cattle is intended for the fulfillment of some human needs, including transportation.

Of the cattle [some] are for burden and [some] for slaughter. Eat of what Allah has provided you and do not follow in Satan's footsteps; he is indeed your manifest enemy.218

€and you are carried on them and on ships. ≥219

It is Allah who created the cattle for you that you may ride some of them, and some of them you eat... \$220

And who created all the kinds and made for you the ships and the cattle such as you ride.

Now, if an animal refuses to do this inherent duty, which can be signified by sluggish motion and lack of liveliness (not moving as when returning toward its manger), it should be notified; but since it is not possible for man and animal to verbally communicate for this purpose, it can be done by showing a specific conduct.222

This issue can be implied from the difference between 'ithar and nifar in beating the animals and the reason stated for it:223

Beat it for its rebellion ('ithar), but do not beat it for its ill-temperedness (nifar), since the animal sees things you do not see. 224

Although in such cases, it is permissible to beat the animal to make it carry out its duty, it should be known, however, that the beating is permissible when it would not be possible in no other to notify the animal of its duty. For this reason, when one of the Holy Prophet's (S.A.W.) companions begins to beat a camel to have it stand up, the Holy Prophet (S.A.W.) tells him not to beat it and to make a sound, instead, to make the animal stand up.225

Similarly, to the man who was beating his sheep to make them move, the Holy Prophet (S.A.W.) teaches that person how to make them move instead of beating them.

The Holy Prophet (S.A.W.) saw an Arab who was beating his sheep. He told his companions "Bring that man to me without frightening him." When they brought him to the Holy Prophet

(S.A.W.), he said, "O Arab! Say giddyup! Instead of beating them." 226

However, the religious authorities do not approve beating animals.

I was going on a Hajj pilgrimage with Imam al-Sajjad (A.S.), his camel was moving very slowly. He pointed his stick toward it, but said, "Ah! If there were no retaliation (qisas) in the world Hereafter, I would beat it," and then moved his hand back. 227

Naturally, if beating is just for drawing the animal's attention, then we are not permitted to use the means that may inflict serious harm on it, whether it is used for training or utilization.228

Beware of beating [an animal] with a wooden stick, because the Satan will accompany you and the angels will run away from you. Whoever is so harsh on his animal that it may die, he will be cast in Hell. 229

Therefore, beating the animals for what they are not naturally committed, like beating them in circus shows, and beating them for doing what they are not capable of doing, like beating them for carrying heavy loads or gaining unusual speed in races, is not permissible.

If we look at beating animals from this perspective, we will well understand why the Holy Prophet (S.A.W.) and the Infallible Imams (A.S.) have warned the Muslims against damaging the face of the animal230 and explained the reason as follows:

Everything has sanctity, and the animals' sanctity is in their faces.231

Do not beat the face of animals or any spirited being, as they praise Allah.232

Accordingly, the Muslim jurists have regarded damaging the face of the animals and beating it as unlawful or at least as aversive (*makruh*), because the face is more delicate than other parts of the body, the animals feel more pain thereby, and the scar left on the face may ruin its beauty.233

Human Duties in Utilizing Animals

As it was stated before, the relation between man and animal is a bilateral one; i.e. if man is granted the right – albeit limited – to utilize animals, the animal – in turn – has rights that man is obliged to observe (as his responsibility) that in case he does not, he will lose his right of utilization.

The Commander of the Faithful Imam 'Ali (A.S.) says in this respect:

Be wary of Allah concerning His servants and His lands, because you are responsible even for the places and beasts. 234

The duty and responsibility of man towards animals can be summarized in the following proposition: It is

incumbent upon the owner of the living creatures to do whatever is in their interest.235

The necessity of acting in the interest of the animals can be well understood from the following words of the Holy Prophet (S.A.W.):

'A'isha is quoted as saying, "I went out of the house and saw the Holy Prophet (S.A.W.) was wiping his horse's back with his clothes, I said, 'May my father and mother be your ransom! Are you cleaning the back of the horse with your clothes? He said, 'Yes O 'A'isha! You do not know. Maybe My Lord has commanded this to me. Besides, I am near and the angels call me to account for keeping the horse and cleaning it.' I said, 'O Apostle of Allah! Assign me to this; let me be the one who takes care of it.' He said, 'I will not do so. My friend, Gabriel, informed me that the Exalted Allah will reward me for every single grain that I give it and erases a sin from me for every single grain that I give it. There is no Muslim taking care of a horse in the way of Allah except that he will receive reward and his sins will be erased for every grain that he gives it. 236

In Islamic jurisprudence, provision for the needs of the living creatures is referred to as *nafaqa* (maintenance). Paying maintenance becomes obligatory for man for three reasons: marriage, kinship, and ownership. Accordingly, in case a human being owns an animal, he is obliged to provide for various needs of his animal such as food, clothing, dwelling, medicine, and medical treatment.237

1. Providing Foodstuffs

The All-knowing and Almighty Allah has created the nature in such a way that it readily provides for the needs of all creatures for foodstuffs. Thus, viewing man and animal as equal [in their physiological needs], the Holy Qur'an stresses that Almighty Allah undertakes to provide for their food.

How many an animal there is that does not carry its own provision. Allah provides for it, and for you, and He is the All-hearing, the All-knowing. 238

Therefore, the first and the foremost duty of man as the God's vicegerent on earth is to provide food and water for the animals that he is taking care of without there being any difference between various animal species in this rule. 239 However, once he is not capable of this undertaking, he should not take on the responsibility of keeping animals.

This responsibility is of such importance in the Islamic legal system that the jurists consider fulfilling it as necessary even if the animal is not able to use the food and water 240 due to old age or is passing its last moments of life and thus giving it food and water does not make any difference in sustaining its life.241

As it is implied from the religious sources, fulfilling this responsibility is associated with the spiritual status and divine veneration of the animal.242

Concerning this association, Shaykh al-Tusi wrote:

Whenever you own an animal, it is incumbent upon you to provide for its food, whether its meat is eatable or not; there is also no difference between birds and non-birds, because animals are revered. 243

The existence of such a relation between divine veneration of animals and the necessity of providing for their food has led to the fact that providing for the animals' food needs is regarded as benevolent from the Islamic point of view that if it is for gaining divine pleasure, it will bring reward in the world Hereafter, as well.244

Whoever provides for the horse's expenses for the sake of Allah is like a person who has always been open-handed for giving alms.245

Whoever takes care of a horse for the sake of Allah, the feeding and giving water to it and cleaning its place will all be counted as his good deeds on the Resurrection Day.246

The benevolence of providing food for the animals will have two consequences:

First: the Muslims by endowing all or part of their properties can provide for food expenses for a special kind of animals or any animal needing food as it desires.247

Second: fulfilling the food needs of animals was considered a moral issue, without needing there to be an ownership relation between man and the animal so that he has to fulfill its food needs; rather, man can give food and water to the animals that he is not an owner of, too.

While passing by the sea, Jesus son of Mary threw a piece of bread that was his own meal into water. Some of his companions told him, "O Spirit of God! Why did you do so? That piece of bread was your meal." Jesus (A.S.) answered, "I did so for one of the aquatic creatures to eat it; such an act has a great reward with God."248

Imam al-Sajjad (A.S.) would constantly say, "I do not cultivate to benefit; rather, I cultivate so that the poor or a bird, especially a lark, may eat from it." 249

The sacredness of this act would become more manifested when we know that according to the Islamic teachings man first has to provide food for the animals then proceed to supply food for himself.250

Although fulfilling animals' food needs includes giving water to them too, in Islamic sources special emphasis has been placed on giving water to the living creatures and quenching their thirst, including the animals.

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

Allah, the Blessed and the Exalted, likes the quenching of a thirsty liver. Whoever quenches a thirsty one – whether an animal or non-animal – God will place him/her in the shade of His mercy

on the Day of Resurrection. 251

Irrespective of the moral aspect of this act, whoever owns an animal is obliged to provide sufficient food and water for it. This duty can be performed in the following two direct and indirect ways:

In the first way, the owner or the caretaker of the animal provides the food and water for the animal and gives it to it; in the second way, however, he provides a chance for the animal so that it can get its food and water directly from the nature.252

The above can be implied from the advice that the Commander of the Faithful Imam 'Ali (A.S.) gave her daughter, Umm Kulthum, in the last night of his life:

... then he entered the house, and there were some geese in the house that my brother Husayn (A.S.) had given to me as a gift. When he sat down, the geese gathered around him, flapping their wings and making noise in front of him, which they had not done before... Then he said, "My daughter! By the right I have upon you, release them, because you are keeping what neither have tongue nor are able to talk when they are hungry and thirsty. Give them food and water, otherwise set them free to eat from the plants on the ground."253

Obviously, using the indirect method, like taking the animals to the pasture, may release man from duty (lapse of duty) only when, on the one hand, there is enough water and food in nature for the animal to use, and on the other hand, the animal's health and safety would not be at risk. Otherwise, the owner or the caretaker has to provide for the animals' provision directly.254

Every quadruped has six rights upon its owner: ...when he dismounts it, he should first give it fodder... Whenever he passes by water, he should let it drink water. 255

Such a duty for man when taking care of and utilizing animals has prompted Muslim legal experts to generalize this notion to insects and proclaim that the beekeepers are also required not to collect all the honey in the hives and leave out some honey for the bees to use. Similarly, the silkworm owners are obliged to prepare and provide enough mulberry leaves for the worms to eat.256

Accordingly, if the owner is unable to normally fulfill his duty, he is permitted to use other methods to carry out this task. For this reason, if the owner or the caretaker cannot provide fodder for his animal by means of paying or without paying for it, he will be permitted – in order to support the animal's life and health – to supply food for his animal from the fodder that is at someone else's disposal without asking permission from the owner (usurpation); and then compensate for the loss when the situation is normalized.257

On the other hand, in case the owner refuses to provide fodder for his animal while he can afford it, the government or a supporting organization would force him to carry out his duty. However, if he is not financially able to pay for it or forcing him to do so does not work out, depending on the circumstances,

the expenses can be paid for from the state's public budget or the ownership of the animal transferred to a qualified person to protect its life and safety.258

It is worth mentioning that in the legal sources three issues have been referred to for proving the necessity of providing the animal's fodder by its owner as well as for putting him under pressure in case of refusal: 1. the status of the animal's soul 2. avoidance of abusing the animal, and 3. punishment in the world Hereafter in case of not avoiding it.259

The Holy Prophet (S.A.W.) said, "The night I ascended to the *mi'raj*, I saw a woman in fire. I asked for the reason, it was said, 'she had tied up a cat without giving it water and food and would not let it go so that it would eat insects of land until it died. That was why God punished her'."260

While the Apostle of Allah (S.A.W.) was performing ablution, a cat entered his house. He noticed that the cat was thirsty, he set the water container for it to drink, and then he performed his ablution with the remainder of the water.261

The Apostle of Allah (S.A.W.) passed by a camel whose belly was stuck to his backbone due to excessive thirst. He said, "Be wary of God in respect to these beasts, ride them decently, and use their meat decently." 262

Why are you not wary of God concerning the right of the animal whose ownership He has given to you? It complained to me that you have left it hungry and made it used to it.263

Where is the owner of this animal? Why do you not wary God concerning its right? Either give it fodder, or let it go find food by itself.264

The Holy Prophet (S.A.W.) said, "There is no beast except that every morning it prays to God as follows: Grant me a good owner who relieves my hunger and thirst by food and water, one who does not burden beyond my endurance.265

With such an attitude, provision of the animal's food and water is not merely restricted to a time when there is possibility of utilizing it; rather, this duty is still to be done even when the animal is disabled.266

One day I was sitting with the Holy Prophet (S.A.W.), suddenly a camel slowly came over and sat down before us, starting to cry. He told me, "Woe on you! See who the owner of the camel is? It has some problem." I left the house, looking for the owner of the camel, until I found out it belonged to a man from among the Ansar. I called him to the Holy Prophet (S.A.W.). He told the man, "What is the problem with your camel?" The man asked, "What problem? By God, I do not know what its problem is. I used to carry loads and do irrigation with it. When it got disabled to irrigate, I decided yesterday to kill it and distribute the meat." The Prophet said, "Do not do that. Give it or sell it to me." The man said, "O Apostle of Allah (S.A.W.)! It is yours." The Holy Prophet (S.A.W.) marked it as charity and set it free. 267

1.1. The Quality of the Provisions: In providing the animal with food and water, care must be taken of the animal's physical well-being and spiritual status, as well. Accordingly, it is not upright (it is aversive) to give animals wine or any intoxicating (alcoholic) drinks or feed it with foods that are not permissible (lawful) for man to eat.268

The most important reason the Shi'a jurisprudents present for proving the aversion (*kirahat*) and not unlawfulness (*hurmat*) of this action is the content of two traditions narrated by Abu Basir and Ghiyath b. Ibrahim269 as well as the fact that animals are not religiously accountable.270 However, like Qadhi b. Barraj and Ibn Najim Misri, we too can claim that such an action is unlawful (*haram*) and not permissible.271 Because, although animals are not religiously accountable (*mukallaf*), if we accept that using alcoholic drinks and unhealthy foods is as harmful to animals as they are to human beings, then man does not have the right to knowingly inflict physical damage to animals just as he does not have the right to do so to a child who is not legally accountable.272

It is in this respect that for proving this theory we can rely on traditions, the content of which concerns the impermissibility of using alcoholic drinks for treatment of all people, including children and animals.273

Therefore, it is not unlikely to be able to interpret the term *kirahat* (aversion) used in the two traditions of Ghiyath and Abu Basir by its literal meaning and not its technical sense and imply unlawfulness of the action from the context of those traditions.274

1.2. The Provision Rate: Although in legal sources no specific rate and amount is determined for man in providing the animal's provision, two issues need to be taken into consideration:

First: the provision supplied for the animal has to (sufficiently) fulfill its food needs, so the least amount cannot be deemed as sufficient and feed it just enough to keep it alive. 275 Second: the amount of food the animal needs is varied depending on various conditions of time and place; so, a certain quantity of food cannot be content with at various times such as sickness, pregnancy, breastfeeding, reproduction, etc. so that moving animals from one climatic location to another would in itself cause changes in the dietary type and amount of food they consume.

It was in consideration of these two aspects that the Holy Prophet (S.A.W.) protested to the people who had overloaded a camel and reduced the amount of its food; taking this to be the reason for its disobedience.276

Therefore, the animal's owner is obliged in respect to the two aspects of time and place to provide for his animal's food needs.

There is no fixed amount for their provision; rather, it is obligatory to provide for whatever the animal requires: food, water, shelter and the similar things that change over different times and places. 277

2. Providing Sanitation

The glorious religion of Islam has given great importance to the sanitation of animals. Hygiene recommendations of Islam concerning animals can be divided into three general categories:

1.2. Hygiene of the Body and Environment: Muslims should not only undertake to clean of the animals they are taking care of but also to keep their living place (stockyard) clean so that a Muslim may be able to perform their most important devotional act, i.e. prayer, there.

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

Clean up the keeping place of sheep and sweep the dust off the place, because the sheep is an animal from Paradise.278

Clean the dust off the sheep and you can say prayers in their sleeping place, because sheep are animals from Paradise.279

It is implied from examining the Islamic sources that man's duty in providing hygiene for the animals is not restricted to their individual and environmental hygiene; rather, it includes their food hygiene, as well.

2.2. Food Hygiene: Although to some people the animals' food hygiene does not seem to be of serious importance, Islam has taken an interest in this issue since the very beginning.

In this respect, the Holy Prophet (S.A.W.) says:

Whoever feeds his horse with cleaned barley, God will record every grain of barley as a good deed (hasana) for him.280

2.3. Water Hygiene: When water is exposed to sunshine, it absorbs sunrays and retains them in itself; thus using such water is not advisable and performing ablution (*wudhu*) with it is aversive due to the damage it can inflict to the body.

In some legal texts, it is asserted that if the criterion for such an ordinance is its likelihood of damage to the human beings and it is assumed that this damage is the same among both man and animals, it can be decreed that quenching the thirst of the animal with such water is inadvisable and aversive (*makruh*).281

3. Providing Medication

The one who undertakes to take care of an animal is obliged to proceed to treat the animal when sick and fulfill for its veterinary needs. According to Muslim jurists, medication expenses of animal are among the expenses that the animal's owners are obliged to pay for (obligatory maintenance).282

4. Providing Dwelling

Our observations of the wildlife reveal the fact that any living creature, whether aquatic or aerobic, begins to look for a suitable place for sustaining its life as soon as it attains an independent power to live, a place that may provide for its physical and spiritual health and fulfill its various needs.

Although animals in most cases are able to prepare such a desirable place for themselves, when human beings directly undertake their care, they have to positively respond to these animals' needs and provide a suitable and befitting place; 283 otherwise, they have been negligent and disobeying the Almighty Allah and have committed sin. 284

The suitability and fittingness of this place has three features in Islamic law as follows:

First, proportionate to the status of the animal: it does not suffice to be merely a shelter and the animals cannot be kept in unsuitable and filthy places on the pretext that they do not understand and are undiscerning.285

Second, proportionate to the physical needs of the animal: since the animals are to be kept in conditions in which their health is not endangered, it is essential that their keeping place be such that they are secure from heat and cold.286

Third, not jeopardizing human health: although this feature is not much talked about, it is to be noted that the differences in the body structure of man and animal entail various health consequences that not taking care in choosing proper living places for them would lead to pollution of human environment and sometimes illness for human beings. Therefore, it is necessary to choose a living place for the animals that may not jeopardize human physical and psychological health.287

As much as the Muslims are obliged to provide suitable dwelling for the animals they take care of, they are also obliged to respect their natural dwelling, as well. That is because, as any kind of human privacy is to be respected and nobody has the right to violate it, the animals' privacy is also respectful and no living creature, neither man nor animal, has the right to violate it

Thus, a Muslim has to have a measured behavior towards the animals' environment, not to prepare the way for its pollution or destruction.

- **1.4. Destroying the Animals' Environment:** the issue of destroying animals' environment has been discussed in Islamic sources. Besides the traditions that have warned people against destruction of the animals' environment, the jurists have legally examined this issue, too.288
- **2.4. Polluting the Animals' Environment**: disposing human waste in the animals' environment is among the indecent behaviors. The Holy Prophet (S.A.W.) has warned against urinating in the holes (*juhr*) where the animals live,289 following that, the jurists have also deemed it as indecent (aversive =

Such an ordinance may have resulted from two reasons: this act, on one hand, can put animals' life in danger, and on the other, some animals may endanger human health.291

Although the term *juhr* in the Holy Prophet's (S.A.W.) saying and *thaqb* (burrow) in the words of the jurists concern the homes of animals that live in holes and burrows or in the crags of mountains, it seems the indecency of this act is not limited to a particular group of animals and encompasses all animals.

The evidence for this claim are the traditions in which the Infallible Imams (A.S.) have prohibited people from urinating in the running and stagnant water. To explain this, they have pointed out that there are [tiny] creatures in water that would be harmed by this; yet it may also have some harm to human beings too.

No one of you should urinate in stagnant water.292

The Holy Prophet (S.A.W.) prohibited anyone from urinating in running water except in dire need and said, "Water has inhabitants." 293

Man should not splash his urine in the air or in running water; whoever does this and face a problem, should not blame anyone except himself, because some creatures live in the air and water.294

Do not urinate in stagnant water; whoever does this and face a problem, should not blame anyone except himself.295

Despite the disagreement in legal sources concerning the difference between running and stagnant water, most of the jurists believe that urinating in water is aversive and in stagnant water even more aversive.296

Furthermore, although in these traditions the issue brought up concerns urinating in animals' dwellings, it is to be accepted that with respect to the reason for this ruling, i.e. harming the animals, discharging human excreta in the dwellings of animals is not permissible.297

This issue can be well understood from the following saying of the Holy Prophet (S.A.W.) concerning the dwelling of the aquatic creatures:

Water has its inhabitants; do not abuse them by urinating or defecating. 298

If we accept that polluting the animals' environment with human waste is an indecent act as it would abuse the animals, the question remains to be answered as to whether by implication from the traditions and trusting the reasons provided in them, we can make the judgment that polluting the animals' environment using any type of pollutant is aversive, in case it abuses them.

5. Respecting Animals' Status

Being committed to respecting animals is regarded as a principle in adjusting the relationship between human and animal. For this reason, people are not permitted to prepare the ground for offending the animals by mistreating or misusing them.

Although concealing one's private parts from animals is not obligatory, 299 we should remember to observe courtesy before them in this respect. It is probably for this reason that the Holy Prophet (S.A.W.) dismissed the shepherd of his sheep because he was sitting naked in front of them and said, "We do not hire a person who is not ashamed of God in their private parts.

One day the Holy Prophet (S.A.W.) went to check on his sheep. The shepherd was sitting naked while cleaning his clothes. When he noticed that the Holy Prophet (S.A.W.) was coming, he put on his clothes. The Holy Prophet (S.A.W.) told him, "Go away! We do not need your shepherding." The shepherd asked, "Why?" the Holy Prophet (S.A.W.) said, "Our family does not employ those who do not observe courtesy in the presence of God and are not ashamed of Him in their private parts."300

Paying attention to such a law in utilizing animals has prompted some Muslim jurists not to permit people to clean off themselves (*istinja*') with living animals' parts such as tail, ear, and wool after releasing faeces, because this action would discredit the status of the animal.301

In contrast, a number of jurists – instead of this issue – have only pointed out the general rule that after releasing faeces one cannot clean off with respectful objects, 302 as by accepting the respectfulness of animals, it can be decreed that using living animals' parts for this purpose is not permissible.

With this explanation, there remains no room for the claim that only abusing animals and not degrading them is unlawful (*haram*),303 just as disrespect for the animals' parts is not permissible, either.304

Paying attention to such a status for animals in the Islamic legal system has led to the ruling that when some animals, due to lack of understanding their own situation, perpetrate something that may degrade their status and respect, people are obliged to stop its fulfillment or continuation.

The Commander of the Faithful Imam 'Ali (A.S.) was passing by a male and female animal engaged in copulating on the way. He turned his face away from them. He was asked, "Why did you do so?" He answered, "It does not behoove them to do such a repulsive act in public; one should hide them in a way that no human being may see that."305

The principle of respectfulness in human–animal relationship is not restricted just to the animals' living period; it applies to their afterlife, too.

Imam al-Sajjad (A.S.) advised his son to bury in the ground the body of the camel, by which he had several times performed his Hajj pilgrimage, after it dies so that it may not be prey to predators.306

For this reason, any kind of offense to the animals' corpses is not permissible and the Muslims are not permitted to cut off the animals' parts of body such as their ears, lips, nose, etc. or damage their faces (mutilate) for the purpose of revenge or the like.307

- 1. Q. 2:29.
- 2. Q. 16:5.
- 3. Fakhr al-Din Razi has discussed in detail about the conceptology of this verse of the Holy Qur'an. For more information, see: Razi, Muhammad b. 'Ali, Al-Mahsul fi 'Ilm Usul al-Fiqh, ed. Dr. Taha Jabir Fayyadh alo-'Alwani, 6 vols. 2nd edition, Al-Risala Institute, Beirut, 1412/1992, 9/97-102.
- 4. Muqaddas Ardabili, Ahmad b. Muhammad, Zubdat al-Bayan fi Ahkam al-Qur'an, ed. Muhammad Baqir, Bihbudi, Al-Maktibat al-Murtazawiyya, Tehran, n.d, p. 73; Muhammad Isma'il, Ibrahim, Al-Qur'an wa I'jaz al-'Ilmi, Dar al-Fikr al-'Arabi, p. 68-69.
- 5. Al-Jami li Ahkam al-Qur'an, 1/252.
- 6. Saduq, Muhammad b. 'Ali, 'Uyun Akhbar al-Ridha (A.S.), 2 vols. Mu'assisat al-A'lami li al-Matbu'at, Beirut, 1404/1984, 2/12-13, No. 29.
- 7. Zad al-Masir fi Illm al-Tafsir, 1/45; Bihar al-Anwar, 54/4; Ruhani, Sayyid Muhammad Sadiq, Fiqh al-Sadiq fi Sharh al-Tabsira, 26 vols. 3rd edition, Mu'assisa-yi Dar al-Kitab, Qum, 1412/1991, 24/95.
- 8. Q. 36:71-72.
- 9. Q. 16:66.
- 10. Q. 23:21.
- 11. Q. 16:80.
- 12. Wasa'il al-Shi⊡a ila Tahsil Masa'il al-Shari⊡a, 8/339, No. 1.
- 13. Al-Mahasin, 2/626, No, 88.
- 14. Al-Kafi, 9/536, No. 5.
- 15. In Arabic literature, the word ma is regarded as a relative noun, which in most cases is used for creatures devoid of rational thinking, contrary to the word man, which in most cases is used for creatures endowed with rational thinking. For this reason, ma is more inclusive than man; see: 'Aqili Hamadani, 'Abd Allah b. 'Aqil, Sharh Ibn 'Aqil, 5th edition, Nasir Khuwsraw, Tehran, 1409/1988, 1/147–148.
- 16. Q. 31:20.
- 17. Q. 45:13.
- 18. Fadhil Tuni (Al-Bushrawi al-Khurasani), Al-Mawla 'Abd Allah b. Muhammad, Al-Wadiia fi Usul al-Fiqh, ed. Al-Sayyid Muhammad Husayn al-Radhawi al-Kishmiri, Majma' al-Fikr al-Islami, Qum, 1412/1991, p. 125.
- 19. Zubdat al-Bayan fi Ahkam al-Qur'an, p. 73.
- 20. Tawhidi Tabrizi, Muhammad 🗈 Ali, Misbah al-Fiqaha, 7 vols. 3rd edition, Qum, Matba 🗈 atu Sayyid al-Shuhada, 1412/1992, 1/211–212; Khomeini, Sayyid Mustafa, Tafsir al-Qur'an al-Karim, The Institute for Compilation and Publication of Imam Khomeini's Works, 5 vols. 1418/1997, 5/154.
- 21. Khomeini, Sayyid Mustafa, Tahrirat fi al-Usul, 8 vols. The Institute for Compilation and Publication of Imam Khomeini's Works, 1418/1997, 7/199-200.
- 22. Sharh al-Azhar, 3/256.
- 23. Sunan Abi Dawud, 1/578, No. 2567; Bayhaqi, Ahmad b. Husayn, Al-Sunan al-Kubra, 10 vols. Dar al-Fikr, Beirut, n.d, 5/255.
- 24. Tabarsi, Al-Hasan b. al-Fadhl, Makarim al-Akhlaq, 6th edition, Manshurat al-Sharif al-Radhi, 1392/1972, p. 30.
- 25. Faydh al-Qadir Sharh Jami' al-Saghir, 2/66-67, No. 1303; Al-Maqsad al-Asna fi Sharh Ma'ani Asma Allah al-Husna, 5/582.
- 26. Kashshaf al-Qina', 5/582.
- 27. It is to be noted that apart from Divine prohibition and spirtitual prohibition, the term "respected animal" is also used in legal texts, which refers to the animals that are impermissible to kill or cannot be killed without observing the religious rules (slaughter); see: Karaki, ©Ali b. Husayn, Jami© al-Maqasid fi Sharh al-Qawa©id, 13 vols. Al al-Bayt Institute, Qum,

1408/1987, 6/304.

- 28. Ardabili, Mulla Ahmad, Majma® al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, ed. Ishtahardi, 14 vols. Jami®a-yi Mudarrisin, Qum, 1403/1983, 10/318; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 27/111.
- 29. Al-Mughni, 6/371; Tadhkirat al-Fuqaha, 2/269.
- 30. Kashshaf al-Qina', 3/445, 4/161-162.
- 31. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 37/77; Masalik al-Afham ila Tanqih Shara'i al-Islam, 12/176; Hilli, Muhammad b. Hasan, Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa id, 4 vols. Ilmiyya Publications, Qum, 1387/1967, 2/187; Ibn Barraj Tarablusi, Qadhi Abd al-Aziz, Al-Muhadhdhab, 2 vols. ed. Ja far Subhani, Jami a-yi Mudarrisin, Qum, 1406/1986, 1/447; Al-Mabsut fi Fiqh al-Imamiyya, 3/86; Kashshaf al-Qina', 4/161-162.
- 32. Al-Mughni, 5/424; Kashaf al-Qinaʻ, 4/106; al-Mabsut, 11/93; Al-Majmu® fi Sharh al-Muhadhdhab, 14/267; Fath al-ʻAziz fi Sharh al-Wajiz, 11/327; Al-Mabsut fi Fiqh al-Imamiyya, 3/87; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 37/80; Jamiʻ al-Maqasid fi Sharh al-Qawa'id, 6/305.
- 33. Al-Sharh al-Kabir, 5/382; Al-Mughni, 5/427-428; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 12/242; Tadhkirat al-Fuqaha, 2/392.
- 34. Tadhkirat al-Fuqaha, 2/203; Al-Khilaf, 4/175, issue 9.
- 35. Fadhil Hindi, Muhammad b. Hasan, Kashf al-Litham, 2 vols. Ayatollah Mar ashi Library, Qum, 1405/1984, 2/118.
- 36. For more information see: Jawahir al-Kalam fi Sharh Shara'i al-Islam, 43/390-400.
- 37. Al-Kafi, 7/368, No. 3; also, see: p. 367, No. 1, 2.
- 38. Al-Kafi, 7/368, No. 9.
- 39. Al-Kafi, 7/368, No. 8.
- 40. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 19/167-168; Al-Kafi, 7/368.
- 41. Bihar al-Anwar, 7/276; Nur al-Thaqalayn, 1/715.
- 42. Zamakhshari, Mahmud b. 'Umar, Al-Fa'iq fi Qarib al-Hadith, Dar al-Kutub al-'Ilmiyya, Beirut, 1417/1996, 2/405; Al-Nihaya fi Gharib al-Hadith, 3/211.
- 43. Shafi'i, Abu 'Abd Alla Muhammad b. Idris, Al-Musnad, Dar al-Kurub al-'llmiyya, Beirut, 1400/1979, 318-319; Ahmad, Musnad; 4/430; Bayhaqqi, Al-Sunan al-Kubra, 10/75.
- <u>44.</u> The late Shahid al–Thani states the similarity of man and animal in protecting their lives as follow: "As it is obligatory to spend property to protect mankind, so also it is obligatory to spend it to protect the respected animal, although it belongs to someone else." Masalik al–Afham ila Tanqih Shara'i' al–Islam, 12/120.
- 45. Q. 5:32.
- 46. Al-Kafi, 5/141, No. 16.
- 47. Al-Adab al-Mufrad, pp. 263–264, No. 1233; San'ani, 'Abd al-Razzaq, Al-Musannaf, ed. Habib al-Rahman al-A'zami, 11 vols. Majlis al-'llmi, n.d, 11/46, No. 19872; Al-Sunan al-Kubra, 6/233, No. 10778; Bihar al-Anwar, 73/264.
- 48. It is noteworthy that some of the jurists, by dividing the animals into respected and unrespected such as dogs and pigs, regard using the water for preserving the life of the animal as permissible not obligatory (wajib).
- 49. Muntaha al-Matlab, 1/153; Hilli, Al-Hasan b. Yusuf, Nihayat al-Ahkam fi Maʻrifat al-Ahkam, ed. Sayyid Mahdi Raja'i, 2 vols. 2nd edition, Al al-Bayt Institute, Beirut, 1410/1989, 1/189; Sabziwari, Muhammad Baqir, Dhakhirat al-Maʻad fi Sharh al-Irshad, 3 vols. Lithography, Al al-Bayt Institute, 1/95; Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 12/498; Tabataba'i, Sayyid ®Ali, Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, 2 vols. Lithography, Al al-Bayt Institute, Qum, 1404/1983, 1/74; Qummi, Mirza Abu al-Qasim, Ghana'im al-Ayyam fi Masa'il al-Halal wa al-Haram, ed. ʻAbbas Tabriziyan, 5 vols. Maktab al-Aʻlam al-Islami, 1417/1996, 1/330; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 5-114-116; Tabrizi Gharawi, Mirza ʻAli, Al-Tanqih fi Sharh al-ʻUrwat al-Wuthqa (Kitab al-Tahara), 10 vols. 3rd edition, Dar al-Huda, Qum, 1410/1989, 9/447; Hakim, Hakim, Sayyid Muhammad Saʻid, Hawariyat al-Fiqhiyya, 1416/1996, p. 101; Sharh al-Azhar, 1/123; Rafiʻi, ʻAbd al-Karim b. Muhammad, Fath al-ʻAziz fi Sharh al-Wajiz, 12 vols., Dar al-Fikr, 2/240; Sharbini, Muhammad, Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 4 vols. Dar Ihya'al-Turath al-®Arabi, Beirut, 1377/1958, 3/463; Bihar al-Anwar, 61/218.
- <u>50.</u> Hilli, Yahya b. Sa'id, Nuzhat al-Nazir fi al-Jam' bayn al-Ashbah wa Naza'ir, ed. Ahmad al-Husayni, Al-Adab, Najaf, 1386/1964, p. 43.

- 51. Al-Iqna' fi Hall Alfaz Abi Shuja', 1/224; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 1/441; Hawashi al-Shirwavi, 3/443.
- 52. Hilli, Hasan b. Yusuf, Qawa'id al-Ahkam fi Ma'rifat al-Halal wa al-Haram, 3 vols. Musassisa-yi Nashr-i Islami, Qum, 1413/1992, 3/118; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawasid, 3/290; Kashf al-Litham, 2/118; Al-Hada'iq al-Nadhira fi Ahkam al-sitrat al-Tahira, 25/143.
- 53. Ahmad, Musnad, 2/510.
- 54. See: Sunan Abi Dawud, 1/574-575, No. 2550; Ahmad, Musnad, 2/375; Bihar al-Anwar, 62/65.
- <u>55.</u> English translation adopted from G.M. Wickns, The Bustan of Sheikh-e Ajal Saadi, chapter 2, p. 77, published by the Iranian National Commission of UNESCO, 1984.
- 56. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 12/179; Fath al-'Aziz fi Sharh al-Wajiz, 11/327-328; Al-Muhalla, 11/6.
- 57. Tafsir al-Imam al-'Askari, Madrisat al-Imam al-Mahdi, Qum, 1409/1988, p. 619; Al-Safi fi Tafsir Kalam Allah, 1/240.
- 58. Q. 2:205.
- 59. See: Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 16/160, No. 19466.
- <u>60.</u> Al-Madani al-Shirazi al-Husayni, Al-Sayyid 'Ali Khan, Al-Darajat al-Rafi'a fi Tabaqat al-Shi'a, Maktibatu Basirati, 1397/1976, p. 542; Hamawi, Yaqut b. 'Abd Allah, Mu'jam al-Buldan, Dar Ihya al-Thurath al-'Arabi, Beirut, 1399/1978, 3/431-432
- 61. Akhlaq Islami wa Shikar, "Payam Dustdaran-i Tabi'at", 1377, No. 2 & 3, p.7; Nuri, Yahya, Islam wa 'Aqa'id wa Ara' Bashari, 2nd edition, Mu'assis-yi Matbu'ati Farahani, Tehran, 1346 sh/1967, p. 708-709.
- 62. Q. 2:173.
- 63. Sharbini Khatib, Al-Iqna' fi Hall al-Alfaz Abi Shuja', 2 vols. Dar al-Ma'rifa Beirut, 2/142; Al-Shirvani, 'Abd al-Hamid, Hawashi al-Shirvani, 10 vols. Dar Ihya' al-Turath al-'Arabi, Beirut, 8/372.
- 64. Sayyid bakri Damyati, I'anat al-Talibin, 4 vols., Dar al-Fikr, Beirut, 1418/1997, 2/391.
- 65. Kashshaf al-Qina', 4/107, 5/582.
- 66. Ghana'im al-Ayyam fi Masa'il al-Halal wa al-Haram, 1/330.
- 67. According to Abu Hanifa this trip is objectionable (makruh); Mawahib al-Jalil bi Sharh Mukhtasar Khalil, 2/487.
- 68. Tabrizi Gharawi, Mirza 'Ali, Al-Tanqih fi Sharh al-'Urwat al-Wuthqa (Kitab al-Salat), 8 vols. 3rd edition, Dar al-Huda, Qum, 1410/1989, 8/113-114.
- 69. See: Al-Kafi, 4/129, No. 3; Tusi, Muhammad b. Hasan, Al-Khilaf, ed. Sayyid 'Ali al-Khurasani, 6 vols. Mutassisa-yi Nashr-i Islami Qum, 1407/1987, 1/588; Al-Rasa'il al-'Ashr, p. 215; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 1/328; Ghana'im al-Ayyam fi Masa'il al-Halal wa al-Haram, 2/125; Tabataba'i, Sayyid Muhammad Kazim, Al-turwat al-Wuthqa wa Takmilatuha, 2 vols. 2nd edition, Mu'assisat al-Atlami, Beirut, 1409/1988, 2/123/-124, No. 31; Muhammad Amin, Zayn al-Din, Kalimat al-Taqwa, 7 vols., 3rd edition, 1413/1992; 1/619, No. 1208; Qummi Sabziwari, tAli b. Muhammad, Jamit al-Khilaf wa al-Wifaq Bayn al-Imamiyya wa bayn al-Atlimmat al-Hijaz wa al-tiraq, ed. Husayn Husayni Birjandi, Zamina Sazan-i tuhur-i Imam-i tAsr (A.S.), Qum, 1421/2001, p. 103.
- 70. Tahdhib al-Ahkam fi Sharh al-Muqni a, 3/218, No. 540.
- 71. Al-Kafi, 3/437, No. 4.
- 72. Tusi, Muhammad b. Hasan, Al-Istibsar fi Makhtalafa min al-Akhbar, ed. Sayyid Hasan al-Khirsan, 4 vols. 4th edition, Dar al-Kutub al-Islamiyya, Tehran, 1405/1985, 1/235, No. 8412.
- 73. Man la Yahdhuruhu al-Faqih, 1/202, No. 606-607.
- 74. Bihar al-Anwar, 73/356, No. 22
- 75. See: Al-Kafi, 3/438, No. 7; Tahdhib al-Ahkam fi Sharh al-Muqnisa, 9/83-84, No. 354.
- 76. Makarim al-Akhlaq, p. 237.
- 77. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 18/199, No. 22495.
- 78. Muttaqi Hindi, 'Ala al-Din 'Ali, Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, ed. Bakri Hayati, 16 vols. Mu'assisat al-Risala, Beirut, 1409/1989, 15/37, No. 39968.
- 79. Sha'rani, Sayyidi 'Abd al-Wahhab, Lawaqi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud al-Muhammadiyya, Mustafa al-Babi al-Halabi wa al-Ulada, Egypt, 1393/1973, p. 721.
- 80. Al-Kafi, 6/224, No. 3; Saduq, Muhammad b. 'Ali, Al-Khisal, ed. 'Ali Akbar Ghaffari, Jami'a-yi Mudarrisin, 1403/1982, p.

- 81. Shawkani, Muhammad b. ⊡Ali, Nayl al-Awtar min Hadith Sayyid al-Akhyar, 9 vols. Dar al-Jil, Beirut, 1393/1973, 15/37/38. No. 39971.
- 82. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 15/37-38, No. 39971.
- 83. Al-Haythami, 'Ali b. Abi Bakr, Majma' al-Zawa'id wa Manba' al-Fawa'id, 10 vols. Dar al-Kutub al-'Ilmiyya, Beirut, 1408/1988, 4/30.
- 84. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 15/40, No. 39986.
- 85. Majma® al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 11/327; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 37/81; Rasa'il al-Sharif al-Murtadha, 2/373; Sharh al-Azhar, 4/435.
- 86. Halabi, Al-Kafi, p. 256; Tadhkirat al-Fuqaha, 1/413.
- 87. Rasa'il al-Sharif al-Murtadha, 2/373; Sharh al-Azhar, 4/435.
- 88. Although the late Sayyid Murtadha believes that one can kill harmful animals without having been motivated by self–defense, even though no potential threat is felt from them, Muhaqqi Hilli asserts that if a person as self–defense inflicts a crime upon an animal that has been attacking him, he is not accountable, he will be accountable when there has been no threat fom the animal in case it has an owner. See: Rasa'il al–Sharif al–Murtadha, 2/373; Shara'i' al–Islam, 4/1027; Jawahir al–Kalam fi Sharh Shara'i al–Islam, 43/130.
- 89. Bihar al-Anwar, 61/243.
- 90. Majmaʻ al-Zawa'id wa Manbaʻ al-Fawa'id, 4/42; Tabarani, Sulayman b. Ahmad, Al-Muʻjam al-Kabir, ed. Hamdi ʻAbd al-Majid al-Salafi, 25 vols. 2nd edition, Maktibatu Ibn Taymiya, Cairo, n.d, 12/91; Suyuti, Jalal al-Din, Al-Jami® al-Saqir fi Ahadith al-Bashir al-Nadhir, 2 vols. Dar al-Fikr, Beirut, 1401/1981, 2/702, No. 9502.
- 91. Al-Kafi, 6/224, No. 3.
- 92. See: Kalantari Arsanjani, 'Ali Akbar, "Fiqh-i Shi'a wa Huquq-i Hayvanat", Majalla-yi Fiqh, IX, No. 33-34, p. 256.
- 93. Nasa'i, Ahmad b. Shu'ayb, Sunan al-Kubra, ed. Dr. 'Abd al-Ghaffar Sulayman al-Bundari, 6 vols. Dar al-Kutub al-'Ilmiyya, Beirut, 1411/1991, 3/166: "A physician was talking to the Holy Prophet(S.A.W.) of medical properties of frogs and the Holy Prophet
- (S.A.W.) prohibited him of killing it."
- 94. Man la Yahdhuruhu al-Faqih, 4/9.
- 95. Bihar al-Anwar, 61/264, No. 18.
- 96. Al-Jami li Ahkam al-Qur'an, 10/261.
- 97. Al-Mizan fi Tafsir al-Qur'an, 17/95.
- 98. Q. 4:119.
- 99. Ibn Abi al-Hadid, Sharh Nahj al-Balagha, 20 vols. Ayatollah Mar®ashi Library, Qum, 1383sh/2002, 19/387; Islam wa 'Aqa'id wa Ara' Bashari, p. 535. Although the existence of evil eye as a principle is approved by Islam and the Holy Qur'an reports its incidence towards the Holy Prophet(S.A.W.) and the scientific research proves the existence of various energies inherent in man, too, the way to confront it is not superstitious conducts: (Indeed the faithless almost devour you with their eyes when they hear the Reminder, and they say," He is indeed crazy." (Q. 68:51)
- 100. For more information see: Nazari Tavakkuli, Saʻid, Payvand-i Aʻdha dar Fiqh-i Islami, Islamic Research Foundation, Mashhad, 1381 sh/2002, pp. 66-69.
- 101. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 15/38, No. 39975.
- 102. Lawagi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud al-Muhammadiyya, p.721.
- 103. Kashf al-Ghumma fi Ma'rifat al-A'imma, 1/432.
- 104. Makarim al-Akhlaq, p. 174.
- 105. Al-Nawadir, p. 174.
- 106. Fiqh al-Sunna, 3/510; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 2/215; Muntaha al-Matlab, 2/1024.
- 107. Mukhtalaf al-Shi®a, 5/14; Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/250.
- 108. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249.
- 109. Al-Sunan al-Kubra, 10/24; Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 8 287, No. 9463 (Quoted from the Commander of the Faithful Imam 'Ali A.S.).

- 110. Al-Sunan al-Kubra, 10/24.
- 111. Ibid.
- 112. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 8 287; Bihar al-Anwar, 61/224.
- 113. Al-Mahasin, 2/634.
- 114. Kashshaf al-Qina', 5/581; Wasa'il al-Shi®a ila Tahsil Masa'il al-Shari®a, 8/382, No. 2 and 6.
- 115. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 13/186, No. 15053.
- 116. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/252, No. 3532.
- 117. Ahmad b. Hanbal, Musnad-i Ahmad, 6 vols. Dar Sadir, Beirut, n.d, 1/234-235.
- 118. Kufi, Ibn Abi Shayba, Al-Musannaf fi al-Ahadith wa al-Athar, ed. Sa⊡id Muhammad al-Liham, 8 vols. Dar al-Fikr, Qum, 1409/1988, 7/735.
- 119. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/252, No. 3532.
- 120. Al-Majmu® fi Sharh al-Muhadhdhab, 6/178; Ibn Najim al-Misri, Zayn al-Din b. Ibrahim, Al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq, ed. Zakaria Umayrat, 9 vols. Dar al-Kutub al-'Ilmiyya, Beirut, 1418/1997, 8/377; 'Azimabadi, Muhammad Shams al-Haqq, 'Awn al-Ma'bud Sharh Sunan Abi Dawud, 14 vols. 2nd edition, Dar al-Kutub al-'Ilmiyya, 1415/1995, 7/167, No 140; Hilli, Yahya b. Sa®id, Al-Jami® li al-Shara'i®, Sayyid al-Shuhada Publication, Qum. 1405/1985, p. 295; Sharh al-Azhar, 3/33; Al-Mubarakfuri, Muhammad 'Abd al-Rahman, Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, Dar al-Kutub al-'Ilmiyya, Beirut, 1410/1989, 5/298; Al-Azdi, Ahmad b. Muhammad, Sharh-i Ma'ani al-Athar, ed. Muhammad al-Najjar, 4 vols. 3rd edition, Dar al-Kutub al-'Ilmiyya, 1416/1996, 3/271.
- 121. Tahdhib al-Ahkam fi Sharh al-Muqni €a, 6/384, No. 1137.
- 122. Tadhkirat al-Fuqaha', 16/11.
- 123. Tadhkirat al-Fuqaha', 1/581.
- 124. Islam wa 'Aqa'id wa Ara' Bashari, p. 509; Rasa'il al-Sharif al-Murtadha, 3/226; Sharh Nahj al-Balagha, 19/388-390; Baghdadi, Muhammad b. Habib, Al-Muhabbar, manuscript, p. 323-324.
- 125. Islam wa 'Aqa'id wa Ara' Bashari, p. 523; Sharh Nahj al-Balagha, 19/384.
- 126. Al-Salihi al-Shami, Muhammad b. Yusuf, Subul al-Huda wa al-Rishad fi Sirat Khayr al-'lbad, ed. 'Adil Ahmad 'Abd al-Mawjud, 12 vols. Dar al-Kutub al-'llmiyya, Beirut, 1414/1993, 6/157.
- 127. Al-Zila'i, 'Abd Allah b. Yusuf b. Muhammad, Nasb al-Rayat al-Ahadith al-Hidaya, ed. Muhammad 'Awama, 4 vols. Mu'assisat al-Rayyan Li al-Taba'a wa al-Nashr, Beirut, 1418/1997, vol. 3/573.
- 128. Al-Kafi, 5/307, No. 11.
- 129. Nahj al-Balagha, 2/218.
- 130. Q. 5:59.
- 131. Al-Kafi, 4/379, No. 6.
- 132. Ilal al-Shara'i', 2/462, No, 6.
- 133. Tusi, Muhammad b. Hasan, Al-Amali, Dar al-Thiqafa, Qum, 1414/1993, p. 669-670, No. 1407.
- 134. Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 3/698.
- 135. Ibid, 3/435.
- 136. See: Ibid, 1/325; Al-Tibyan, 1/66; Majma' al-Bahrayn, 3/141.
- 137. Al-Rasa'il al-'Ashr, p. 307; Al-Busti al-Umawi, Abi al-Hasan 'Ali b. Ahmad, Tanzih al-Anbiya' 'Amma Nasaba Ilayhim Hathalat al-Aghbiya, ed. Dr. Muhammad Ridhwan al-Daya, Dar al-Fikr al-Ma'asir, Beirut, 1990, p. 173.
- 138. Fath al-Bari Sharh Sahih al-Bukhari, 3/496.
- 139. Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 1/325.
- 140. Al-Tibyan fi Tafsir al-Qur'an, 1/66, 2/52, 4/435, 5/389-390, 8/306, 9/327; Majma al-Bayan fi Tafsir al-Qur'an, 5/326; Zad al-Masir fi ⊡llm al-Tafsir, 1/22.
- 141. Hawashi al-Shirvani, 4/64.
- 142. Mu®jam al-Furuq al-Lughawiyya, p.88, No. 350 and 354, No. 1426-1427; Al-Tibyan fi Tafsir al-Qur'an, 2/52; Majma® al-Bayan fi Tafsir al-Qur'an, 1/449.
- 143. Islam wa 'Aqa'id wa Ara' Bashari, p. 524; Sharh Nahi al-Balagha, 19/386.
- 144. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/68, No. 24986/24987 and 9/66, No. 24979; Al-Tirmidhi, Muhammad

- b. 'Isa, Sunan al-Tirmidhi, ed. 'Abd al-Wahhab 'Abd al-Latif, 4 vols. Dar al-Fikr, Beirut, 1403/1982, 3/126, No. 1762; Wasa'il al-Shi®a ila Tahsil Masa'il al-Shari®a, 8/353, No 5.
- 145. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/68, No. 24989; Nawawi, Yahya b. Sharaf, Riyadh al-Salihin min Hadith Sayyid al-Mursalin, 2nd edition. Dar al-Fikr, Damascus, 1411/1991, p. 634, No. 1608; Sunan Abi Dawud, 1/577, No. 2564.
- 146. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/68, No. 24988.
- 147. Wasa'il al-Shisa ila Tahsil Masa'il al-Sharisa, 8/353, No. 7. There are two implications as to the meaning of the statement la taqbahu al-wujuh: 1. Avoiding anything that would make the face of an animal ugly. 2. Avoiding abusing an animal; see: Bihar al-Anwar, 61/212.
- 148. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249; Sayyid Sabiq, Fiqh al-Sunna, 3-vols. Dar al-Kutub al-®Arabiyya, Berut, n.d, 3/510; Sahih Muslim bi Sharh al-Nawawi, 14/97.
- 149. Wasa'il al-Shi®a ila Tahsil Masa'il al-Shari®a, 8/355-356, No. 1 and 4-6.
- 150. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 8/355, No. 2; Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249; Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. 634, No. 1607; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/68, No. 24986.
- 151. Al-Majmu® fi Sharh al-Muhadhdhab, 6/177; Al-Jami® li Ahkam al-Qur'an, 5/391. Mawahib al-Jalil bi Sharh Mukhtasar Khalil, 8/465; Fath al-Bari Sharh Sahih al-Bukhari, 3/290; Kashshaf al-Qinaʻ, 5/581; Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/251; Fiqh al-Sunna, 3/510; Sahih Muslim bi Sharh al-Nawawi, 14/97; Tuhfat al-Ahudhi bi Sharh Jamiʻ al-Tirmidhi, 5/300.
- 152. 'Aqr: hitting the legs of animal with a sword while standing on its legs. 'Awn al-Ma'bud Sharh Sunan Abi Dawud, 4/277.
- 153. Al-Mahasin, 2/634, No, 126.
- 154. Jami

 □ al-Maqasid fi Sharh al-Qawa

 □id, 3/386-387; Jawahir al-Kalam fi Sharh Shara'

 □ al-Islam, 21/82-85.
- 155. Al-Mahasin, 2/634, No. 127.
- 156. Sunan Abi Dawud, 2/84, No. 3222.
- 157. Awn al-Ma'bud Sharh Sunan Abi Dawud, 9/30-31; Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 6/562-563, No. 19909; Al-Nihaya fi Gharib al-Hadith, 3/271.
- 158. Islam wa 'Aga'id wa Ara' Bashari, p. 510-511.
- 159. Sunan Abi Dawud, 2/84, No. 3222; al-Jami' al Saghir, 2/750, No. 9909.
- 160. See: Al-Darimi, 'Abd Allah b. Bahram, Sunan al-Darimi, 2 vols. Matba'at al-I'tidal, n.d., 2/83; Qazvini, Muhammad b. Yazid, Sunan-i Ibn Majja, ed. Muhammad Fu'ad ®Abd al-Baqi, 2 vols. Dar al-Fikr, Beirut, n.d, 2/1063, No. 3186; Bayhaqqi, Al-Sunan al-Kubra, 10/24; Sahih ibn Habban, 12/423, No. 5607 and 425, No. 5608.
- 161. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249-250.
- <u>162.</u> Kashshaf al-Qinaʻ, 5/582; Sistani, Sayyid ʻAli, Minhaj al-Salihin, 3 vols. Maktibat al-Ayatullah al-Sistani, Qum, 1416/1995, 3/136, No. 460.
- 163. Al-Majmus fi Sharh al-Muhadhdhab, 18/319.
- 164. Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 4/182.
- 165. Bihar al-Anwar, 61/243-244; 'Awn al-Ma'bud Sharh Sunan Abi Dawud, 14/119; Fath al-Bari Sharh Sahih al-Bukhari, 6/255; Nasa'i, Al-Sunan al-Kubra, 5/183-184, No. 8615; Sharh al-Azhar, 4/541.
- 166. Riyadh al-Salihin min Hadith Sayyid al-Mursalin, p. 635, No. 1610.
- 167. Nasa'i, Al-Sunan al-Kubra, 5/183-184, No. 8614.
- 168. Al-Mabsut fi Fiqh al-Imamiyya, 6/277; Al-Sharh al-Kabir, 11/45-46; Hashiyat al-Dasuqi, 2/108; Kashshaf al-Qina', 6/258.
- 169. Khu'i, Abu al-Qasim, Minhaj al-Salihin, 2 vols. 29th edition, Madinat al-'Ilm, Qum, 1410/1989, 2/334, No. 1630; Rawhani, Rawhani, Sayyid Muhammad Husayn, Minhaj al-Salihin, 2 vols. 2nd edition, Maktibat al-Alfayn, Kuwait, 1416/1994, 2/366, No. 1525; Sistani, Minhaj al-Salihin, 3/275, No. 837; Gulpaygani, Sayyid Muhammad Ridha, Hidayat al-'Ibad, 2 vols. Dar al-Qur'an, Qum, 1413/1992, 2/217, No. 746; Al-Mughni, 11/42.
- 170. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 16/306, No. 5-6.

- 171. Kashf al-Litham, 2/410.
- 172. Al-Kafi, 7/204, No. 3.
- 173. Al-Kafi, 7/204, No. 1.
- 174. Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 3/463; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/142; Al-Majmu® fi Sharh al-Muhadhdhab, 1/241 and 2/124.
- 175. Fath al-'Aziz fi Sharh al-Wajiz, 8/155.
- 176. Al-Mizan fi Tafsir al-Qur'an, 5/186.
- 177. Kashshaf al-Ghina, 2/582; Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 2/227.
- 178. Nisa'i, Ahmad b. Shu'ayb, Sunan al-Nisa'i, 6 vols. Dar al-Fikr, Beirut, 1348/1930, 7/227.
- 179. Da'a'im al-Islam, 2/176, No. 634.
- 180. Q. 5:3.
- 181. Faydh al-Qadir Sharh Jami' al-Saghir min Ahadith al-Bashir al-Nadhir, 2/311.
- 182. Da'a'im al-Islam, 2/176-177, No. 637; Masalik al-Afham ila Tanqih Shara'i al-Islam, 11/491; Al-Majmu® fi Sharh al-Muhadhdhab, 9/80.
- 183. Kashshaf al-Qina', 6/266.
- 184. Da'a'im al-Islam, 2/176-177, No. 625.
- 185. Bada'i' al-Sana'i' fi Tartib al-Shara'i', 5/60.
- 186. Bihar al-Anwar, 62/316.
- 187. Kalimat al-Taqwa, 6/311.
- 188. Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 11/491; Kashf al-Litham, 2/259; Bada'i® al-Sana'i® fi Tartib al-Shara'i®, 5/60.
- 189. Ahmad, Musnad, 2/108.
- 190. Ibn Fahd Hilli, Ahmad b. Muhammad, Al-Muhadhdhab al-Bari® fi Sharh al-Mukhtasar al-Nafi®, ed. Mujtaba ®Iraqi, 5 vols. Mu®assisa-yi Nashr-i Islami, Qum, 1407/1987, 4/173.
- 191. Al-Kafi, 6/229, No, 4; Tahdhib al-Ahkam fi Sharh al-Muqni a, 9/55, No. 227.
- 192. Tusi, Muhammad b. Hasan, Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, Qudsi, Qum, n.d, p. 584; 'Amili, Muhammad b. Makki, Al-Durus al-Shar'iyya fi Fiqh al-Imamiyya, 3 vols. Mu'assisat al-Nashr al-Islamiyya, Qum, 1412/1991, 2/416.
- 193. Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 11/490; Kashf al-Litham, 2/259; Jawahir al-Kalam fi Sharh Shara'i al-Islam, 36/136; Shara'iʻ al-Islam, 4/740; Mukhtalaf al-Shi a, 8/304; Majma al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 11/131 and 133; Naraqi, Ahmad, Mustanad al-Shi a fi Ahkam al-Shari a, 19 vols. Al al-Bayt Institute, Mashhad, 1415/1995, 15/450; Khwansari, Sayyid Ahmad, Jami al-Madarik fi Sharh al-Mukhtasar al-Nafi , ed. Ali Akbar Ghaffari, 7 vols, 2nd edition, Tehran, Saduq Publication, 1397/1977, 5/128; Fiqh al-Sadiq fi Sharh al-Tabsira, 24/43; Hawashi al-Shirwayi, 9/323.
- 194. See: Al-Sharh al-Kabir, 11/61; Kashf al-Litham, 2/260; Fiqh al-Sadiq fi Sharh al-Tabsira, 24/43; Al-Durar al-Mukhtar, 6/607; Al-Samarqandi, 'Ala al-Din, Tuhfat al-Fuqaha', 3 vols. 3rd edition, Dar al-Kutub al-'Ilmiyya, Beirut, 1414/1993, 3/69.
- 195. See: Tahdhib al-Ahkam fi Sharh al-Muqni a, 9/56, No. 233; Da'a'im al-Islam, 2/175, No630.
- 196. For further information about the legal objections raised against the correlation between the unlawfulness of eating the animal's meat (akl) and the unlawfulness of skinning it before death (salkh qabl al-mawt), as well as the correlation between eating the animal's meat and the unlawfulness of skinning it before getting cold (salkh qabl al-bard), see: 'Amili, Zayn al-Din b. 'Ali, Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 10 vols. 2nd edition, Davari Publications, 1398/1977, 7/232-233.
- 197. Al-Mabsut, 11/226.
- 198. That is why the late Shahid Awwal (Muhammad b. 'Amili) has considered as unlawful the skinning of an animal for the torture it suffers before its body gets cold, although he deems as permissible using its meat; Masalik al–Afham, 11/483; also, see: Kashf al–Litham, 2/260; Jawahir al–Kalam, 36/123–124.
- 199. Majma al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 11/136.
- 200. It is to be pointed out that in some tradition sources instead of "cutting off the spinal cord", the phrase "breaking the back" is used; Bayhaqqi, Al-Sunan al-Kubra, 9/280; Al-Muʻjam al-Kabir, 12/192; Al-Jami® al-Saqir fi Ahadith al-Bashir al-

Nadhir, 2/689, No. 9389; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 6/266, No. 15632; Ibn al-Ja'd al-Jawhari, 'Ali, Musnad Ibn al-Ja'd, ed. 'Abd Allah b. Muhammad al-Baghawi, Dar al-Kutub al-'Ilmiyya, Beirut, p. 492; Al-Mabsut fi Fiqh al-Imamiyya, 1/389-390.

- 201. Majma' al-Bahrayn, 4/286.
- 202. Saduq, Muhammad b. 'Ali, Al-Muqni', Mu'assisa-yi Imam Hadi, Qum, 1415/1994, p. 274; Saduq, Muhammad b. 'Ali, Al-Hidaya fi al-Usul wa al-Furu', Mu'assisa-yi Imam Hadi, Qum, 1418/1997, p. 242; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 3/107-108; Shara'i' al-Islam fi Masa'il al-Halal wa al-Haram, 4/740; Fadhil Abi, Hasan b. Abitalib, Kashf al-Rumuz fi Sharh al-Mukhtasar al-Nafi', ed. Ishtahardi, 2 vols. Mu'assisat al-Nashr al-Islamiyya, Qum, 1410/1989, 2/353; Idhah al-Fawa'id fi Sharh Ishkalat al-Qawa®id, 2/137; 'Amili, Muhammad b. Makki, Al-Lum'at al-Damishqiyya, Dar al-Fikr, Qum, 1411/1990, p. 215; Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 7/230-231; Majma® al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 11/129-130; Mustanad al-Shi®a fi Ahkam al-Shari®a, 15/449-450; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 36/135-136; Jami® al-Madarik fi Sharh al-Mukhtasar al-Nafi®, 5/128; Fiqh al-Sadiq fi Sharh al-Tabsira, 24/42.
 203. It is not unlikely that cutting off the spinal cord in Islamic sources is to be regarded as equivalent to paralyzing that is used in some slaughter houses as a method for killing big domestic animals by means of electric shock; see: "Huquq-i Haywanat dar Fiqh-i Islami", Faslnama-yi Fiqh-i Ahl-i Bayt, XII, No. 48, p. 189.
- 204. Man la Yahdhuruhu al-Faqih, 3/333, No. 4188.
- 205. Tahdhib al-Ahkam fi Sharh al-Muqni a, 9/60, No. 252.
- 206. Da'a'im al-Islam, 2/1475-176, No. 632.
- 207. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 16/134, No. 19382; also ess: Al-Majmu® fi Sharh al-Muhadhdhab, 9/85.
- 208. The late Shahid maintains that what is meant by not cutting off the spinal cord, is to prohibit using violence in killing the animal; see: Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 16/134, No. 19383.
- 209. Al-Kafi, 6/229, No. 6.
- 210. Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 16/134, No. 19381.
- 211. Al-Mudawwanat al-Kubra, 2/66.
- 212. Al-Mabsut, 11/226; Bada'i al-Sana'i fi Tartib al-Shara'i , 5/60; Bihar al-Anwar, 62/314.
- 213. Sunan al-Nisa'i, 7/227.
- 214. Al-Mabsut fi Figh al-Imamiyya, 1/389; Kashf al-Litham, 2/260.
- 215. Kashshaf al-Qina', 5/852.
- 216. Al-Mahasin, 2//361, No. 92-93.
- 217. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 8/356-357.
- 218. Q. 6:142.
- 219. Q. 23:22.
- 220. Q. 40:79.
- 221. Q. 43:12.
- 222. Muntaha al-Matlab, 2/996.
- 223. See: Jaza'iri, Sayyid 🗈 Abd Allah, Al-Tuhfat al-Saniyya fi Sharh Nukhbat al-Muhsiniyya, manuscript, Astan Quds Razavi Library, p. 343: Ibn Qutayba, 'Abd Allah b. Muslim, Ta'wil Mukhtalaf al-Hadith, ed. Isma'il al-Is'irdi, Dar al-Kutub al-Islamiyya, Beirut, p. 51.
- 224. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 8/357, No. 4. It is worth mentioning that in the tradition sources related from the Holy Prophet (S.A.W.), there is a statement contrary to this notion as follows: "Beat it for its ill-temperedness (nifar), but do not beat it for its rebellion ('ithar)." Some believe this latter notion is correct, because the animal's rebellion may be due to the incorrect fastening of its rein straps and the roughness of the pathway, in which the animal has no role; so, we should not beat it. However, the animal's ill-temperedness can be calmed down by punishing it. Wasa'il al-Shina ila Tahsil Masa'il al-Sharina, 8/357, No. 2, 3, and 5; Ibn 'Abidin, Muhammad Amin, Hashiyatu Radd al-Mukhtar 'ala al-Durr al-Mukhtar, 6 vols. Dar al-Fikr, 6/721; Bihar al-Anwar, 61/202; Al-Sayr al-Kabir, 1/56.
- 225. Usd al-Ghaba, 2/31; also, see: Ibn Abi 'Asim, Al-Ahad wa al-Mathani, ed. Basim Faysal Ahmad al-Jawabira, 6 vols. Dar al-Diraya li al-Taba'a wa al-Nashr wa al-Tawarikh, Riyadh, 1411/1991, 3/105, No, 1422; Majma' al-Zawa'id wa

Manba' al-Fawa'id, 59/11.

- 226. Usd al-Ghaba, 5/336.
- 227. Al-Irshad fi Ma'rifat Allah 'Ala al-'lbad, 2/144.
- 228. Hawashi al-Shirwavi, 9/329; Ibn Barraj Tarablusi, Qadhi Abd al-Aziz, Jawahir al-Fiqh, ed. Ibrahim Bahaduri.

Mu®assisa-yi Nashr-i Islami, Qum, 1411/1990, p. 133, No 472; Al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq, 8/25.

- 229. Bihar al-Anwar, 100/191, No. 8.
- 230. Makarim al-Akhlaq, p. 427; Saduq, Muhammad b. 'Ali, Al-Amali, Mu'assisat al-Bi'tha, Qum, 1417/1996, p. 512; Wasa'il al-Shisa ila Tahsil Masa'il al-Sharisa, 8/353, No. 6.
- 231. Wasa'il al-Shi®a ila Tahsil Masa'il al-Shari®a, 8/354, No. 12.
- 232. Ibid, No. 13.
- 233. Sahih Muslim bi Sharh al-Nawawi, 14/97; Nayl al-Awtar min Hadith Sayyid al-Akhyar, 8/249; Tuhfat al-Ahudhi bi Sharh Jami' al-Tirmidhi, 5/300; Hashiyatu radd al-Muhtar, 6/721; Al-Tuhfat al-Saniyya fi Sharh Nukhbat al-Muhsiniyya, p. 330.
- 234. Nahj al-Balagha, 2/8, sermon 167.
- 235. Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 3/464.
- 236. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 4/456, No. 11360.
- 237. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/301 and 394.
- 238. Q. 29:60.
- 239. Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/142; Nihayat al-Miram fi Sharh Mukhtasar Shara'i' al-Islam, 1/491; Al-Sharh al-Kabir, 9/130-311.
- 240. Faydh al-Qadir Sharh al-Jami' al-Saghir, 1/164.
- 241. Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 5/481.
- 242. Bihar al-Anwar, 61/217.
- 243. Al-Mabsut fi Fiqh al-Imamiyya, 6/47.
- 244. Bihar al-Anwar, 62/65: The Apostle of Allah (S.A.W.) was asked: O Apostle of Allah! Is giving water to an animal rewarding? He answered: Yes, there is reward in quenching the thirsty liver of any creature.
- 245. Man la Yahdhuruhu al-Faqih, 2/283, No. 2459; Makarim al-Akhlaq, p. 264.
- 246. Tusi, al-Amali, pp. 383-384. This content has been reported in various other ways, too: see for example: Da'a'im al-Islam, 1/344; Mustadrak al-Wasa'il wa Mustanbat al-Masa'il, 8/251, No. 9372.
- 247. Tadhkirat al-Fuqaha, 2/430; Ansari, Zakaria b. Muhammad, Fath al-Wahhab bi Sharh Manhaj al-Tullab, 2 vols. Dar al-Kutub al-'Ilmiyya, Beirut, 1418/1997, 1/441; Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 2/379.
- 248. Saduq, Muhammad b. 'Ali, Thawab al-A'mal wa 'Iqab al-A'mal, Manshurat-i Radhi, Qum, 1368 sh/1999, p. 144.
- 249. Al-Kafi, 6/225, No, 2.
- 250. Al-Mahasin, 2/361, No. 88: When one of you go on a journey, wherever you stop, first give fodder and water to your animal.
- 251. Al-Kafi, 4/58, No. 6; also see: Man la Yahdhuruhu al-Faqih, 2/64, No. 1723.
- 252. Rawdhat al-Talibin, 6/523; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/142.
- 253. Bihar al-Anwar, 42/278.
- 254. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/395-396; Bihar al-Anwar, 61/218; Fath al-Wahhab bi Sharh Manhaj al-Tullab, 2/218; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/142; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 3/462.
- 255. Al-Mahasin, 2/627, No. 96.
- 256. 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.
- 257. Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 3/463; Rawdhat al-Talibin, 6/524.
- 258. Shara'i' al-Islam, 4/1027; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 5/89; Jawahir al-Kalam fi Sharh Shara'i al-Islam; 27/111; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 25/142; Nihayat al-Maram fi Sharh Mukhtasar Shara'i al-

Islam, 1/491; Bihar al-Anwar, 61/218; Al-Majmu® fi Sharh al-Muhadhdhab, 18/318; Rawdhat al-Talibin, 6/523-524; Fath al-Wahhab bi Sharh Manhaj al-Tullab, 2/218; Al-Iqna' fi Hall Alfaz Abi Shuja', 2/144; Mughni al-Muhtaj ila Ma®rifat Ma®ani Alfaz al-Minhaj, 3/463; Kashshaf al-Qina', 5/581-582; Al-Sharh al-Kabir, 9/314-318.

- 259. Fath al-Wahhab bi Sharh Manhaj al-Tullab, 2/218; Al-Iqnaʻ fi Hall Alfaz Abi Shujaʻ, 2/142; Mughni al-Muhtaj ila Ma©rifat Ma©ani Alfaz al-Minhaj, 3/462; Bada'i® al-Sana'i® fi Tartib al-Shara'i®, 4/40; Al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq, 4/371; Al-Majmu® fi Sharh al-Muhadhdhab, 18/318; Bihar al-Anwar, 61/217; Tadhkirat al-Fuqaha, 2/203; Kashshaf al-Qinaʻ, 5/580-581; Haskafi, ʻAla al-Din, Al-Durr al-Mukhtar, 8 vols. Dar al-Fikr, Beirut, 1415/1994, 3/701; Iʻanat al-Tallibin, 4/120.
- 260. Al-Majmu® fi Sharh al-Muhadhdhab, 18/319.
- 261. Al-Nawadir, 187.
- 262. Ibn Khuzayma al-Salami, Muhammad b. Ishaq, Sahih ibn Khuzayma, ed. Dr. Muhammad Mustafa al-A'zami, Al-Maktab al-Islami, 4 vols. 2nd edition, 1412/1991, 4/143.
- 263. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/67, No. 24982.
- 264. Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/67, No. 24983; also see: Majma' al-Zawa'id wa Manba' al-Fawa'id, 8/196-197.
- 265. Al-Mahasin, 2/626, No. 91.
- 266. Nayl al-Awtar min Hadith Sayyid al-Akhyar, 61/61; Mufid, Muhammad b. Nu'man, Al-Ikhtisas, ed. 'Ali Akbar Ghaffari, 2nd edition, 1414/1993, p. 294.
- 267. Lawaqi' al-Anwar al-Qudsiyya fi Bayan al-'Uhud al-Muhammadiyya, p. 395-396; also see: Ibid, pp. 396-397; Bihar al-Anwar, 61/111/112.
- 268. Al-Nihaya fi Mujarrad al-Fiqh wa al-Fatawa, p. 592; Al-Sara'ir al-Hawi li Tahrir al-Fatawi, 3/132; Al-Jamis li al-Shara'is, p. 395; Al-Mabsut, 24/25; Al-Musannaf fi al-Ahadith wa al-Athar, 5/432, No. 5; Al-Durr al-Manthur fi al-Tafsir bi al-Ma'thur, 2/325.
- 269. Tahdhib al-Ahkam fi Sharh al-Muqni a, 9/114, No. 497; Al-Kafi, 6/430, No. 7.
- 270. Mukhtalaf al-Shina, 8/346; Masalik al-Afham ila Tanqih Shara'i' al-Islam, 12/109; Kashf al-Litham, 2/271.
- 271. Al-Muhadhdhab, 2/433; Al-Bahr al-Ra'ig Sharh Kanz al-Daga'ig, 8/404.
- 272. Masalik al-Afham ila Tanqih Shara'i' al-Islam, 12/109; Majma® al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 11/283.
- 273. Mustadrak al-Wasa'il wa Mustanbit al-Masa'il, 17/51.
- 274. On this basis, the claim of ascribing these two terms to their technical meanings, as calimed by some jurists, does not seem to be correct. See: Jawahir al-Kalam fi Sharh Shara'i al-Islam, 36/420.
- 275. 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.
- 276. Al-Khara'ij wa al-Jara'ih, 3/523; Basa'ir al-Darajat, p. 368, No. 3.
- 277. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/395.
- 278. Al-Mahasin, 2/641, No. 157; also see: Al-Kafi, 6/544, No 3.
- 279. Al-Mahasin, 2/642, No. 160. It is worth mentioning that some believe what is meant by "cleaning off dust" in these two traditions is changing the soil of the animals' living place and they have concluded from this that besides observing hygiene of the animals' stockyard, the soil of the sleeping place of the animals should be changed so that they would be safe from the moist and cold; see: Huquq-i Haywan, Nazar-i Islam darbara-yi Raftar ba Haywanat, Ruznama-yi Kar-u Kargar, 25.01.1377/13.04.1998.
- 280. Bihar al-Anwar, 61/177; Ahmad, Musnad, 4/103; Musnad al-Shammiyin, 1/315.
- 281. Mughni al-Muhtaj ila Marifat Marani Alfaz al-Minhaj, 1/19.
- 282. Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 5/88; Mu'min Sabzivari, Muhammad Baqir, Kifayat al-Ahkam, Lithography, Madrisa-yi Sadr-i Nabawi, Isfahan, n.d, p. 132; Jawahir al-Kalam fi Sharh Shara'i al-Islam, 27/109; Al-Hada'iq al-Nazira fi Ahkam al-'Itrat al-Tahira, 21/417; Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 4/246.
- 283. Jawahir al-Kalam fi Sharh Shara'i al-Islam, 31/395.
- 284. Al-Rawdhat al-Bihiyya fi Sharh al-Lum'at al-Damishqiyya, 5/481-482.
- 285. Riyadh al-Masa'il fi Bayan al-Ahkam bi al-Dala'il, 2/168.

- 286. Figh al-Sadig fi Sharh al-Tabsira, 22/384.
- 287. Kashshaf al-Qina', 5/581.
- 288. Bihar al-Anwar, 61/318.
- 289. Sunan Abi Dawud, 1/15, No, 29; Kanz al-Ummal fi Sunan al-Aqwal wa al-Af'al, 9/364, No. 26481.
- 290. Shara'iʻ al-Islam fi Masa'il al-Halal wa al-Haram, 1/15; Hilli, Hasan b. Yusuf, Irshad al-Adhhan ila Ahkam al-Iman, ed. Shaykh Faris al-Hassun, 2 vols. Nashr-i Islami Publication, Qum, 1410/1990, 1/222, Masalik al-Afham ila Tanqih Shara'iʻ al-Islam, 1/33; Majma® al-Fa'ida wa al-Burhan fi Sharh-i Irshad al-Adhhan, 1/94; Kifayat al-Ahkam, p. 2; Jawahir al-Kalam fi Sharh Shara'i® al-Islam, 2/67; Ansari, Murtadha, Kitab al-Tahara, 2 vols. Mu'assisa-yi Al-Hadi, Qum, 1415/1994, 1/481; Hamadani, Ridha, Misbah al-Faqih, 5 vols. Lithography, Maktibat al-Sadr, 1/93; Ibn Hajar ®Asqalani, Ahmad b. 'Ali, Al-Talkhis al-Habir fi Takhrij al-Rafi'i al-Kabir, 12 vols. Dar al-Fikr, 1/465; Hashiyatu Radd al-Muhtar, 1/371; Al-Mughni, 1/157.
- 291. Nihayat al-Ahkam fi Maʻrifat al-Ahkam, 1/83; Muntaha al-Matlab, 1/41; Al-Musawi, Muhammad b. 'Ali, Madarik al-Ahkam fi Shara'i' al-Islam, 8 vols. Al al-Bayt Institute, Qum, 1410/1989, 1/179; Dhakhirat al-Mi'ad fi Sharh al-Irshad, 1/21; Ibn Tawus, 'Ali b. Musa, Falah al-Sa'il, n.p., n.d, p. 48; Fiqh al-Sunna, 1/34, No. 7.
- 292. Al-Istibsar fi Makhtalafa min al-Akhbar, 1/13, No.525.
- 293. 'Ibn Abi Jumhur Ahsa'i, Muhammad b. TAli, Awali al-Li'ali, ed. Mujtaba Traqi, 4 vols. Sayyid al-Shuhada Publication, 1403/1983, 2/187, No. 66.
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