

## 14 Care for Animals

**Summary** 14.1 Islamic Antecedence. – 14.2 Animal Ethics and Religion.

The Prophetic precept about ‘kindness in everything’ is to be understood as kindness for the whole of creation, and includes therefore the animal world. And indeed, a strong sympathy for animals, which are also considered believers and servants of God, gathered together in communities (*umam* اُمَم) like humans (Qur’ān VI,38),<sup>1</sup> runs through the sources of Islam, the Qur’ān – from the ants that made Solomon smile (XXVII,18), to the bees that are recipients of divine inspiration (XVI,68) – and even more so the Sunna, where examples of respect for fauna abound: from the tale about the Prophet who ordered his Companion Ibn Mas’ūd to return the chicks taken from their mother, to the one about the Jewish prostitute who came across a dog dying of thirst at the lip of a well; the woman took off her shoe, fastened it firmly to her veil and drew up some water for the animal.<sup>2</sup> Another version of the story features a man:

The Prophet related that while a man was walking, thirst assailed him, so he went down to a well, drank and was about to leave when he saw a panting dog, so thirsty that it ate mud. The man said to himself: – This dog’s thirst is the same as mine. So, he went down into the well again, filled his shoe with water, held it between his teeth as he came up, and gave the dog to drink. God was grateful to that man and forgave him his sins.

They asked: – Messenger of God, shall we then have a reward for what we do to the animals? He replied: – There is a reward for every moist liver [i.e. for every living being].<sup>3</sup>

<sup>1</sup> On this cf. especially Lory 2018, 43-82. This excellent work also considers the mystical literature.

<sup>2</sup> Muslim, *Ṣaḥīḥ, kitāb al-salām, bāb faḍl saḡy al-bahā’im* [...], no. 4171.

<sup>3</sup> Muslim, *Ṣaḥīḥ, kitāb al-salām, bāb faḍl saḡy al-bahā’im* [...], no. 4169.

According to another well-known story,

when a camel saw the Prophet, it cried and its eyes flowed with tears. The Prophet approached it and wiped away its sweat. He then asked: – Who is the master of this camel? Whose camel is this? A boy from the Anṣār came and said: – This is mine, Messenger of God. He said: – Do you not fear God with regard to this beast, which God has put in your possession? It has complained to me that you keep it hungry and burden it.<sup>4</sup>

This same consideration for animals underlies, for example, the ‘right to drink’, or ‘right to thirst’, guaranteed to them by Islamic legal doctrine.<sup>5</sup>

The animal welfare aspect of Islam is emphasised by many contemporary intellectuals – for instance by a Shiite author, Abū Zulfā al-Khuzāʿī,<sup>6</sup> who devotes part of his *Al-rifq fī l-manẓūr al-islāmī* or ‘Kindness from an Islamic Perspective’<sup>7</sup> to this theme. He takes up the exhortation to kindness in everything, and offers an overview of the Tradition according to the collections recognised by Shia Islam. Here are some of the more significant stories:

The Messenger of God said: – Keep these beasts from harm when you ride them, and place them safely under cover, and do not treat them as your seats in your conversations along the road or in the marketplace. It may be that a ride is better than its rider, and dearer to the remembrance of God.<sup>8</sup>

The Messenger of God said that a master must do six things for his mount: forage it during stops, provide it with plenty of water when it passes by water, strike it only with good reason, do not load it beyond its capacity, do not force it to journey excessively, and never linger on its back.<sup>9</sup>

Still referring to Prophetic sayings, al-Khuzāʿī considers solicitude towards cats, dogs or birds, and recalls the Prophetic prohibition against killing animals without good reason – “they will testify against you on the Day of Judgment”<sup>10</sup> – unless they are harmful; and reminds his readers of their duty to be compassionate during the legally prescribed slaughtering.

### 14.1 Islamic Antecedence

Similar in inspiration and tendency are contemporary Sunni-oriented texts. For example, *Ḥuqūq al-ḥayawān wa-l-rifq bi-hi fī l-sharīʿa al-islāmiyya* or ‘The Rights of Animals and Kindness to Them According to Islamic Law’ by the Iraqi author Aḥmad ‘Ubayd al-Kubaysī (b. 1934), published in Medina in 1976,<sup>11</sup>

<sup>4</sup> From the collection of Abū Dāwūd. Cf. Poya, Schatzschneider 2022, also for the English translation.

<sup>5</sup> Stilt 2018; Wescoat 1995.

<sup>6</sup> I have not been able to find a birth date for this author.

<sup>7</sup> Al-Khuzāʿī 1426H, 39-47.

<sup>8</sup> Al-Khuzāʿī 1426H, 41.

<sup>9</sup> Al-Khuzāʿī 1426H, 43.

<sup>10</sup> Al-Khuzāʿī 1426H, 44-5.

<sup>11</sup> Al-Kubaysī 1396/1976.

contains well-known Prophetic sayings on the prohibition of killing ants, bees, swallows and frogs, and on the reward due to the believer for every kindness done to warm-blooded beings; and also references to doves, donkeys, sheep and hens. This small book – which incidentally references the Italian Enrico Insabato (d. 1963), physician, politician and orientalist, who controversially maintained that Islamic Law was superior to European law<sup>12</sup> – is a key text in animal-centred thinking in contemporary Arabic literature.

The author's engagement pervades every page, beginning with the theme of 'Islamic antecedence', on which he writes:

In 1824, the first association for the charitable treatment of animals was founded in England, a tradition that later spread to many parts of the world. But all such associations are based on purely ethical principles and broad humanitarian rules, which have no basis in law [...]. These associations are, besides, voluntary in nature, and therefore do not reward those who align with them or punish those who oppose them. What, on the other hand, does Islamic Law do in this regard?<sup>13</sup>

If such and so many are the rights of animals in Islam, al-Kubaysī asks, what about the rights of humans?<sup>14</sup> But the most remarkable element, which already strikes one in the title of the work, and which characterises much of today's Islamic texts on animal rights, lies in the continuous overlapping of animal rights with kindness or solidarity (*rifq*), a quality that, as we have seen, their religion prescribes for Muslims. This makes animal rights not so much subordinate to our duties towards them, but to the robustly holistic view that animals, like human beings, also have their place in the world through God's will. The approach to animal rights, therefore, confirms the typically Islamic conception of a 'right' (*ḥaqq*) which does not start from the individual's claims or demands but from the universal and eternal project that God, the only source and sole effective holder of rights, has mapped out for nature from the beginning. So much clearly emerges from al-Kubaysī's words when he champions Islamic Law against secular codes, all of which are marred, from his point of view, by a radical anthropocentrism. Indeed, he writes:

Man and all that he owns belongs to God; hence, the restrictions on the exercise of his rights, which end precisely where the rights of others, including those of animals, begin. Meanwhile, the most ancient secular codes make individuality the measure of generality; even Roman law, in its initial stages, is built on the despotism of the one who possesses a right in an area that he considers to be his by right. Generally speaking, secular codes maintain that the right of the individual is his natural right [...], and in the absolutism of these individual rights the rights of others – those of animals among them – have been lost sight of.<sup>15</sup>

Very much along the same lines is a more recent work by the Jordanian Aḥmad Yāsīn al-Qarāla, *Ḥuqūq al-ḥayawān wa-ḍamānātu-hu fī l-fiqh al-islāmī*

<sup>12</sup> Al-Kubaysī 1396/1976, 22.

<sup>13</sup> Al-Kubaysī 1396/1976, 23.

<sup>14</sup> Al-Kubaysī 1396/1976, 34.

<sup>15</sup> Al-Kubaysī 1396/1976, 22-3.

or ‘The Rights of Animals and their Guarantee in Islamic Jurisprudence’,<sup>16</sup> in which he opens his discourse by praising Islamic Law for its concern for the rights of animals: the Law guarantees the protection of their lives – writes the author – and also the category they belong to, so that they can fulfil the function for which God created them; the Law forbids man to inflict suffering on animals or to go beyond the fact of their ‘subjection’ (cf. Qur’ān XIV,13). And, like al-Kubaysi before him, al-Qarāla too observes:

Anyone who examines the rights of animals in Islam will be seized by the doubt that these can actually be animal rights, and will ask: if this is the inviolability of the animal, what can the inviolability of man be?

Thus, in dealing with animal rights, the author feels the need to touch also on human rights.<sup>17</sup> Al-Qarāla’s work merits our attention for several reasons, not least for its aims and methodological assumptions: firstly, because it recognises the actual impossibility of speaking generically of ‘Islamic Law’, a concept that is not unambiguous, given on the one hand the existence of different schools of thought, and on the other the changing conditions of human life through history; and secondly because, as he notes, among the many books on religious precepts relating to animals and the kindness to be shown towards them following the lead of the Prophet, there are actually few that deal with rights from a legal point of view, and even fewer that address the issue of drafting a written code of such rights. Everyone forgets the question of how they might be guaranteed, he observes, and when a right is not guaranteed, it is an empty right. The author therefore endeavours to fill in the gaps himself, dealing not only with religious sources on the rights of animals (*ḥayawān* حيوان) – defined as “every being endowed with a spirit [*rūḥ*] except man” – but also with jurisprudence and the diverse forms of guarantee suggested by the ancient literature. And finally, he drafts a code of animal rights that deals both with the duties of their owners and those of the state.

There also exists a code of animal rights in a Shiite text, *Huqūq al-ḥayawān fī l-Islām* or ‘The Rights of Animals in Islam’, by the Lebanese Ja’far Murtaḍā al-‘Āmilī (d. 2019),<sup>18</sup> who adopts as a starting point an almost anthropomorphic view of animals, in so far as he assigns them character qualities as well as observable behaviour, emphasising their variety: positive character traits make them similar to prophets, while negative traits make them comparable to devils and jinn.<sup>19</sup> He then proceeds to illustrate the disparity between animals in terms of their capacity for feeling and understanding.<sup>20</sup> He concludes his work with a rather congratulatory hymn to the regulations, precepts, good advice and directives from the Tradition of the Prophet and the imams, which have determined the Islamic view of creation and shown Muslims how to behave in different circumstances, but which are only the tip of the iceberg in relation to the riches the texts have to offer.<sup>21</sup>

<sup>16</sup> Al-Qarāla 1430/2009.

<sup>17</sup> Al-Qarāla 1430/2009, 23.

<sup>18</sup> Al-‘Āmilī 1425/2004.

<sup>19</sup> Al-‘Āmilī 1425/2004, 9-12.

<sup>20</sup> Al-‘Āmilī 1425/2004, 12-20.

<sup>21</sup> Al-‘Āmilī 1425/2004, 90.

## 14.2 Animal Ethics and Religion

Solidarity with the animal world, based on the similarity of all living beings and their common fear of the one God, is to some extent countered by a settled conviction of the superiority of man over animals. The sources invoked in this case are the Qur'ānic passages on Adam, appointed by God as His vicegerent (*khalīfa* خليفة) in this world (Qur'ān II,30; XXXVIII,26); or the sura 'The Cow' where it is said that "He created for you all that is on the earth" (II,29); or again the sura *al-jāshiya* 'The Crouching': "He has made subservient to you all that is in the heavens and on the earth" (XLV,13). Such statements have always been understood by commentators as consent to profit from nature, but certainly not as authorisation to dispose of animals as one pleases.

The idea that the Qur'ān supports an anthropocentric vision justifying the dominion of the human species over nature, a leitmotif of Qur'ānic exegesis through the ages, is tempered today by those who think that the Holy Book does not affirm man's dominion so much as his responsibility.<sup>22</sup> A persuasive voice is that of the American scholar Sarra Tlili (b. 1964), who criticises the Islamic literature dealing with animals as having been responsible, in her view, of overemphasising human exceptionalism.<sup>23</sup> In fact, she writes, the Qur'ānic vision can only be considered 'anthropocentric' in the sense that the Book is addressed to human beings, but remains generally above all *theocentric* since humans and animals all are subject to God's commandments, to fulfilling His will and to retribution in the afterlife. Moreover, she observes, animals are answerable for their actions to God, and certainly not to man.

Another pertinent contemporary text is that of the Iraqi 'Abd al-Qādir al-Shaykhālī (b. 1955) *Ḥuqūq al-ḥayawān wa-rī'āyatu-hu fī l-Islām* or 'The Rights of Animals and Their Care in Islam'.<sup>24</sup> The work begins by outlining a hierarchical structure of creation, with the angels at the top, ceaselessly praising God, then man, created to worship his Lord, to protect and build on the earth, then the animals, created to serve man and maintain the balance of nature, and finally the plants, at the service of man and animals equally. The author's aim is to deal only with domestic animals, as friends and servants of mankind, whom man must take care of because they were created by God to make his life easier and pleasanter. As God's creatures, animals too possess rights, protected by the 'law of original monotheism' (*al-shar' al-ḥanīf* الشرع الحنيف). Illustrating Islam's consideration of animals, al-Shaykhālī cites the main zoological literature – such as the works of al-Jāhīz (ninth century CE) and al-Damīrī (d. 808/1405) – as well as some reflections on name-use, putting forward the lion and the ant as examples.<sup>25</sup>

He then laments that criticisms of Islam, whatever their point of departure, all agree on one thing, which is cruelty to animals, homing in on ritual slaughter. He points instead to the savageries of Westerners generally and Europeans in particular (cockfighting, bullfighting, and so on) and also to those of Far Eastern cultures, and observes that while Islam has preached

<sup>22</sup> Cf., for example, Gharebaghi et al. 2007.

<sup>23</sup> Cf. Tlili 2010; 2015; 2018.

<sup>24</sup> Al-Shaykhālī 2006.

<sup>25</sup> Al-Shaykhālī 2006, 5-7.

the protection of animals from its very beginning because it insists on goodness and charity (*iḥsān*) in all behaviour, the first Western animal protection societies only came into being in the nineteenth century. The aim of his work is therefore to refute on straightforward factual grounds those who accuse Islam of mistreating animals.

One last example of Arabic Islamic production on the subject, again fuelled by the general apologetic theme of 'Islamic antecedence': *Min ḥuqūq al-ḥayawān fī l-Islām* or 'On Animal Rights in Islam', by the Moroccan historian 'Abd al-Wāḥid Būshdāq,<sup>26</sup> is a remarkable essay, in that it has no hesitation in aligning animal rights with human rights, and again because it assimilates kindness (*rifq*) with mercy or compassion (*raḥma*). Here are a few excerpts from his argument, in which the theme of 'Islamic antecedence' crops up again:

An animal's right to compassion is like a man's right, because the animal's properties, natural characteristics and capacity for feeling are not inferior to those of man [...]. The right of animals to kindness and compassion is like the analogous human right: compassion is a magnificent quality, which leads those who exercise it to paradise [...]; and since compassion towards animals is a quality of character that earns God's forgiveness, conversely, harshness towards them will lead a man to hell [...]. Compassion towards animals is an icon of Islamic civilisation, which has also, in this case, historical antecedence. Islam is a religion consisting entirely of benevolence [*ra'fa*] and compassion – towards man, towards animals and towards all things at the same time, and indeed there is scarcely a page in the Qur'ān that does not speak of it, if not expressly at least by implication. This means that the moral system of this religion rests firmly on the principle of compassion.<sup>27</sup>

<sup>26</sup> Būshdāq 2017 (I have not been able to find a birth date for this author).

<sup>27</sup> Būshdāq 2017.