



The Right to Life of Animals in Light of Islamic Hadith Literature

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Abstract

Animal rights, especially the right to life and the preservation of their generation are important issues in human societies, and their importance increases due to the role of animals in the survival of a suitable human environment. Sometimes these rights are proposed by some as an expression of the flaws of Islamic law with unscientific and more cultural and political purposes, while the background of legal and practical support for Islam is far ahead of other schools. In this article, by examining the verses, narrations, and related jurisprudential texts and by descriptive-analytical method, the arguments for the right to life of animals and their preservation and protection have been explained. The results of the research indicate the comprehensive support of this right by the Shari'ah law and in this research, material support, such as the right to livelihood, nutrition, health, residence, etc., and spiritual support are emphasized and it is one of the honors of Islam to express these rights by Imam Ali (a.s) in the ruling charter.

Keywords: Animal Rights, Animal Right to Life, Physical and Mental Security of Animals, Environment, Preservation of Animal Generation

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Introduction

The attention to and protection of animal rights is an issue that is widely discussed among governments, organizations, NGOs, animal rights advocates, and the general public. The debate on this matter has grown significantly, to the point where legal protection is not only addressed in the domestic laws of various countries but has also gained global support. On the other hand, some seek to accuse Islam of violating animal rights, even though Islamic sources, dating back fourteen centuries, not only acknowledge the principle of animal life but also provide practical ways to ensure its protection, which were emphasized and legislated.

In the West, the discussion on animal rights dates back to the last two centuries, with the first instance of animal rights protection occurring in 1822, when, following the Renaissance and concurrent with the industrialization of the world, the British Parliament passed legislation to protect animal rights. Subsequently, this idea gradually spread in various forms across several European countries, until on October 15, 1978, the UNESCO Central Council in Paris announced a declaration supporting animal rights. The content of this declaration was reviewed and published in 1990. (Shafī'ī, 1997: 71)

Although numerous books and articles have been written on animal rights (e.g., "*Huqūq Ḥayavānāt dar Islām*" [Animal Rights in Islam], Muqīmī, 2008), the specific issue of the right to life of animals and how it is supported in Islamic sources, especially in hadiths, has not been fully addressed. Therefore, this study, through a descriptive-analytical approach, will answer the question: What is the right to life of animals, and how is it supported in Islamic rulings, based on relevant hadiths, verses, and historical reports?

Conceptual Analysis

1. Right [Ḥaqq]

In a literal sense, the term "*Ḥaqq*" is a verbal noun derived from "*Ḥaqqā-Yahiqqu*" the plural of which is "*Huqūq and Ḥiqāq*." (Ibn Manzūr, 1984: 10/49; Fayyūmī, n.d.: 2/143.) The most important meanings of the term include: "*Ḥaqq*" [truth] is the opposite of "*Bāṭil*" [falsehood or untruth] (Farāhīdī, 1989: 3/6; Turayhī, 1983:

5: 148) and it refers to a matter that is established, certain, or undeniable (Farāhīdī, 1989: 3/6; Turayhī, 1983: 5/148; Ṭabarsī, 1997: 1/88; Ibn Fāris, 1983: 2/15). It also means something obligatory (Zamakhsharī, 1960: 135), in line with reality (Rāghib, 2006: 246). From the discussions of lexicographers, two key points and criteria for understanding the concept of the term "*Ḥaqq*" emerge:

First, the term "*Ḥaqq*" has both an adjectival and nominal meaning. As a nominalized form of a verbal noun, its meaning pertains to something that exists or is established. As an adjective, it signifies something fixed or established (Javadi Amoli, 2006: 23).

Second, the concept of "*Ḥaqq*" includes the notion of conformity with reality (Mustafawī, 1981: 2/262). Anything that corresponds with reality is, in truth, something whose existence is definitive, undeniable, and stable, even though it may be obscured by denial, prejudice, obstinacy, or ignorance. The fundamental concept of the term "*Ḥaqq*" seems to revolve around something real, undeniable, and firmly established, and other meanings stem from this core concept (Ibn Fāris, 1983: 2/15).

In a technical sense, the lawyers use the term "*Ḥaqq*" in various senses, including Authority and power (Muvvaḥid, 2002: 44); ownership or entitlement (Ramaḍān and Zahrān, 1998: 183); privilege and benefit protected by legal systems (Kātūzian, 2001: 373; Muvvaḥid, 2002: 44); interest (Nabīl and Mansūr, 1995: 120); a legal construct or notion (Miṣbāḥ Yazdī, 2012: 26).

In jurisprudential terminology, the term "*Ḥaqq*" has both a general and a specific meaning: In its general sense, it refers to everything that has an aspect of establishment or realization (Baḥr al-ʿUlūm, 1983: 1/33). On this basis, the term "*Ḥaqq*" encompasses the concept of property or entitlement, as in the case of ownership and rights granted to individuals (Khānsārī, 1996: vol. 1, p. 105). This is because rulings in legal discourse are viewed as established and binding, and rights are established for the rightful owner. Notably, in this general sense, there is no distinction between the terms right, ruling, and ownership. In its specific meaning, the term "*Ḥaqq*" is contrasted with ruling and ownership. Therefore, in the words of jurists, it is understood as authority (Kashif al-Ghiṭā, n.d: 86), as a form of ownership or a certain degree of it (Yazdī, 1999: 1/55, 58), as a specific legal

construct (Khorāsānī, 1985: 4), as a legal ruling (Khoei, n.d. 2/52), and as a designated legal status (Ṣadr, 2006: 3/227).

As briefly mentioned earlier, the term "Ḥaqq" in its linguistic, technical, and legal senses carries various meanings, though these differences are not fundamental in nature. The reason for this multiplicity of meanings lies in the absence of a precise, logical definition, as a true definition is only applicable to entities with essence, genera, and species. Abstract concepts like the term "Ḥaqq" cannot be fully defined in a literal sense, as their definitions are only meant to clarify their use in language. Hence, the term "Ḥaqq" can be understood as the merit or entitlement of an entity concerning something (Ṭālibī, 2014: 72). In this sense, the term "Ḥaqq" is defined absolutely (i.e., as an absolute right), without considering legal, moral, individual, or social restrictions. This is the meaning of the term "Ḥaqq" that is intended in this article.

Accordingly, the use of the term "*Ḥuqūq*" in the phrase "*Ḥuqūq Ḥayavān*" [the rights of animals] is not a mere concession; animals undoubtedly have rights conveys the idea that a right is an entitlement granted by the divine legislator based on the merit and worthiness of the individual. Therefore, the sacred legislator has established regulations to protect the rights of animals in the form of the five legal rulings, and even the very term "*Ḥuqūq*" [Rights] is used in some narrations regarding animals. For example, Shaykh Ḥurr al-ʿĀmilī dedicated a chapter titled "*Recommended and Obligatory Rights Regarding Animals* in *Wasā'il al-Shi'a* and narrated various traditions in that section (Ḥurr al-ʿĀmilī, 1993: 11/478). These narrations clarify the duties of animal owners and others toward animals, establishing the rights of animals.

Even if a right is understood in terms of authority, it still applies to animal rights because animals, within their capacities, have control over some of their rights. For example, an animal may eat its food (its right) itself or give it to someone else, seek revenge against those who wronged it, forgive them, or remain loyal to those who showed it kindness and repay their affection. In Islamic thought, the concept of right also applies to animals in its ethical dimension.

2. Life [Ḥayāt]

The Arabic term "*Ḥayāt*" [life] refers to the duration of

existence or the opposite of death. In Arabic, life is used in relation to the vitality of the earth, as in "the rain makes the earth alive" (Ibn Fāris, 1983: 2/122).

3. Animal [Ḥayavān]

The Arabic word "*Ḥayavān*" is derived from the root word "*Ḥayāt*", and it refers to any living being with a soul, whether rational or not (Fayyūmī, n.d: 2/161). In other words, the word "*Ḥayavān*" is any creature that possesses a soul and is alive. Thus, "*Ḥayavān*" includes both human and non-human beings. However, in common terminology, "*Ḥayavān*" typically refers to a living, non-human being that lacks reason (Fatḥullah, 1994: 172). In this article, the term "*Ḥayavān*" refers to the conventional understanding of an animal—living beings that are non-human.

4. The Narration [Riwāyah]

The Arabic term "*riwāyah*" in its linguistic sense means the act of carrying or transmitting as an expression: "*The camel carried the water*" and in a technical sense, it refers to a report that is transmitted by a narrator from one person to the next, all the way back to the Prophet (peace be upon him and his family) or an Imam, peace be upon him. (Turayḥī, 1983: 1/199)

Criteria and Basis for Animals' Rights

The discussion on the basis of animal rights is an extensive topic that requires an independent article. Some scholars argue that the criteria for animals to have rights include having a soul, while others assert that animals have rights due to their ability to perceive and feel. Additionally, some argue that animals are entitled to rights because they are subjects of moral consideration. On the contrary, some Western authors directly deny that animals possess rights, instead addressing rights indirectly, solely concerning their owners. (Rafī'ī Ṭabāṭabā'ī, 2020: 203)

In fact, these individuals view having rights as necessarily involving duties, which can only be realized through the enactment of laws. Since animals cannot understand the law or its requirements, they are not considered responsible (*mukallaf*), and thus, despite the connection between rights and duties, animals are not seen as having rights. (Nabavian, 2010: 172.) However, from the Islamic perspective, based on Qur'anic verses and

narrations, all beings, including inanimate objects, plants, animals, and humans—essentially everything that exists—possess some form of awareness or consciousness. Therefore, they are all engaged in the glorification of God (Quran 59: 1 and 24). The relative pronoun [in the verse] includes all of existence except Allah, and the claim that rights are inherently tied to duties is rejected in Islam. Even possession of intelligence [‘aql] is not a necessary criterion for having rights. Accordingly, insane people do not have duties in Islam, while they have rights.

Without a doubt, based on various evidence, animals have awareness, perception, and will to a certain extent. This is explicitly mentioned in the Quran (e.g., Quran 21: 79, 17: 44, 24: 41) or from the narration of Sakūnī, reported by Imam Ṣādiq (a.s) in which the Prophet (PBUHH) is reported to have said: *“The animal has six rights upon its owner... and its face should not be struck, for it glorifies and praises God.”* (Ṣadūq, 1983: 330) This narration will be provided in full later in the article.

The Right to Life and Survival of Animals

The Universal Declaration of Animal Rights, published in 1990 (iranspca.com), includes ten articles that generally advocate for the right to life, respect, reproduction, the avoidance of physical and mental cruelty, and the enforcement of laws to protect and preserve animals, as well as educating citizens and children on the proper treatment of them. In the first article of the declaration, the right to life for animals is addressed, stating: *“All animals are born equal and have the same right to life.”* In addition to Article 1, several other articles indirectly focus on the right to life of animals. For example, Article 7: *“Any unnecessary act that leads to the death of animals, or any decision that results in such an act, is considered a crime against life.”* The first section of Article 8: *“Any action contrary to the survival of wild animal species, or any decision leading to this, is considered mass slaughter.”*

In Islam, based on Quranic and narrational teachings, these rights are not only accepted but are further safeguarded by specific legal rulings established by the sacred law, which go beyond the provisions of the Universal Declaration. The right to life and the protection of the species, even for wild animals, is one of the fundamental rights of God's creatures. For instance, Allah

commands Prophet Noah (a.s) to take a pair of every animal species aboard the ark: *"We said, carry in it a pair of every kind [of animal]"* (Quran 11: 40). According to both Sunni and Shia exegetes, the phrase *"of every pair"* [in the verse] is universal, encompassing every type of animal [from each species]. (Shubbar, 1966: 231; Zuhaylī, 2006: 2/1042) In other words, a male and female from each animal species should be brought onto the ark. (Ṭabāṭabā'ī, 1996: 10/226) The reasoning behind this command is that, just as the survival of the righteous human race on earth was essential after the flood, the survival of animal species is equally necessary. (Qurtubī, 1985: 9/34)

In verse 32 of Surah Quran 5 [Surah al-Mā'idah], Allah says: *"Whoever kills a soul, without [its being guilty of] manslaughter or corruption on the earth, is as though he had killed all mankind, and whoever saves a life is as though he had saved all mankind."* This verse emphasizes the sanctity of life and makes an analogy between the killing of a human being, as someone with the right to life, and the killing of all humanity. Similarly, in narrations, the same expression has been applied to animals. For example, Imam Ali (a.s) said about the situation of an animal whose owner withholds its food or abandons it due to financial incapacity, putting its life at risk: "The one who revives the animal, by feeding or rescuing it, is the one who has brought it back to life." (Kulaynī, 1984: 5/141) Thus, just as the killing of a single person is equivalent to the killing of all people in the sight of God, and disregards the dignity of humanity and strips away security from everyone since a single individual can be the origin of a generation. (Qarā'atī, 2009: 2/281) Abandoning or failing to feed an animal is akin to denying it life. This analogy shows that the act of preserving the life of an animal, which can lead to its procreation, restores its rightful entitlement to life, bringing it back to a state of dignity and existence.

Practical Measures for Preserving the Right to Life of Animals

The legislation of obligatory and situational laws derived from Quranic verses and narrations, which will be discussed below, represents some of the most important practical measures for safeguarding and preserving the lives of animals.

1. Ensuring the Physical Security of Animals

A: Right to Sustenance of Animals

Like all other living beings, animals require food and water to sustain their physical existence. Several Quranic verses introduce Almighty God as the provider of sustenance to animals: *"There is no creature on earth whose sustenance is not the responsibility of God"* (Quran 11: 6), and *"And how many a creature there is that does not carry its own provision? God provides for it..."* (Quran 29: 60). In these verses, Almighty God considers Himself responsible for the provision of sustenance of all creatures, that are unable to procure their own sustenance. The term *"dābbah"* (creature) applies to any living being that moves on the earth, thus encompassing all animals. (Fakhr Rāzī, n.d: 17/186). They need nourishment to continue living, and God Almighty is responsible for providing them with sustenance. (Ṭabarsī, 1994: 5/245) In other verses, God mentions the creation of the earth and the growth of plants, such as grains, grapes, olives, dates, and lush gardens, to ensure the continued life of both humans and animals: *"And the earth after that He spread it. He brought forth from it its water and its pasture, and He set firmly the mountains—provision for you and your cattle."* (Quran 79: 30-33) and *"Then We split the earth in twain and caused to grow therein grain, grapes, and vegetables, and olives, and date palms, and gardens of dense foliage, and fruits and herbage—provision for you and your cattle."* (Quran 80: 26-32)

A key point is that God views both humans and livestock as deserving of benefiting from His bounties side by side, demonstrating God's care for the right to life of these creatures, which is based on benefiting from His provisions. According to narrations from the infallible Imams (peace be upon them), the responsibility for this right initially lies with the owner, but thereafter, others, including ordinary people and government authorities, are obliged to ensure the sustenance of animals. Several narrations emphasize this.

This is also emphasized in the narration, but a few instances will be mentioned for brevity. In a narration from Imam Ṣādiq (a.s), transmitted by Sakūnī, the Prophet (PBUHH) is reported to have said: *"An animal has six rights upon its owner, the first of*

which is to feed it when it descends and offers it water when passing by." (Ṣadūq, 1983: 33).

In another narration, Mas'ūdī writes about the advice of Imam Sajjād (a.s) regarding his camel: *"Treat it kindly and provide it with fodder."* (Mas'ūdī, 2005: 174) In Al-Jāmi' al-Aḥādith, Suyūṭī quotes the Prophet (PBUHH): *"When you pass through a fertile land with good pasture, allow the camels to graze and let the animals be satisfied."* (Suyūṭī, 1/220)

Islamic jurists also, based on evidence, mainly from narrations, consider it obligatory for the owner to provide sustenance for animals (Ḥillī, 1986: 196; Fāḍil al-Ābī, 1987: 2/204). There is no disagreement among scholars on this issue. (ʿĀmilī, 1992: 1/491). It is important to note that there is no difference in the obligation to provide sustenance based on whether the animal is being used for lawful or unlawful purposes; the owner must provide for the animal's needs regardless of how the animal is used. (Ḥillī, 1992: 3/118.) Shaykh Ṭūsī views the obligation to provide for the animal as stemming from its sanctity and respect, stating: *"For it has dignity."* (Ṭūsī, 2008: 6/47) and (Shahīd Thānī, 1992: 8/497). Some Sunnī Jurists, such as Sharbīnī and Ibn Sam'ūn Baghdādī, etc., assert that animals have souls and thus deserve respect, their sustenance is obligatory on their owner. (Sharbīnī, 1994: 1/142; Ibn Sam'ūn Baghdādī, n.d.: 1/ 324)

B: Maintaining Hygiene in Animal Feeding

To safeguard both the physical health and spiritual dignity of animals, it is necessary for humans to provide animals with clean, lawful, and hygienic food and water. Providing impure food or water to animals, such as giving them water or food contaminated with filth, is a violation of the animal's rights and is prohibited. In a narration from Amīr al-Mu'minīn Ali (a.s), quoting the Prophet (PBUHH), he forbids urinating in running water, saying: *"Do not urinate in running water except out of necessity, for the water has inhabitants."* (Ṭūsī, 1984: 1/13) In another narration, Imam Ali (a.s) states: *"Water has inhabitants, so do not harm them with urine or feces."* (Aḥsā'ī, 1983: 2/187). The importance of providing pure, lawful food and water is so emphasized that religious authorities even recommend cleaning barley for horses from any foreign matter like stones, and they are promised a

reward for doing so. A narration from both Sunni and Shia sources reads: *"Whoever cleans barley for his horse and then feeds it to him, Allah will write a good deed for every single grain."* (Majlisī, 1982: 1/177; Ṭabarānī, 1994: 2/30; Ibn ʿAsākir, 1995: 18/242) If it is important to remove pebbles from the horse's food, it is all the more important to ensure the animals are not harmed by impure or intoxicating substances.

C: Maintaining Hygiene in Animal Shelters

Maintaining cleanliness in the shelters of animals is another important way to support their right to life. Late Kulaynī through a sound chain of transmission, quoting Imam Ṣādiq (a.s), narrates that the Prophet (PBUHH) advised that the shelters of sheep should be kept clean: *"Clean their resting places and wipe their noses or remove the dust from where they live."* (Kulaynī, 1984: 6/544) The term *"Rughām"* (dust) [in the narration] is interpreted in two ways: either as nasal mucus or dirt. (Majlisī, 1982: 61/150) ʿAllāmah Majlisī, in *Hilyat al-Muttaqīn*, suggests that the resting places of sheep should be kept clean, and dirt should be wiped off their bodies. Dirt on an animal's body may occur either outside the resting place or due to the dirtiness of the shelter, and this is a preventive measure to avoid dirtiness of the animal's body and maintain their health and dignity. (Majlisī, n.d.: 208). Even Aḥmad ibn Muḥammad ibn Khālīd Barqī, considers the reason for the cleanliness in the narration thus: *"For they are among the creatures of paradise."* (Barqī, 1991: 2/641) If the term is used in the second meaning, which is to clear the dirt from their living place, it can be said that the expression is to emphasize the first sentence, i.e., the cleanliness of the animal's living place/shelter. This narration is reported by the Sunni ḥadīth experts (Ṣanʿānī, 1982: 1/409) and others also reported it from numerous sources.

D: Providing Medical Care for Animals

One of the manifestations of attention to the right to life of animals is the treatment of their illnesses, which is emphasized in both Shi'a and Sunni sources. For instance, Kulaynī narrates a ḥadīth from Amīr al-Mu'minīn Ali (a.s) regarding the necessity of obtaining consent before treating an animal, indicating that the need to treat animals is a given. The ḥadīth states: Sakūnī narrated

from Abu Abdullah (peace be upon him) who said: The Commander of the Faithful (peace be upon him) said, *"Whoever practices medicine or veterinary medicine should obtain consent from the owner, otherwise he will be held liable."* (Kulaynī, 1984: 7/364). Similarly, Ṣan'ānī narrates a ḥadīth from Amīr al-Mu'minīn with the same meaning. (Ṣan'ānī, 1982: 9/471)

In another set of narrations, treating an orphan's animals is mentioned as one of the duties of a guardian. Ḥanān ibn Sadīr said: *"Abu Abdullah (peace be upon him) asked me about the duties of a guardian of camels belonging to an orphan and what is permissible for him. And I said... and here he treated the camels' mange with tar..."* (Kulaynī, 1984: 5/130.) Bayhaqī also mentions this in Sunan al-Kubra. (Bayhaqī, 1993: 6/4)

2. Protection of Reproduction and Prohibition of Animal Castration

Reproduction plays a fundamental role in the survival and continuation of any living species, including animals, as it is a means of preserving the species. For this reason, Allah has created both male and female of each species, as He says: *"And of everything We have created pairs, that perhaps you will remember."* (Qur'an 51: 49) This divine system is for reproduction and the continuation of life, and animals are no exception to this rule.

In a narration from Amīr al-Mu'minīn Ali (a.s), it is stated: *"There is no castration in Islam"* (Ibn Ash'ath, n.d: 80). Furthermore, another narration: "A man from Najrān was with the Messenger of Allah (PBUHH) in a battle, and he had a horse with him. The Prophet (PBUHH) was accustomed to the sound of the horse's neighing. After some time, he did not see the man or his horse, so he sent someone to inquire. When the man returned, the Prophet (PBUHH) asked him, 'What did you do with your horse?' The man replied, 'I castrated it because it became wild.' The Prophet (PBUHH) said, 'Why did you mutilate it? The horses are blessed, and their goodness is written in their manes until the Day of Judgment. Those who own horses must preserve their ancestry, their beauty, and their features.'" (Rāwandī, 1998: 34)

In many Sunni sources, numerous narrations are prohibiting the castration of animals. The expression: *"There is no castration in Islam"* is found in al-Sunan al-Kubra by al-Bayhaqī from the holy Prophet (PBUHH), and it has been considered an authentic

narration by al-Albānī, who is regarded as a major figure in Sunni ḥadīth. (Bayhaqī, 1993: 10/41; Albānī, 2002: 2/1203)

3. Overhunting and Excessive Killing of Animals in Islam

Overhunting and excessive killing of animals are forbidden in Islam. The Quran states: *"And when he goes away, he strives throughout the land to cause corruption therein and destroy crops and animals. And Allah does not like corruption."* (Quran 2: 205)

This verse refers to corruption caused by some individuals, specifically hypocrites, who when in power, destroy the environment and the lives of both humans and animals. The destruction of crops and the annihilation of life can be understood in terms of environmental damage caused by burning fields or killing animals excessively. (Ibn Jawzī, 1983: 1/201). The meaning of *"zar"* [in the verse] is interpreted as all economic resources related to human life, including agriculture and industrial products. The term *"nasl"* [in the verse] refers to all living creatures that move on the earth, including humans and animals (Mughniyyah, 1981: 1/309). In another interpretation, the verse stresses that the corruption of both crops and animals is a significant evil, and there is no greater corruption than that (Fakhr al-Rāzī, n.d: 5/220). Therefore, this verse includes the prohibition of both the destruction of the environment and the mass killing of animals.

A narration from Muḥammad ibn Muslim, transmitted from Imam Bāqir (a.s), mentions that the holy Prophet (PBUHH) forbade eating the meat of domesticated donkeys to prevent the extinction of their species: *"... out of fear that they might become extinct, and [the eating of] donkeys are not haram."* (Majlisī, 1985: 7/448; Ṣadūq, 1966: 2/563). Imam al-Riḍā (a.s) similarly explained that the prohibition of slaughtering and eating donkey meat was not because they are forbidden, but to prevent their extinction (Ṣadūq, 1966: 2/563). Therefore, indiscriminate killing and hunting that leads to the extinction of animal species is impermissible and must be stopped.

Although these narrations do not directly refer to hunting, the reasoning behind the prohibition of eating donkey meat, *"out of fear of their extinction,"* can be applied to the prohibition of indiscriminate killing and hunting, and the ruling can be extended to other species. (Ḥamīrī, 1992: 275)

4. Prohibition of Encouraging Animals to Fight Each Other

One of the practices that threatens the lives of animals, and which Islam prohibits, is encouraging animals to fight each other. (Ḥillī, 1984: 397) Two authentic narrations in which Abu al-‘Abbās reported from Imam Ṣādiq (a.s): *"I asked Abu Abdullah (a.s) about encouraging animals to fight each other, and he replied: 'I dislike this, except for dogs.'"* (Kulaynī, 1984: 6/554; Barqī, 1991: 2/628).

Although al-Kulaynī writes in the footnote: It does not matter if the animals are of the same species or different species, such as bulls fighting with lions. Muḥammad Taqqi and ‘Allāmah Majlisī considered the chain of transmission of this narration to be reliable. (Majlisī, 1985: 7/500; Majlisī, 1984: 22/477) Allāmah Majlisī says that although the narrations used the term “repulsion” but in the custom of narration, “repulsion”, includes both prohibition and aversion. However, he used another point to indicate the prohibition of incitement in these narrations, which is that the act of inciting and starting a fight between animals is a useless act of fun and harming animals, which has no benefit, and therefore it can be considered prohibited. (Majlisī, 1983: 2/220; Shawkānī, 1973: 7/250)

5. Prioritizing Animal Life Over Certain Rituals

In Islamic jurisprudence, the protection of animal life, like the protection of human life, is a fundamental legal principle (Shahīd Thānī, 1992: 12/117; Nawawī, n.d: 9/48; Sharbīnī, 1994: 4/308). As a result, the preservation of animal life takes precedence over some obligatory acts, with examples provided as follows:

A: Prioritizing giving water to an animal over performing ablution: In the Ṣaḥīḥ of Ibn Sanān, Imam Ṣādiq (a.s) is reported to have said: *"One day, the Messenger of Allah (PBUHH) was performing ablution when a domestic cat came to him for shelter. He realized that the cat was thirsty, so he tilted the water container toward it until the cat drank. Then, the Prophet used the remaining water to perform his ablution."* (Rāwandī, 1998: 187)

B: Prayer, as the most important Islamic obligation, should never be abandoned. However, in some cases, it may be delayed or even interrupted for more important reasons. One such case is when an animal's life is at risk of being lost. In the reliable report of Samā'a, it

is narrated that a person asked Imam Ṣādiq (a.s): "*What should one do if, while performing the obligatory prayer, an animal escapes or rushes toward him, and he fears it will be lost?*" The Imam replied: "*There is no harm in breaking the prayer.*" (Majlisī, 1984: 15/242)

C: Breaking the fast to save a human or animal from drowning: Sharbīnī, a Shafī'ī scholar, writes: "It is permissible for a person to break their fast to save an innocent human or a respected animal that is on the verge of drowning or death. The fast must be broken if there is no other way to save them." (Sharbīnī, 1994: 1/224)

6. The Obligation to Attend to the Welfare of Animals

The preservation of animal life was so important to such an extent that the Commander of the Faithful, Imam Ali (a.s) established a place for lost animals [during his leadership tenure]. He ensured their feed was supplied from the public treasury, and if someone provided proof of ownership, the animal was returned to them; otherwise, the animal remained at the designated location. Imam Ali (a.s) had a special shelter built for lost animals, where they were fed but not overfed. Animals were cared for by the public funds. If anyone presented evidence of ownership, the animal was returned to them; otherwise, it remained there without being sold. (Borūjerdī, 2020: 18/512)

Based on the above narration, it can be argued that Imam Ali (a.s) established the first sanctuary for homeless and lost animals. This matter is so significant that in his first sermon after assuming the caliphate, which serves as a charter for Islamic governance, Imam Ali (a.s) placed the responsibility for the protection and care of animal life alongside the responsibility humans have toward each other and their cities. He also called for adherence to God's piety in this regard: "*Fear God concerning His servants and His lands, for you will be held accountable even for the pastures and the animals.*" (Seyyid Raḍī, 1967: 242)

Thus, public participation in the responsibility toward cities, sanctuaries, and animals is one of Islam's distinctions, and fulfilling this responsibility requires observing laws and regulations that protect animals. (ʿĀmilī, 2008: 20/64)

7. Ensuring the Psychological Well-being of Animals

The life of both humans and animals depends not only on the

preservation of their physical integrity but also on ensuring their psychological well-being. This is important because humans and animals share a soul, perception, and awareness. Just as insulting, cursing, or using degrading and humiliating words is unpleasant for any human being and is considered a disgraceful act, animals too suffer psychological harm from such treatment. Imam Ṣādiq (a.s) has identified not insulting animals as one of their rights: *"An animal has six rights over its owner... and one of them is that it should not be cursed."* (Kulaynī, 1984: 6/537; Ṭūsī, 1985: 6/164).

Imam Ali (a.s) also considered cursing animals, particularly camels, as a disliked act, and he said, *"It is detestable to curse animals."* (Maghribī, 1963: 1/348)

Additionally, Imam Ṣādiq (a.s) transmitted from Imam Ali (a.s) that the Messenger of Allah (PBUHH) prohibited cursing the rooster, saying, *"Do not curse the rooster, for it awakens people for prayer."* (Ṣadūq, n.d: 4/5) This narration is also found in Sunni sources. (Hamīdī, 1996: 2/59)

In a letter to the tax collectors in the 36th year of Hijra (Letter 25 of Nahj al-Balāghah), Imam Ali (a.s) instructs thus: *"Do not enter the place of animals as a tyrant or with harshness..."* This indicates that one should approach animals in a way that preserves their psychological safety. The Imam also instructed that a compassionate, kind, trustworthy shepherd should be chosen to tend to them, ensuring that his instructions on the humane treatment of animals are followed. In a direct admonition to protect the psychological well-being of animals, he forbade separating a female camel from her calf and ordered that they should not be milked to the point where the calf remains hungry or harmed. Imam Ali (a.s) even considered such actions as bringing one closer to God and promised spiritual reward for following this humane behavior. (Seyyid Raḍī, 1967: 242)

Conclusion

The findings of the present research are as follows:

1. The concept of "right" in animal law refers to the entitlement of an entity to something, regardless of specific legal, moral, or other constraints. In this definition, the rights of animals can be understood as their entitlement, and the concept of dominance or sovereignty can also be applied to animal rights.
2. According to the criteria for possessing animal rights, those meeting the requirements, especially in Islam where the presence of a soul and cognition is emphasized, are entitled to these rights.
3. Although the Universal Declaration of Animal Rights mentions some rights, it does not specify them in a codified manner with appropriate enforcement mechanisms, while in Islamic law, these rulings are clearly stated. Even in the Charter of Governance of Imam Ali (a.s), this matter is emphasized. Providing shelter for lost and homeless animals further demonstrates the importance of these rights.
4. In Islamic law, not only is the physical security of animals ensured, but rights such as the right to lawful and healthy nutrition, hygiene, shelter, medicine, treatment, and more are considered obligatory, either individually or collectively, for the people and the government.
5. The preservation of animal species and the prohibition of excessive hunting and extinction are addressed through binding rulings, and even the practice of hunting for sport or amusement is considered unlawful and forbidden.
6. In Islamic jurisprudence, the preservation of animal life takes precedence over other matters, even over worship and the protection of property, revealing a profound interest in safeguarding the life and well-being of animals.

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The Legal and Jurisprudential Foundations of Environmental Protection

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Abstract

Environmental law in its contemporary meaning is a product of environmental crises after World War II and critiques of modernity. The legal response, following scientific, social, and political reactions, attempts to resolve serious conflicts between modern life and the environment. This was not initially derived from or committed to the religious literature of major world religions, which may be why using a term like "Islamic environmental law" might seem strange. However, from the Islamic perspective, which is not indifferent to any aspect of human life, the issue takes on a different form. Islam, by constraining humans from the beginning, has sought to establish a balanced and integrated relationship between humans and their environment. This article is a modest effort to extract the achievements of Shia jurisprudence in environmental protection. The author acknowledges that examining Shiite jurisprudence and the environment without considering economics, politics, art, and most importantly Islamic philosophy, would be incomplete. However, the present opportunity is not sufficient for this purpose. This article examines jurisprudential rules, institutions, and rulings about environmental effects in three sections, leaving legal examinations for another occasion.

Keywords: Environmental law, environmental jurisprudence, jurisprudential rules, jurisprudential institutions, jurisprudential rulings

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