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Animal Souls: Thinking about Appetites

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DRAFT: NOT FOR QUOTATION, CITATION, OR CIRCULATION IN ANY FORM

I am interested in using this workshop to think about some complicated, interesting juxtapositions I find in the sorts of texts I read, mostly formative-period Sunni *fiqh* texts. I am far from having a hypothesis, much less an argument or a conclusion to offer. Instead, I present here a series of questions and provocations about the connections and disjunctions between certain acts involving appetite (eating, having sex), certain acts involving violence (killing animals, enslaving people, striking or beating human beings or animals for discipline or correction), and certain acts involving caretaking (feeding, sheltering, supporting). I am also interested in the ways in which certain categories of beings are invoked, complicated, and reified in the process of negotiating these acts (women, slaves, animals, believers, wives, “men”).

Theology, suffering, and obligation: Animals, Slaves, Wives

Sarra Tlili has made the compelling case that killing animals has posed, for various Muslim thinkers at various times, a theological problem. How can this thing – killing animals – that seems to the conscience to be obviously unjustified (killing animals who have done no wrong; suffering for no fault of their own) be acceptable? If animals, innocent creatures, do not deserve to suffer, there is the question of what kind of just God imposes suffering without cause. (Ormsby 2010: 74) Here, a theological response is the only possible one: God’s order demands it. This involves us necessarily in questions of theodicy as well as of ethical voluntarism. Yet

there is also the question of how human beings should act in such circumstances. Does a human duty to minimize (animal) suffering exist, and if so, does it have bearing on meat consumption? Theology notwithstanding, people must act. Given a certain social order, what sorts of acts must people undertake? Are people responsible for amelioration? Revolution? Good treatment within established parameters is a minimum imperative.¹

Likewise, the problem of enslavement. How can one justify the suffering of human beings, placing them in a subordinate position, removing the original human condition of freedom (*al-asl huwa al-huriyya*)? Theology raises its head. So, too, ethics. Again, one necessary response has to do with the *good treatment* of slaves (like animals) but also the distinction between properly social matters (in which some kinds of human claims, privilege, rights are inalienable and others are can be suspended in cases of enslavement) and others having to do with worship (in which equality mostly rules) and ontology (in which equal status is simply accepted).² Here, then, we must look at what makes human beings different than other parts of God's creation – both animal and vegetative.

We arrive at *women*, with the caveat that the category “women” is not always, or alone, salient; gender is not always the most significant element of someone's personhood – and cannot be understood in isolation from other characteristics. The reported prophetic tradition about the revelation of 4:34, in which Muhammad's determination that a woman whose husband slapped her was entitle to retaliate was derailed by God's decision that husbands are entitled to discipline

¹ SarraTlil, “Animals Would Follow Shāfi‘ism: Legitimate and Illegitimate violence to Animals in Medieval Islamic Thought.” Marion Katz and Beth Berkowitz discuss the treatment of animals as it appears in various Muslim and Jewish texts in Anver Emon, ed., *Islamic and Jewish Legal Reasoning* (Oxford: Oneworld Publications 2016). I briefly discuss the issue of good treatment as it appears in a modern pamphlet on “Kindness to Animals” in my *Muslims and Meat-Eating*.

² There is an extensive literature grappling with this problem. I discuss a recent Islamic State pamphlet which even raise the question of the justice of slavery (only to provide good treatment as the obvious answer); a more substantive treatment of a cluster of related issues appears in Sherman Jackson's *Islam and the Problem of Black Suffering*.

their wives – whether it really happened or not – is a third and complicated example. Along with the extensive exegetical literature on the verse, and legal discussions about domestic disciplinary power, it raises a slew of issues that contemporary thinkers must address.³ Here again we have questions of ontological equality and social (in)equality alongside questions about legal and ethical conduct.

The thread running through these examples, the thread I want to tug, is this: repeatedly, some people’s moral intuitions seem to conflict with God’s established procedures for dealing with the universe and allowing, creating, hierarchies among its creatures where some are entitled to control, use, override the will of, use (necessary) violence against, and possibly even kill—though not abuse or be cruel to—others. What do we make of these processes? Where have these intuitions surfaced and how have they been understood? How have those understandings changed when (if) subordinate parties are allowed to have their say (even imaginatively, as in the *Animals Lawsuit Against Humanity*)? And what if anything can we make of the ways in which the tropes and patterns connect even as they differentiate animals, (male and female) slaves, and (free) women?

Here: a few additional instances or examples or points for further exploration:

On support and need

In his *Kitab al-Nafaqat*, an early jurist juxtaposes rules for the support and feeding of wives with rules for the support and feeding of other relatives as well as slaves and livestock. On the one hand, wives are distinct from all of the others because their having sufficient resources on their own does undo the husband’s obligation. On the other: there is a presumption of a free,

³ Key contributions to this literature include Laury Silvers’ “In the Book We have left out nothing” (CIS 2006) and Ayesha Chaudhry’s *Domestic Violence in the Islamic Tradition*.

male, legally agentive subject responsible for supporting all of the former. Here, one might also connect support and control, as Maududi does (women are like animals on men's farms, for both control and reproduction), and indeed as the famous hadith does about heads of households being like shepherds with their flocks.⁴ In *Marriage and Slavery in Early Islam* and other writings I explored in some depth the parallels between husbands and masters (and wives and slaves) as well as the disjunctions between these categories/roles. I said a bit, but relatively speaking a good deal less, about the parallels between fathers and masters (and children and slaves), but one might do more with this. On the other hand, I said nearly nothing about domesticated animals which (prior to the era of people talking about pets as "fur babies") would not have been considered part of the household in the way slaves would have, and yet were entitled to certain kinds of good treatment. Can thinking about minimum standards of acceptable treatment and remedies for abuse help to illuminate common themes or threads?

On food and sex

In his *Kitab al-Umm*, Shafi'i discusses the question of food and sex and appetites for both in a passage which, on its surface, bears little relevance to my task here. As I have written elsewhere, the point is a refutation of a Hanafi view that refuses divorce for non-support. Shafi'i critiques the view that divorce for impotence is permissible while divorce for non-support is not. He singles out the evidentiary basis for the first, a statement of 'Umar ibn al-Khattab. (Divorce for impotence preventing the consummation of a marriage is an agreed-upon rule across the Sunni schools; Shafi'i is not disputing the doctrine or its basis.) 'Umar also declared, he notes,

⁴ Amanullah De Soudy (2013: 191-92, n. 117) writes of how Indian/Pakistani thinker Abu'l-Ala Mawdudi, in his famous book *Purdah* likens women to animals: "He believed that men were given divine rule over women who were like animals in men's farms." Mawdudi uses biological and agricultural imagery as he interprets Qur'an 2:223 and 42:11. Husbandry covers both marriage and livestock management. Reproduction and dominion are key.

that soldiers who could not support their wives should divorce them. Thus, to take one declaration as the basis for a rule but to ignore the other is to be inconsistent. (There is nothing Shafi'i abhors more than inconsistency.) He goes further: lack of food threatens a woman's very life, while lack of sex (and indeed, as he points out, it is only *one* act of sex, not regular, satisfying sex) has no such effect. To highlight the relative importance of the two he notes that lack of available licit food makes permissible consumption of illicit food (pork, carrion): starvation is a real danger and life is to be preserved even at the cost of eating prohibited foods. No situation, however, permits acting on illicit sexual desire – or rather, acting on sexual desire with an illicit partner. This example of the relative importance of food and sex also raises the question of appetite, and of violence – only implicit (animals are not animals, but merely food, or corpses, in the case of carrion; punishment for *zina* is implied but not described at any length)

On food and sex, again

Qur'an 5:5 and 5:6 raise three issues around food and sex. Permission is granted for eating the food of the people of the book and marrying their women. Next, the obligation is specified for performing ablution if one touches (variously interpreted as touches [Shafi'i], touches with lustful intent or result [Maliki], or has intercourse with [Hanafi]) women. The first (eating food) is interpreted to apply to Muslim men and women alike. No one has suggested that only Muslim men may eat otherwise lawful food of the people of the book and that women may not; rather, it applies to women exactly as it applies to men. The third (ablution) is taken to apply reciprocally to men and women – that is, as famously literalist Ibn Hazm has it, to men if they touch women and to women if they touch men. No one suggests that it applies to Muslim men only (women needn't perform ablution if they "touch" men) or that it applies precisely in the

same way it does to men (that is, that women need to perform ablution if they “touch” women). The second, intermarriage, is taken to apply only to men; women are not granted reciprocal permission to marry *kitabīs*. It is important to note that there is a link between how narrowly or broadly these permissions for sharing food and sharing beds are drawn (Shi‘is, for instance, interpreting both far more narrowly than Sunnis). This should not cause us to overlook the gendered ways in which they have been interpreted. Why have I brought this up in connection with issues of animals? What I want to stress here is the connection between certain sorts of appetites and certain sorts of assumptions about whose bodies are normative. Legal texts treat women’s bodies (and desires) as, most often, secondary in their texts. Women’s embodied subjectivity is generally secondary if it appears at all.

Gendered subjectivity, power, and hierarchy

In a recent comparative ethics article on “Muslims and Meat-Eating” I brought Muslim thought about food ethics into conversation with secular feminist ethics and argued that Muslims who care about gender justice should be vegetarians. I want to extend that thinking in another comparative direction, reaching out to utilitarian ethics with its focus on suffering (and coming back around to issues of gendered hierarchy and power). Although Peter Singer is known for his antagonistic stance toward religion, I think there are productive grounds for a conversation which takes into account the utilitarian focus on suffering and Singer’s insistence on a non-anthropocentric notion of worth (which Tlili has also advocated).

Suffering is a particular concern of utilitarian philosophers. Minimizing suffering, and maximizing the interest of those whose interests count, is their primary concern in discussing ethical issues. Philosopher Peter Singer is the best known advocate of utilitarian or

consequentialist ethics. He writes about human equality and poverty but is also an outspoken advocate for (other than human) animals. (Franklin 2005) His 1975 book *Animal Liberation* helped establish utilitarianism as the dominant approach to animal welfare. Singer rejects the presumption of a clear species barrier between humans, all of whose interests matter equally, and (other) animals, none of whose interests deserve the same consideration as that of any human being. This strain of thought stands in contrast to the historically dominant view of “the Western tradition ... that human beings have exclusive, or at least radically superior, moral status on the premise that only humans are autonomous, rational, self-aware, or capable of understanding justice. Animals are generally seen as existing for human use.”⁵ Singer holds that interests of humans and non-human animals must be taken into consideration. Unlike “strong animal rights” thinkers such as Tom Regan, who believes that no human interests justify certain uses of animals, Singer weighs the relative “utility” of human and animal interests. He argues that the relatively limited benefits to humans from consumption of meat or animal products are overwhelmingly outweighed by animal suffering that such uses causes.

A God-centered universe potentially requires a different way of approaching the issues. Engaging with Singer’s views that animal interests matter requires Muslim thinkers to articulate more explicitly and defend more solidly their views about human beings, animals, and the best relationship between them. Singer’s analyses also demand further reflection on human moral obligation and the status of revelation as guidance. What does it mean to be an ethical person? How does one know? These are complex questions for religious and secular ethicists. For religious thinkers, further issues include the role of divine commands and how far human rationality suffices as guidance. Singer notes that human reason (and he does see humans as

⁵ DeGrazia 7.

distinctive in this way) “is a peculiar ability ... it can take us to conclusions that we had no desire to reach.” (1995: 226)

This observation that human beings shy away from introspection, or flee from recognition of our moral failings, is one that Muslim thinkers make as well. I want to suggest that Singer’s core arguments can be helpful to Muslim thinkers as they attempt to formulate satisfactory approaches to meat-eating specifically, treatment of animals more broadly, and contemporary ethical questions in general. It might lead Muslim thinkers, for instance, to raise similar criticism to those from certain secular philosophers. For instance, Regan suggests that there are some actions which are never justifiable, regardless of the logic of their consequences. (Palmer 2006: 176-8) Some of these secular philosophical assumptions align neatly with core Muslim principles while others, of course, do not. But the basic question of whose interests deserve attention, and whose experiences may serve as a jumping off point for reflection, requires acknowledgment of the power relationships that exist.

This question of power relations brings us full circle to questions about the role of law, the role of religion, and the role of individual believers’ intuitions, reflections, deliberations, and actions. What is the relationship between human ideas, human actions, and theological justice? What modes of reflection – and comparison – are most helpful in this process? Can juxtapositions between and among categories of subordinated beings (women, slaves, animals) create helpful paths for analysis, generating new lines of inquiry? Can counterintuitive or uncomfortable comparisons serve as a starting point for the conversations necessary to work out meaningful change in both the real-life treatment of animals and in human subjectivities around hierarchy and suffering?