

A Pro-Animal Ethic:

Situating Islamic animal ethics in Modern Animal Ethics Discourse

Animal ethics in Islam are typically categorized as belonging to the welfare type, based on the fact that this tradition extends important protections to nonhuman animals on one hand while presumably not objecting to the sacrifice of their interests for humans' sake on the other. In this paper, I will argue that contrary to this prevalent view, a close reading of the dominant animal ethic in Islam –what I will call the “pro-animal Islamic ethic”– reveals more affinity with the rights position.¹ The pro-animal ethic does differ from the dominant rights position in that it is not liberationist; nonetheless, it shares with it the same egalitarian underpinnings and the same rejection of exploitation. With one exception, this ethic does not allow humans' interests to trump the interests of other animals and insists that humans may benefit from other species only to the extent that such benefits do not infringe on the latter's interests. The one exception to this rule still represents a thorny problem, as it consists of the authorization to kill animals for food. However, because of this ethic's otherwise scrupulous insistence on respecting animals' interests, the suggestion that this authorization is a mere sign of exploitation is questionable. In this presentation, I will first delineate the “pro-animal Islamic ethic” and explore its theoretical foundation. Then I will study its position on two questions. Finally, I will briefly cite recent arguments in animal studies that may provide a more plausible explanation to its authorization to kill for food.

Pro-animal Islamic ethic

Obviously, Islamic tradition allows several uses of nonhuman animals that are problematic by the still dominant animal rights standards. In contradiction to the abolitionist movement, scriptural sources not only sanction many uses of nonhuman animals, but also present these sanctions as a grace from God toward humankind.

¹ The “pro-animal Islamic ethic” is not a consciously framed animal doctrine and does not belong to any particular movement or school of thought in Islam; rather it is a set of tenets dispersed across the tradition. The fact that this ethic is eclectic does not mean that it is marginal. In fact, I would venture to argue that up to the late nineteenth/early twentieth century it continued to be the moral orthodoxy in Islam, shaping both theoretical discussions and actual attitudes toward nonhuman animals.

Moreover, Islamic sources are hardly apologetic about these sanctions. For instance, by presenting milk as the most blessed and most wholesome food item, the Ḥadīth seems not only to permit, but even to encourage its consumption. Combined with the permission to kill animals for food, these themes seem to imply that in Islam nonhuman animals do not possess a right to life and a right to freedom, the two hallmarks of the rights position at least as it is framed by some of its leading representatives. This much difference between the traditional Islamic position and the animal rights movement is clear.

The pro-animal Islamic ethic, however, imposes one important restriction on these uses: With the exception of the authorization to kill for food, humans may benefit from other species *only to the extent that such benefits do not infringe on the latter's interests*. Before surveying the actual implications of this constraint, however, it is important to examine its theoretical underpinnings.

The principle of *ḥurma* (inviolability)

Muslims are not free to treat other animals as they may see fit because the tradition holds that the latter have *ḥurma*, a notion conveying ideas of sanctity, inviolability, prohibition, and respect. Domestic animals form a different category, as they have two types of *ḥurma*, one relating to their status as human property, the other pertaining to them personally. The first *ḥurma* stems from animals' value as assets, the harm of which would be a harm to their owners, whereas the second consists of unfringeable claims that animals have against their owners and the entire Muslim community. To illustrate this point, the Shāfi'ī jurist Abū l-Ḥasan al-Māwardī (d. 450/1058) gives the example of war, whereby the enemy's farm animals remain entitled to considerate treatment even though their property-related *ḥurma* becomes void due to the state of conflict. Because of animals' personal *ḥurma*, al-Māwardī explains, Muslim armies may not harm the enemy's livestock even when it is feared that sparing the animals will give the enemy an edge.²

² Abū l-Ḥasan al-Māwardī, *al-Ḥāwī al-kabīr* (Beirut: Dār al-Kutub al-ʿIlmiyya, 1994), 14:190.

Besides being called “*ḥurmat al-nafs*” (personal sanctity),³ the second type of *ḥurma* is referred to as “*ḥurmat Allāh*” (God-given sanctity)⁴ and “*ḥurmat al-rūḥ*” (the sanctity of the soul).⁵ These labels provide an insight into the perceived source and nature of nonhuman animals’ *ḥurma*. Animals, as al-Jāḥiẓ explains, belong primarily to God, the owner of their essence (*mālik al-‘ayn*), and only secondarily to humans. Because of this dual-property paradigm, al-Jāḥiẓ explains that humans are allowed to benefit from other animals only in the ways and to the extent authorized by God. Thus, humans may not inflict pain on an animal or remove or inhibit the function of any of its organs unless they have an explicit divine authorization to this effect or if the intervention is intended to benefit the animal, as in medical treatment.⁶

The label “*ḥurmat al-rūḥ*”, on the other hand, shows how the sanctity of animals differs from the sanctity of other beings. The notion of *ḥurma* is in fact believed by some to be common to all creatures; its materialization, however, varies according to the nature of its bearer. Mawil Izzi Dien explains that the *ḥurma* of animals entails that they should not be mutilated, whereas the *ḥurma* of the wind implies that it should not be cursed.⁷ The label “*ḥurmat al-rūḥ*” thus indicates that animals have more concrete claims to considerate treatment than other creatures.

The fact that Islamic tradition recognizes that animals have a set of unfringeable claims against humans, whatever these claims may be, points to an important similarity between it and the animal rights position. Both positions recognize that animals matter not merely because of their instrumental value, but rather for their own sake. Both positions also assign enough weight to animals’ interests to allow them to trump humans’ interests, even ones deemed vital, as is the case with the enemy’s livestock during states of conflict. This marks a clear departure from the welfare position and closer affinity with the rights position.

³ Abū l-Ma‘ālī al-Juwaynī, *Nihāyat al-maṭlab fī dirāyat al-madḥhab* (Dār al-Minhāj, 2007), 15:240.

⁴ Māwardī, *al-Ḥāwī*, 14:191.

⁵ al-Juwaynī, *Nihāyat al-maṭlab*, 7: 298.

⁶ Abū ‘Uthmān al-Jāḥiẓ, *Kitāb al-ḥayawān* (Beirut: Dār al-Kutub al-‘Ilmiyya, 2003), 1:107.

⁷ Mawil Izzi Dien *The Environmental Dimensions of Islam* (Cambridge, UK: Lutterworth Press, 2000), 142.

The fact that Islamic tradition assigns both intrinsic and instrumental values (or rather personal and property-related *hurmas*, respectively) is still opposed by liberationists such as Gary Francione.⁸ Francione, however, frames his argument in response to a property paradigm that is not necessarily universal. For example, he highlights the facts that, historically, western laws tended to treat animate and inanimate properties alike and cites philosophers such as Immanuel Kant and John Locke who considered that humans have no direct obligations to other animals.⁹ This property model clearly differs from the dual-property paradigm described earlier, whereby humans' property rights are subordinated to divine property rights. The dual-property paradigm indicates that humans' ownership privileges are far from open-ended. In fact, according to al-Jāhiz's opinion, they are limited to the services and products that God allowed humans to derive from other species. This is not to suggest that the tradition did not find ways to undermine the *hurma* principle or the dual-property paradigm, for it did. Nonetheless, the mere existence and centrality of this principle helped curb this tendency.

It should also be pointed out that the liberationist position has been challenged by several animal rights thinkers. Sue Donaldson and Will Kymlicka describe it as a “strategic disaster” for the animal rights movement and highlight the ways the liberationist approach has been as dismissive of animals' interests as the approaches it claims to oppose.¹⁰ Alasdair Cochrane argues that “if a properly nuanced understanding of what it means to possess rights is accepted, and if a properly nuanced understanding of the interests of animals is adopted, then a theory of animal rights without liberation logically follows.”¹¹ This shows that in theory, at least, the arrangement implicit in the dual-property paradigm can be consistent with some animal rights perspectives.

Concrete dimension

⁸Gary Francione and Robert Garner, *The Animal Rights Debate: Abolition or Regulation* (New York: Columbia University Press, 2010), x, 4.

⁹ Gary Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia: Temple University Press, 2000), chaps 1 & 3.

¹⁰ Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2011), 79.

¹¹ Alasdair Cochrane, *Animal Rights Without Liberation: Applied Ethics and Human Obligations* (New York: Columbia University Press), 7.

Donaldson and Kymlicka advocate a stronger version of animal rights, what they call “animals’ inviolable rights.” Unlike some interpretations of the more common phrase “animal rights,” the principle of “animals’ inviolable rights,” the authors explain, implies that “an individual’s most basic interest *cannot be sacrificed* for the greater good of others.”¹² The authors also draw a distinction between “legitimate use” and “illegitimate exploitation” of animals¹³ and consider “a mutually beneficial symbiosis” between humans and domestic animals not only a morally valid possibility, but even a moral requirement.¹⁴ This is precisely how the pro-animal ethic in Islam perceives humans’ relations with domestic animals if the permissibility of killing for food is not counted.

Donaldson and Kymlicka identify five areas where the law should regulate humans’ relation with domestic animals. These are: duties of protection, use of animal products, use of animal labor, medical care/intervention, and sex and reproduction. Islamic sources cover these and other areas, but due to space limitations I will discuss only two points, namely, duties of care and protection and animal products.

Duties of care and protection

All Sunni schools of law require owners to provide adequate care and protection for their domestic animals, but whereas Shāfi‘īs, Ḥanbalīs, and Mālikīs treat this requirement as a legal obligation, Ḥanafīs view it merely as a religious responsibility entailing repercussions only in the afterlife. This indicates that, similar to the rights position, the three former schools view owners’ duties of care and protection as “a set of entitlements and correlative duties that can usually be demanded and coercively enforced by the state”, to use Cochrane’s words.¹⁵ This points to an important similarity between the pro-animal Islamic ethic and rights theory. It should however be added that this legal dimension is further reinforced by the religious one, since all schools agree that failure to respect other animals’ *ḥurma* exposes one to afterlife accountability.

¹² Donaldson and Kymlicka, *Zoopolis*, 19 (emphasis added).

¹³ *Ibid.*, 134

¹⁴ *Ibid.*, 89.

¹⁵ Cochrane, “Life, Liberty, and the Pursuit of Happiness? Specifying the Rights of Animals” in *Ethics of Killing Animals*, edited by Tatjana Visak and Robert Garner (Oxford: Oxford University Press, 2015), 201.

Adequate care includes provision of sufficient and adequate food and water and protection from danger. This ruling has many concrete implications. For example, if available pastures do not provide enough feed for grazing animals, owners should supplement their diet with fodder.¹⁶ Animals that are accustomed to one method of feeding (either grazing or fodder) should not be switched to the other if they resist it.¹⁷ Shepherds are required to select appropriate pastures for their flocks, keep them away from harmful plants, take them to water sources, and protect them from predators and from one another.¹⁸

Schools that categorize these obligations as legal treat most failures to meet them as offenses requiring state intervention. The Mālikī scholar Aḥmad al-Ṣāwī (d. 1241/1825) states for example that someone who is unwilling or unable to provide for her animals is to be forced to sell or give them away. If no one is interested in acquiring the animals (due to old age or blindness, for example), the government should provide for them using public funds. Some authors stress that the animals should not be released as this may expose them to predators.¹⁹ When failure to provide for animals is due to negligence, the person should first be admonished to take better care of them, but if she persists the animals should be forcibly taken away from her.²⁰ Jurists state also that in case of dire need it is permissible to extort feed for one's animals to save their lives.²¹ These obligations extend even to a weak animal that accidentally reaches one's house. In this situation the person is required to provide for the animal because she cannot fetch her own sustenance.²²

Animal Products

If we leave aside the question of flesh consumption, a comparison between the pro-animal Islamic and the non-liberationist animal rights ethics reveals important

¹⁶ Al-Juwaynī, *Nihāyat al-maṭlab*, 15:576.

¹⁷ Al-Māwardī, *al-Ḥāwī*, 11:531.

¹⁸ Bahūtī, *Kashshāf al-qinā' 'an matn al-iqnā'* (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997), 4:43.

¹⁹ Abū Zakariyā al-Nuwawī, *Rawḍat al-Ṭālibīn wa-ʿumdat al-muftīn* (Beirut: Al-Maktab al-Islāmī, 1991), 9:120.

²⁰ Aḥmad al-Ṣāwī, *Bulghat al-sālik li-aqrab al-masālik* (Beirut: Dār al-Kutub al-ʿIlmiyya, 1995), 2:490.

²¹ Al-Juwaynī, *Nihāyat al-maṭlab*, 15:576.

²² Muḥammad al-Dasūqī, *Ḥāshiyat al-Dasūqī 'alā al-sharḥ al-kabīr* (ʿĪsā al-Bābī al-Ḥalabī, n.p., n.d.), 2:522.

similarities. Ethicists from both camps agree for example that shearing wool is important not only because it benefits humans, but primarily because sheep's health and comfort depend on it.²³ But since shearing can harm sheep if performed carelessly, both parties stress that it be done with care. Non-liberationist ethicists stress the importance of keeping the animals calm and to make sure that they are not nicked by the shear.²⁴ Muslim jurists proscribe the shearer from plucking or shaving the wool or cutting it too close to the skin to avoid inflicting pain on the animal.²⁵

Similarly, since cattle and sheep typically produce more milk than is needed for the nourishment of their offspring, ethicists from both camps see no harm in humans' use of this product provided that they limit their consumption to the surplus. Muslim jurists point out that because the milk belongs to the calf/lamb, to exceed this limitation would be a violation of the small animal's *hurma*.²⁶ It is also impermissible to force a calf/lamb to switch to the milk of another lactating animal (other than its mother) if the small animal resists the swap. Jurists also stipulate that if the mother's milk is insufficient for her offspring owners must purchase more of it to supplement the small animal's diet. Before milking an animal, milkers are instructed to make sure that their fingernails are clipped and to avoid excessive milking or leaving too much milk in the udders as all these states are deemed hurtful to the animal. Therefore, the permissibility of milk consumption is contingent on the requirement that neither the small animal nor her mother suffer the tiniest consequences in the process. The arrangement is also beneficial for domestic animals as it entitles them to claims that are not available to other nonhumans, such as the supplementation of the small animal's diet in the case of need.

While differing on the issue of killing, the pro-animal and non-liberationist ethics still agree that using animal products posthumously is ethically consistent. Cochrane, for example sees no problem with raising animals for their corpses "provided that we do not

²³ Donaldson and Kymlicka, *Zoopolis*, 136; Ibn Abī l-'lzz, *Al-Tanbīh 'an mushkilāt al-hidāya* (Riyadh: Maktabat al-Rushd Nāshirūn, 2003),

²⁴ Donaldson and Kymlicka, *Zoopolis*, 136.

²⁵ Al-Shirbīnī, *Mughnī l-muhtāj ilā ma'rifat ma'ānī alfāz al-minhāj* (Dār al-Kutub al-'Ilmiyya, 1994), 5:208; Sulaymān ibn Muḥammad al-Bujayrimī, *Hāshiyat al-Khaṭīb* (Beirut: Dār al-Kutub al-'Ilmiyya, 1996), 4:448: (*wa-yahrumu jazz al-ṣūf, ay natfuhu, bi-khilāf jazzihi bi-l-miqāṣṣ*).

²⁶ Al-Shirbīnī, *Mughnī al-muhtāj*, 5:208.

kill them or cause them to suffer.”²⁷ The pro-animal ethic in Islam allows killing only for food, but once an animal is killed one is allowed to make use of all its body parts, including its hide. Animals whose flesh is not permissible for food may not be killed for any other part. Thus, the pro-animal Islamic ethic disallows the use of and trade in ivory and predators’ furs and hides, among other items.

Right to life

The forgoing discussion gives at least an idea about the pro-animal Islamic ethic’s insistence on safeguarding the interests of animals, in view of which the sanction to hunt and kill for food would seem rather paradoxical. It should however be pointed out that even in this area the pro-animal ethic imposes further restrictions, as it stresses that the killing be done only with the purpose of consuming the flesh, not, for example, of avoiding a financial loss or acquiring another benefit. Therefore, if a sheep swallows a precious stone the value of which exceeds the animal’s market value, the owner may not kill it to recover the stone although it is known that the animal’s flesh will most likely end up being consumed. According to this ethic the principle of *hurma* precludes that the animal’s life be sacrificed for anything other than food, thus demanding that the *primary intention* for killing be the consumption of the animal’s flesh.

It should also be pointed out that even though Muslims generally believe that humans are superior to other animals, many theologians see no correlation between the permissibility of killing for food and status considerations. These theologians would in fact readily agree with Francione that the differences between the minds of humans and the minds of nonhumans cannot plausibly justify trumping the interests of the former for the sake of the latter, as many welfarists claim.²⁸ Many theologians also grant that the sanction to kill for food is inconsistent with intuitive expectations for justice. The sanction to kill for food is derived from scriptural/divine authorization, not any human entitlement. Discussions that seek to rationalize this seeming paradox often convey a surprisingly egalitarian outlook. The Mu‘tazilī Al-Qāḍī ‘Abd al-Jabbār (d. 415/1024), for example,

²⁷ Cochrane, *Animal Rights Without Liberation*, 87.

²⁸ Francione, *Animal Rights Debate*, 15.

argues that killing is a test that God has imposed on animals in the same way He has imposed tests on humans. Consequently, animals who are killed for food will be recompensed, just like Muslims who endure God's tests patiently.²⁹

These restrictions and insights would hardly be meaningful from the standpoint of most animal rights advocates, for whom moral vegetarianism remains the hallmark of animal rights advocacy. However, some animal advocates who claim to have practiced vegetarianism for decades contend that their desire to take seriously *all life*, instead of the lives of only those animals that look more like us, led them to renounce vegetarianism not only as morally inconsistent, but even as an *impossibility*. Lierre Keith argues that profound vegetarianism should account not only for "what's dead on your plate", but for "everything that died in the process, everything that was killed to get that food onto your plate."³⁰ Looking at this bigger picture, one discovers that killing is inevitable: "for someone to live," she contends, "someone else has to die."³¹

Many authors also find problematic the dominant tendency in animal rights discourse to include only certain animal categories, those large enough to grab our attention or those sharing enough features with us to deserve that we include them in our moral circle. Considering that sentience is the feature that is invoked the most to justify the extension of rights to nonhuman animals, the propensity among many animal rights scholars to include only some animals in our moral circle indeed appears perplexing. As James Rachel points out, "the tendency of research is to extend the number of animals that might be able to suffer, not decrease it."³² Andrew Smith points out how attempts to expand the circle so as to include more creatures into our moral sphere is fraught with anthropocentric vestiges. It not only presumes that we are at the center of the circle, but also that "It is our job, our duty, to confer moral standing."³³ Smith highlights also that in

²⁹ Margaretha Heemskerk, *Suffering in the Mu'tazilite Theology: 'Abd al-Jabbār's Teaching on Pain and Divine Justice* (Leiden: Brill, 2000), 167.

³⁰ Lierre Keith, *The Myth of Vegetarianism: Food, Justice, and Sustainability* (Crescent City, CA: Flashpoint Press, 2009), 3.

³¹ Keith, 5.

³² James Rachels, "The Basic Argument for Vegetarianism," in *Food for Thought: The Debate over Eating Meat*, edited by Steve F. Sapontzis (Amherst, NY: Prometheus Books, 2004), 78.

³³ Andrew Smith, *A Critique of the Moral Defense of Vegetarianism* (London: Palgrave Macmillan, 2016), 39-40.

many settings vegetarian and vegan diets are dependent on the very ecocidal economy that the animal rights movement seeks to dismantle.

By citing these views, however, my aim is not to build a case against vegetarianism, as this remains beyond the scope of this paper. My aim is simply to show that well-reasoned objections to vegetarianism have been raised from *within* the animal rights movement. If in addition to this one considers how tuned the pro-animal ethic is to animals' interests, and how several theologians grappled with the sanction to kill for food, I would argue that rather than being a sign of "ideological dominance," as Kecia Ali contends, the sanction to kill for food in this ethic seems more like a sign of submission.³⁴

³⁴ Kecia Ali, 280.