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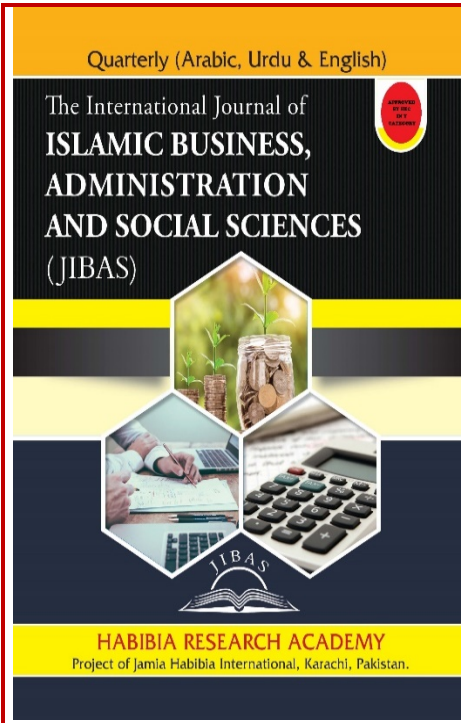
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TOPIC:
**THE JURISPRUDENTIAL CONTRIBUTION OF ISLAM
FOR ANIMAL RIGHTS**

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**THE JURISPRUDENTIAL CONTRIBUTION OF ISLAM
FOR ANIMAL RIGHTS**

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ABSTRACT:

The research on animal rights seems to be in full swing in today's advanced age. There are three types of animal rights groups: Animal Rights, Animal Welfare and Animal Use. According to the first group, animal rights activists, animals have the same rights as humans. The other group's approach is more moderate, saying that animals can be used as needed, but their multiplicity should be kept in mind. Third-party leaders, on the other hand, do not fully recognize the rights of animals. They consider them to be mere working machines, and in this state of chaos, human beings, because they do not have the correct information about the real rights of animals, commit cruelty and abuse against them. If explained, it is possible to save them from cruelty to animals. After a careful study of Islamic teachings on animals, it can be said that the legal traditions of Islam (Islamic law) make possible more rights for animals than their motto Western law (legal traditions). However, Islam does not grant as many rights as animal rights activists demand. This Article reveals that Islamic law clearly defines the duties and responsibilities of human beings about animals. In Western law, however, rights that are for animals are returned to the owners of the animals.

Keywords: Slaughter, Animal, Welfare, Cruelty, Quran, Jurisprudence,

INTRODUCTION: Islamic law defines an important right in terms of rights, which is referred to as the "right to drink". One of the distinguishing features of the rights granted by Islamic law is that the right to drink water belongs to human beings as well as animals. Behind this is the command of the Quran .

A non-Muslim American author, however, quotes sarcastically: "Islamic Sharia law makes access to water possible for non-human animals beyond modern United States law." That is, Islamic Sharia law gives precedence to the right of non-human animals to obtain water (the right to drink)¹

However, when Islamic law speaks of determining the damages of an action taken against an animal, Islamic jurists, like Western law, take a very clear position in this regard, stating that any wrongful act (crime) against an animal. It will be treated as if it has been done against its owner.

Imam Shafi'i in his scholarly dissertation "Al-Risalah fi Usool Lil Fiqha" has discussed in great detail the compensation of slaves and animals (payment in return)²

However, it should be kept in mind that while Islamic law guarantees the rights of animals, their interests are ultimately subordinated to those of human beings. This is also explained by the statement of Imam Sulami:

"What prevents a non-Muslim from slaughtering an animal (there seems to be no reason other than that) is that he can get the benefit of the animal. In this case, it is not right for him to do so because in doing so, he is giving preference to a lesser being over a more sophisticated one³.

Review of Islamic Rules of Jurisprudence:

What is Islam's view on physical experiments on animals, modern hunting and fishing methods, animal fights, freight animals, and other such controversial issues?

Most of these problems did not exist fourteen hundred years ago, which is why there was no opportunity for them to pass any special laws. Therefore, it was considered sufficient to state only the basic principles as a guide. In such cases, Islamic jurisprudence has left it up to Muslim jurists to draw conclusions based on speculation on the situation. In this context, the principles of Islamic jurisprudence have to be looked at.

The first source of Islamic law is the Qur'an, the second source is the blessed hadith, and the third source is the consensus of the ummah.

Since Ijtihad is frequently mentioned in most of the following cases. Therefore, a brief explanatory paragraph is given here. As well as the vastness of Islam in the form of vast empires, in matters concerning which there were no formal pre-existing laws in the Qur'an and Sunnah. There was a need for speculation about them to meet the requirements of law and justice.

In this early period of development, Muslim jurists were greatly influenced by Latin reforms, such as Jurisconsults or Prudence, which are interpreted as jurists in Arabic. Response Prudential, which is a collection of jurisprudence, has been taken to mean answering legal questions which have been speculated with the help of the Qur'an and Sunnah and have been given the name of legal opinion. Some such views of the jurists were accepted as law. It was called a fatwa in Arabic, as well as in Roman law.

Jurisprudential and Response and Case Law in the West. Because Roman freedom of expression was based on equality rather than royal decree, some secular ideas arose that did not meet the religious requirements of Islam. That is why it was considered necessary to shape Islamic law into a credible system that is closer to the spirit and intent of the Qur'an and Sunnah. Therefore, such a system has been given the name of law through ijthihad in Islam.

The literal and literary meaning of ijthihad is to strive hard to achieve something. "Ijthihad as an Institution" This issue has been debated among the people of Islam for a long time. Probably a factor as to why they're doing so poorly is that some immature religious scholars, for the sake of convenience, have begun to misuse the law for ijthihad. However, some other scholars also feel strongly that it will close all the doors of

necessary decisions that will be desperately needed by the Muslims in the face of daily new changes in daily life.

This whole controversy can be easily resolved if one of the basic principles of Islamic jurisprudence is understood and that is that Ijtihad will be applied only by the basic spirit and intention of the Qur'an and Sunnah. Just as the hadith of the Prophet is subject to the Qur'an the early jurists followed this principle and formulated various types of jurisprudential principles. They were used for centuries and they were called the rules of jurisprudence.

Any jurisprudential opinion which is not subject to Shariah law or even its spirit and intention will be rejected based on the aforesaid principle.⁴

Cruelty to Animals is more Severe than Cruelty to Humans:

Slaughtering animals for unnecessary purposes under human desires have a controversial status in the Islamic tradition. Imagine for a second you were transposed into the karmic driven world of Earl. And why does all this happen? Because people have become so lazy and self-deprecating that they can't even find an alternative or they can't make a living without doing all this.

Many experiments are being done in the name of research and education but they are not so inevitable. And such knowledge can be easily disseminated through charts, pictures, computer simulation dummies, and the carcasses of these animals. Those who have died physically are similarly poisoned in many other fields. They are starved, blinded, and given electric shocks.

Animal Rights Efforts by Al-Azhar University (Egypt)

Al-Azhar University (Egypt) is one of the oldest universities in the Islamic world. The status of this university is unmistakable in terms of the Ejtihadi and research work on Islam in the present era. In any case, the fatwas issued by this university are of great importance. Ever since the animal rights movement gained momentum, various topics related to animal rights have been discussed at Al-Azhar University. Several conferences, seminars, and discussions have taken place on this platform.

Since animal rights is an important topic today, all questions related to this topic are being discussed at Al-Azhar University. A full description of all the steps taken by the university will be a lengthy one.

The conference was held at Al-Azhar University's Saleh Kamal Center for Islamic Economics. The host was Al-Azhar University, but a Swiss lady, Petra Maria Sidhom, was in charge. The conference was attended by Islamic jurists, Islamic historians, Islamic philosophers, animal rights activists, and senior government officials from around the world.

Conference Participants Made the Following Recommendations:

1. On the occasion of Eid-ul-Adha, such slaughterhouses should be set up which will perform (free) slaughtering services without any payment. So that the blood of animals does not flow in the gutters of the streets.
2. The curriculum of agricultural and veterinary colleges in Egypt should include subjects related to the compassionate treatment of animals.
3. The butchers should be trained in Islamic methods of slaughter so that they can be slaughtered according to the true Islamic spirit.
4. Conference participants called on the government agency, which works for the welfare of animals, to take on the responsibility of translating and disseminating work on animal rights in different languages from around the world.⁵

The Plight of Muslim Countries:

It is a pity that Islamic countries where the only Western curriculum is taught in scientific subjects. Similar unnecessary and inhumane experiments are being performed on animals. Such Muslim students may be unaware of the fact that such experiments are a clear violation of Islamic teachings.

Even if they are familiar with it, it is doubtful whether they feel any Tamil in this matter. However, Islamic traditions may justify some research on animals. As basic and practical research in the fields of biology and social sciences will be allowed, the condition is that in doing so the animals used in the laboratory should not be harmed or disfigured, and at the same time that such research is good for humans or other animals. However, the most important thing in this debate is to decide whether such experiments are really necessary and whether there is no other alternative.

A key point in this regard should be understood that when using animals in science and treating them, the same ethical and legal principles that are observed in doing so with human beings should be kept in mind.

From the Islamic point of view, every life (animal) is sacred and it has the right to protect itself and keep it safe. The Holy Prophet (saw) emphasized this point so much that he declared:

In one narration, Hazrat Abu Imam narrates that the Holy Prophet said:

Whoever has mercy (on something) even if it is on a bird sacrifice, Allah will have mercy on him on the Day of Resurrection.⁶

About the treatment of animals, Islamic law, like all Islamic laws, has been kept open with certain exceptions and has been based on various facts and standards. Any kind of experiment on animals or their medical treatment, according to the intention and intent of the performer, becomes moral and legal or immoral and illegal. If the life of an

animal can be saved only if a very important part of its body is cut off, then such an action would be very high in the sight of Almighty.

Any code of law, including religious law, which is so strict that it does not leave room for exceptional conditions, can lead to serious problems. And that is where the hypocrisy begins.

To kill an animal is to destroy the spiritual part of one's self:

According to all religions, every life, including animal life, is a trust from the Almighty. That is why suicide is considered a grave sin in human life. However, animals do not have the freedom to end the lives of their own free will, which is why they have to live their natural lives.

When a person causes unnecessary pain and suffering to an animal and it terminates its physical life, it (figuratively) commits a kind of suicide by that animal and it is the action that kills the animal as well as a spiritual part of its self.

It would be very easy to solve many problems and issues related to the use of animals in science and their general treatment if we acknowledge this fact of nature and with every life without prejudice and our favorite. Learn to compete with standards.

Take for example a large security prison where there are hundreds of murderers, rapists, and other criminals involved in serious crimes. Now compare this prison with a so-called research laboratory, inside whose cages innocent and helpless animals are killed at night.

Now think with the breadth of your imagination whether we can find any justification for the difference between the double standards found in these two places. If there is a difference in their treatment, then what is the moral and legal justification for it?

As far as human prisoners are concerned, it is not permissible for even a small needle to be dipped into their bodies (meat). However, in the case of animal prisoners, it is permitted that in the name of science and research, their bodies may be incised, their flesh may be scratched, and by any means, in the name of science and research while such research is mostly done for trivial and trivial commercial purposes.

This and countless other inequalities are regularly allowed in our humane and tolerant societies, and the reason behind this is simply the double standards of our moral and religious values.

Truth be told, the real and ideal solution to this problem is for us to adhere to standards that would make it illegal for animals to do all the scientific and medical research that cannot be done on humans.

Human needs and interests (spices)

The current atrocities against animals did not exist in the time of the Holy Prophet. (It has already been mentioned that the atrocities being perpetrated on animals today were

not in the time of the Holy Prophet) and that is why they are not specifically mentioned in the Shari'ah law because It did not exist then. Hafiz Bashir Ahmed presents his point of view regarding Egyptian scientific experiments as follows:

“Commercially Motivated scientific experiments are one such case. We have to seek guidance on such issues by analogy and inference which is the third source of Law.”⁷

Basic Jurisprudential Principles of Islam:

One of the basic jurisprudential principles that will be applied to financial trading experiences is that "the interest of one thing does not invalidate the right of another. Now the question arises that some human needs become real needs. Therefore, the use of animals to meet such needs and the acquisition of such needs should be legalized and justified.

In the case of such cases, the principles of jurisprudence are very clear. Requirements are divided as follows:

1. Necessary necessities” means the most indispensable needs and interests without which the survival of life is not possible.
2. Al-Masaleh Al-Hajat” means the needs and interests that are needed to relieve pain and suffering and to raise the standard of living.
3. Al-Masalh ul Tahseeniyah” means those needs or interests which are needed for prosperity and enjoyment even for self-admiration.

It should be borne in mind that the types mentioned above vary in their degree according to the circumstances. These jurisprudential principles can be applied in many situations of life, but at the moment our focus is on the use of animals in science (otherwise, these jurisprudential principles can be applied in other matters as well.

The first category includes experiments that are essential for the survival of both humans and animals. And these experiments are done correctly for medical research.

The basic principles under which such experiments may be permitted are the following rules of jurisprudence

The thing without which an urgent need cannot be met becomes an urgent need in itself. This principle illustrates the importance of making sure that the experiment is really important.

However, keeping the door open for such matters which are unavoidable, the following jurisprudential principle has imposed all kinds of resistance and obstruction conditions for all other matters.

Anything that encourages haraam things is haraam in itself. This principle states that the acquisition of material interests, including food, and even those that are done in the wrong way, such as unnecessary experiments on animals, become haraam. The

following verse of the Holy Qur'an supports this position by condemning in these words those who meet their needs in illegitimate and illegal ways.

Why don't (spiritual) dervishes and (religious) scholars forbid them from saying sinful and haraam things? Indeed, what they are preparing (even without raising their voice against evil) is very bad.⁸

If two evils come together, choose the small evil to avoid the big evil. According to this principle, even the inevitable experiments on animals, even if they are done in a very good way, choose them as an exception and as a minor evil. However, the "truth" is still not proven (ie, as a truth, such experiments are not allowed at all.)

Avoiding losses will take precedence over pursuing interests and meeting needs. This principle states that the advantages and disadvantages of any experiment should be examined from every angle.

Any damage cannot be justified.

No loss can be justified by combining it with such or greater damage.

When we destroy our health and our interests because of our foolishness, we have no right to inflict similar or even greater damage on animals to compensate for our loss.

For example, let's start doing unnecessary experiments on animals to find a cure for the diseases we have imposed on ourselves.

When the real thing is not inevitable (very important), turn to alternatives.

The current (mentioned) controversy over this principle, which is related to the use of experimental alternatives on animals, is highly dependent. As with tissue culture and other alternatives, Muslim experimenters should take this rule very seriously. It places a heavy responsibility on them and on Muslim students to find alternative ways.

What has been declared lawful for some reason, when that reason is missing, then this thing also becomes unlawful.

All pretenses that lead to harm should be rejected.

The above two principles leave no excuse for Muslims to continue on the current slaughter of millions of animals for animal feathers, skins, ivory, and various commodities and the excuse that these things are human. There are basic needs, they will not last long.

Modern technology has made all these things from synthetic materials. And all of these things are not only available all over the world, but in some cases at low prices. In the old days, such things as animal feathers and skins were a basic need.

Even the Qur'an describes animals as a source of warm clothing:

And He has created cattle for you, they have for you warm clothing and (other) benefits, and you eat some of them.⁹

However, this statement only deals with the skins and feathers of domestic animals that either die a natural death or are slaughtered for food.

Millions of wild animals that are killed for commercial purposes today have their skins and feathers kept, while their carcasses are left to rot. Fourteen hundred years ago today, Islam took notice of this cruel and irrational act and passed a formal law to prevent it. This is indicated by the following hadith of the Prophet.

Prophet Mohammad (PBUH) has forbidden the use of skins of wild animals and laying them on the floor as a door.

The Prophet (peace and blessings of Allaah be upon him) said:

"Do not ride on a saddle made of silk or leopard skin".¹⁰

It is worth noting that the first hadith is about all wild animals. Now, what is the reason for specifically mentioning leopard skin? So it seems that the Holy Prophet (saw) must have seen a person using a saddle made of leopard skin. Similarly, the fact that the Prophet (peace and blessings of Allaah be upon him) specifically mentioned the window for laying on the floor and the saddle for riding should not mean that these skins can be used for other purposes besides them.

Surgical Operations of Animals:

Despite Islam's point of view on human shortcomings and inappropriate behavior, some animal studies are bound to have surgical operations that can be justified.

Provided:

The operations should be performed without disturbing the animals and in a state of unconsciousness.

The animal concerned should be put to sleep and the operation should be performed before it regains consciousness.

The shape of the animals will not change, their shape will not deteriorate.

Such operations or experiments should be conducted honestly and sophisticatedly for the sake of acquiring knowledge and not for the sake of promoting commercial interests.

Such operations should be carried out by conscious and authoritative scientists.

And that there is no alternative to these operations. It seems relatively easy to persuade and control the professionally educated scientists of educational institutions and educational institutions in this regard. However, experience in this regard shows that some of these scientists can be cruel and abusive.

In the face of such a growing situation in the sector, it would not be out of place to make inflexible legislation. According to a thorough examination of the spirit of Islam and its teachings, it is not permissible or permissible to impose such sufferings on the insecure and innocent creatures of God. Due to any inevitability of human needs and

any kind of benefits, the prescribed types of breach of law against animals cannot be justified under any circumstances. Especially in the name of international trade in cattle and meat.

One of the edicts of the Holy Prophet (saw) conveys the following message:

"If you have to kill (the animal) then kill it without harming it."

You did not name a single animal as an exception while announcing this instruction. Nor any harmful and poisonous creatures like scorpions and snakes. "People are only allowed to kill them if they endanger their lives or their limbs, but without causing any harm."

Fortunately, there are some hadiths of the Holy Prophet on this subject.

Some pre-Islamic superstitions and polytheistic practices, including cruelty to animals and general violence, were common in pre-Islamic Arabia. Islam condemns and forbids all such acts.

When the Holy Prophet migrated from Makkah to Madinah, people used to cut off the humps of camels and the fat tails of sheep. The Prophet (peace and blessings of Allaah be upon him) forbade them from this barbaric act. The temptation and greed of the people behind this savage slaughter of animals were that in this way they could use their elbows and tails. (Used to eat) while the animal was also fit for future use.

To stop this selfish act, He declared:

It is narrated on the authority of Hazrat Abu Waqid Laithi that when the Holy Prophet (saw) visited Madinah Tayyiba (what did he see).¹¹

If an animal has a single breath of life, no wound will be inflicted on its body. The Holy Prophet (PBUH) forbade torturing the corpse in any way. For example, breaking his neck, peeling his skin, cutting his body parts into pieces until his body cools down.

Ways to slaughter animals:

At present, there are many ways to slaughter animals. These methods can be divided into two parts.

1. Islamic Methods of Slaughter
2. Un-Islamic Methods of Slaughter

Non-Islamic methods are considered before the Islamic method of slaughter. Animals are slaughtered in several un-Islamic ways. The details of which have been described by Prof. Dr. Talat Naseer Pasha are as follows:

1. Shot in the head
2. Separation of the head from the jhatka (jhatka) is the religious practice of the Sikhs
3. Piercing the heart with a sharp instrument
4. Striking the animal hard on the head
5. The un-Islamic way of shooting the animal in the head is dead. But his

blood does not flow completely.

6. Separating the head with a single blow cuts off the rest of the body's connection to the brain, thus closing the animal's respiratory system and preventing complete bleeding.

7. Piercing the heart with a sharp instrument removes the blood from the heart and the blood from the flesh comes to the heart, but the blood remains in the rest of the body, although the heart stops beating the animal does not bleed completely.

8. Striking an animal violently is an insult to humanity anyway because humanity demands that while slaughtering an animal, a method should be adopted in which the animal feels the least pain.¹²

The Islamic way of Slaughtering Animals:

In the Muslim Ummah, animals are slaughtered especially. According to the Islamic method, the meat of an animal slaughtered is called halal meat. This is how Dr. Pasha described the Islamic method of slaughtering animals.

The animal is dropped on one side of the ground and its neck is cut with a sharp knife to the throat or (throat). Thus the Takbir is recited while cutting the blood vessels passing through the throat Bismillah Akbar, this recitation of Takbir makes animals lawful for human beings.¹³

Islamic teachings are based on compassion and mercy when slaughtering animals.

In which slaughtering animals with a sharp knife so that the animal suffers the least. It is especially important not to slaughter animals in front of any other animal.

Differences between Islamic and Non-Islamic Methods of Slaughtering Animals and Advantages of Islamic Methods:

If Islamic and non-Islamic methods of slaughtering animals are compared on moral, humanitarian, and scientific grounds, then Dr. Pasha has listed the advantages over Islamic non-Islamic methods as follows:

1. The Islamic method of slaughtering animals completely removes the blood from the body. The advantage is that the meat can be preserved for a long time.
2. The reason why the animal does not feel much pain by adopting this method is that if a sharp knife is used, then the sensory nerves of the animal which are called Common Carotids are also cut, which makes the animal the connection with the brain is cut off, so the animal does not feel much pain.
3. In this procedure, the medulla oblongata, part of the animal's brain that controls the heart and respiratory system, is not affected. In this way, despite the amputation of the brain, the animal's breathing continues and the animal's heartbeats. From which all the blood comes out.

4. The animal's resistance and agony further accelerate the bleeding process and the animal bleeds completely. All these observations prove that the best way is to slaughter an animal in an Islamic way. Because in this way the animal (Complete Bleeding) occurs, that is, all its blood is lost.

5. Slaughtering an animal in an Islamic way removes all the blood from the body and thus the blood does not accumulate in the rest of the body. This way back bleeding does not happen. Back bleeding is the process in which the blood of an animal that has survived slaughtering accumulates in the breast and ribs of the animal and causes damage to these parts of the meat.

A comparative study of Islamic and non-Islamic methods of slaughtering the above animals leads to the conclusion that the Islamic method of slaughtering animals is the best and most useful in every respect which is being proved by today's scientific research. -

There are several methods used to anesthetize animals, including electrical, chemical, and pistol-like stencils.

The benefits of semi-anesthetizing animals

However, there are several benefits to semi-anesthetizing animals before slaughter, which Dr. Pasha describes as follows:

1. This way the animals do not feel pain.
2. It doesn't take a lot of people to drop animals on the ground.
3. Animals do not need to be tied with ropes to bring them down.
4. In this way the process of slaughtering the animal is accelerated.
5. Adopting this method speeds up the heartbeat of the animal which also raises the blood pressure of the animal and in this way all the blood is shed when slaughtered.¹⁴

The Use of Stinner for Slaughtering Animals and its Order:

One of the modern jurisprudential issues concerning the slaughter of animals is the use of stinner. Controlling animals for slaughter, especially large animals, is a big problem. Sometimes animals get seriously injured while lying down, so nowadays stitches are used to protect animals from this kind of severe damage. In this method, the animal is made unconscious or semi-conscious. Large animals are exposed to electric shocks.

It is a matter of debate whether it is permissible or not from an Islamic point of view. As early as the 1960's Muslim Animal Activist B. A al- Masri Reports that Al-Azhar jurists were presented with the question (by him He does not say) of whether stunning livestock before slaughter was acceptable under Islamic Law. A committee was formed and came back with a unanimous opinion that the stunning of livestock is lawful as long as it does not interfere with the bleeding procedure prescribed by Islamic law. The

committee accepted arguments that stunning animals before killing them were more humane than killing them while they are conscious."¹⁵

Therefore, according to the scholars of Azhar, there is no harm in making the animal unconscious before slaughtering it.

Summary:

1. Islamic fatwas and jurisprudential books contain a very rich source of information on animal manners and rules, but little is known about terms such as animal rights and welfare. Rulings and issues are mostly found about status and sanctity.
2. One of the distinguishing features of the rights granted by Islamic law is that the right to drink water belongs to human beings as well as animals. According to Fatwa Alamgiri, cruelty to animals is more severe than cruelty to human beings.
3. Al-Azhar University has taken several practical and exemplary measures in line with the modern requirements of animal rights, which have been recognized internationally.
4. The basic jurisprudential principles of Islamic law provide a strong legal basis for animal rights. These principles can be seen under Al-Masalih Al-Zaruriyat, Al-Masalih Al-Hajat, and Al-Masalih Al-Tahsina.
5. Muslim philosophers and scholars have left much to be desired given the importance of animals, although animal rights have not been their direct subject matter, they have been instrumental in providing valuable information and research on animals. The names of Al-Jahiz, Al-Damiri, and Abdul Malik Asma'i are more important among them.
6. Philosophers and scientists have left behind traditions and descriptions of animals in their respective fields, which indicate the importance of animals as well as their welfare and rights. However, animal rights need to be modernized in line with modern requirements.
7. Jurisprudential issues about animals are also found in ancient fatwas, but nowadays books and fatwas dealing with modern jurisprudential issues are giving much importance to issues related to animals.

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