



INTENSIVE ANIMAL FARMING

Wrongs &
Responsibilities



Musa Furber

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MUSA FURBER

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Summary

Over 68 billion animals are slaughtered annually, with the vast majority of the animal produce coming from animals that someone else has raised on behalf of the consumer. This form of animal cultivation is known as intensive animal farming, and was designed with the sole purpose of efficient maximization of profits. Numerous criticisms have been raised about such intensive animal farming, from the perspective of human welfare, environmental welfare, and economic manipulation. The present essay, however, focuses on the issue of animal welfare and how these animals are kept—because the mistreatment of animals according to the Sacred Law is wrong even in the absence of other considerations. By applying the principles of Islamic jurisprudence and ethics to this question, the author explores our responsibilities towards the animals being kept and industrially farmed on our behalf, and concludes with suggestions for potential improvements.

About the Author

MUSA FURBER is a Senior Research Fellow at the Tabah Foundation. He studied the various Islamic Disciplines in Damascus, where he received a license to teach the Shāfiʿī school of law. He then studied at Dar al-Ifta in Cairo, where he received a license to deliver legal edicts (*fatwas*) from Sheikh Ali Gomaa. He also has a BA in Applied Linguistics from Portland State University (Oregon, USA), and a Masters in Public Administration from Dubai School of Government. Some of his recent publications while at Tabah Foundation include: *Ethical Dimensions of Nanotechnology*, *Ethics & Virtual Worlds*, *Ranking Confidence in the Validity of Contemporary Fatwas & Their Dissemination Channels*, *Obligations to Future Generations*, *Rights and Duties Pertaining to Kept Animals*, and *The Public Understanding of Islamic Scholarship in Society: Addressing the Faux Fatwa Fighion Addiction*.



INTRODUCTION

The earlier Tabah Paper *Rights and Duties Pertaining to Kept Animals*¹ presented some of the evidence from the Qur'an and Sunnah related to animals and then showed how Shāfi'ī scholars initially understood this evidence and how their understanding developed over time. It also mentioned that our concern should not be limited to how we keep our own animals, but rather it should extend to how animals are kept on our behalf. This essay applies the prior piece's legal theory to a contemporary case of animals being kept on our behalf.

Most of us enjoy meat, milk, eggs, and other animal products. According to the Food and Agriculture Organization of the United Nations (FAO), over 68.1 billion animals were slaughtered for their meat in 2012. Those animals included over 64.1 billion poultry,² 1.39 billion pigs, 975.7 million ovine,³ 321.2 million bovine,⁴ and 2.5 million camels.⁵ These 68.1

1. Musa Furber, *Rights and Duties Pertaining to Kept Animals*, Tabah Papers Series 9 (Abu Dhabi: Tabah Foundation, 2015).
2. Poultry includes chickens and other fowl.
3. Ovine includes sheep and goats.
4. Bovine includes cattle and buffalo.
5. "Livestock Primary Data", Food and Agriculture Organization of the United Nations, FOASTAT, accessed April 11, 2016, <http://faostat.fao.org/site/569/DesktopDefault.aspx?PageID=569#ancor>.

billion animals produced over 304.2 million tonnes of meat: 112.4 million tonnes of pork, 105.4 million tonnes of poultry, 67 million tonnes of bovine meat, and 13.7 million tonnes of ovine meat. This meat was enough to provide every individual on the planet with an average 42.9 kg of meat, though on average individuals in the developed world consumed 76.2 kg while individuals in the developing world consumed 33.4 kg.⁶ Asia produced 42.1% of this livestock; the Americas 31.4%; Europe 19.0%; Africa 5.5%; and Oceania 2.0%.⁷ In addition to meat, animals also produced approximately 5.7 billion tonnes of milk and 72 million tonnes of eggs. Hens laid 1.25 billion eggs; other poultry laid another 87 million eggs.⁸

Most of the animal produce cited above came from animals that someone else raised on our behalf. The majority of these animals were raised via intensive animal farming. Intensive, factory, industrial animal farming, and concentrated animal feeding operation (CAFO) all refer to a modern form of intensively raising of beasts, fish, and fowl for their various edible products, including their meat (i.e., flesh and fat) and other forms of animal protein (i.e., eggs and dairy). This form of farming was designed with the sole purpose of efficient maximization of profits, and in many countries it is supply driven—not demand driven.⁹

6. “Meat Consumption”, Food and Agriculture Organization of the United Nations, FOASTAT, accessed April 11, 2016, <http://www.fao.org/ag/againfo/themes/en/meat/background.html>.

7. “Livestock Primary Data”, Food and Agriculture Organization of the United Nations, FOASTAT, accessed April 11, 2016, <http://faostat3.fao.org/browse/QL/E>.

8. “Livestock Primary Data”, Food and Agriculture Organization of the United Nations, FOASTAT, accessed June 21, 2016, <http://faostat.fao.org/site/569/DesktopDefault.aspx?PageID=569#ancor>.

9. David Robinson Simon, *Meatonomics: How the Rigged Economics of Meat and Dairy Make You Consume Too Much—and How to Eat Better, Live Longer, and Spend Smarter* (San Francisco: Conari Press, 2013), Kindle edition, location 276.

Numerous criticisms have been raised about intensive animal farming. Many of these criticisms concern welfare of animals, humans, and the environment. Other criticisms concern the way markets are deliberately manipulated to hide the true cost of meat products from consumers. These concerns have been brought to general audiences through books such as Alex Renton's *Planet Carnivore*, where he summarizes the major problems of intensive factory farming:

1. With the industrial production of meat came abuse and exploitation, of both humans and animals. This troubled consumers and, eventually, policy makers and the powerful.
2. Animal rearing, formerly neutral or even beneficial to the human environment, has started to cause sufficient degradation and hidden costs. Some of these – like the effect on the atmosphere – were not to become apparent until a century after industrialised meat production started.
3. An unfettered, market-led food system has unavoidably led to low consumer prices and low-cost production. These can become so low that they create new problems that may ultimately match the problems of expensive food.
4. The dependence of industrialised meat production on fossil fuel energy has meant that all food prices are unavoidably linked to the price of crude oil – and subject to political and ideological pressures on the market.
5. Humans in the richer world have begun to suffer from diseases that the new mass-production processes have created or fostered, largely because the price of meat and other animal products has dropped.¹⁰

These points—and more—are discussed at length in *Planet Carnivore*. More details are presented in other books written

10. Alex Renton, *Planet Carnivore* (London: Guardian Books, 2013), Kindle edition, location 464.

for general audiences, such as Michael Pollan's *The Omnivore's Dilemma*,¹¹ Simon Fairlie's *Meat: A Benign Extravagance*,¹² and David Robinson Simon's *Meatonomics*.

Although the concerns related to human welfare, environmental welfare, and economic manipulation are all important, this essay focuses on the issue of animal welfare and how these animals are kept. One reason for this narrow focus is that even if all the other concerns were to disappear, we would still be left with the wrongness of keeping animals in ways that violate the rights and duties pertaining to kept animals that were the focus of my previous piece. In other words: these violations of the Sacred Law are wrongs even in the absence of harm to humans or the environment, and even when the other trades, transactions, and interactions associated with the animals all comply with the Sacred Law.

In this essay, I explore why the way animals are treated on intensive animal farms should be of legal and moral concern to Muslims in general—and not just those who keep the animals on our behalf. I also explore reasons for why everyone involved with production, distribution, and consumption bear some responsibility for the wrongs and for their rectification. I will also explain why vegetarianism is not a solution for the Muslim Community as a whole, and advise on potential improvements.

A BRIEF LOOK AT THE LIVES OF ANIMALS AT INTENSIVE FARMS

Critics of intensive animal farming mention that animals are kept in cages and crates. They are forced to spend their entire

11. Michael Pollan, *The Omnivore's Dilemma: A Natural History of Four Meals* (New York: Penguin, 2007).

12. Simon Fairlie, *Meat: A Benign Extravagance* (White River Junction, VT: Chelsea Green Pub, 2010), Kindle edition.

lifetime indoors and are deprived of their natural environment. They are prevented from exercise, and from their natural foraging and exploring. All of these lead to depression and distress. Overcrowding and inappropriate flooring and housing lead to discomfort, injury, and stress. Population density and overcrowding promote the spread of infection, prompting animals to be fed large doses of antibiotics. Mothers are often separated from their young. Housing often lacks sunlight or fresh air. Selective-breeding and fast-growth programs often lead to health problems, including reduced longevity of breeding animals, deformed limbs, and underdeveloped organs. Forced- and over-feeding are used to meet demands for some delicacies, like foie gras.

The ways cows and chickens are kept on intensive farms illustrate many of these criticisms.¹³

When a calf is born, it is separated from its mother within hours to prevent creation of a maternal bond that would impede separation.

Most male calves are destined for one of several types of veal. Calves destined for “bob veal” are slaughtered around three weeks of age. Calves destined for the most common “formula-fed veal”, “white veal”, or “milk-fed veal” are raised on a milk formula supplement that leaves them with whitish colored meat. These calves are slaughtered by 16–18 weeks, when they weigh 200–230 kg.¹⁴ Their controlled diet leads to many health problems, like abnormal gut development, iron deficiency, and an increased susceptibility to sickness. Veal calves are typically confined in pens or crates designed to prevent them from moving and turning around, as that would

13. For this section, see Simon, *Meatonomics*, locations 3701–964.

14. United States Department of Agriculture Food Safety and Inspection Service, *Veal from Farm to Table* (Washington DC: USDA, 2013), retrieved July 13, 2016, http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/meat-preparation/veal-from-farm-to-table/ct_index.

toughen and redden their meat. Crates are small; one code suggests that veal calves up to 200 kg be kept in a 90 x 165 cm space.¹⁵ Veal calves are kept in isolation, which prevents them from engaging socially with other calves.

Female calves are destined for milk production. Since cows produce milk only after giving birth, dairy cows are artificially inseminated multiple times throughout their lives. They, too, will live most of their lives in a cage indoors, and isolated. Cows prefer to spend their time outdoors. They are not allowed to graze at all, which leads to depression. They are capable of feeling deep emotions, of forming long-term bonds of friendship and enmity. They cannot do this when they are isolated. Cows are typically killed by the age of four since they no longer have any other use at the intensive farm.

Chickens face a similar fate. Two categories of chickens are raised on intensive farms. Broilers are chickens raised for their meat. Non-broilers are chickens raised for other purposes, like laying eggs.

Non-broiler male chicks do not lay eggs or produce enough meat to be worth raising. They have no value, so farmers are free to dispose of them however they see fit.

Other chicks are given a partial beak amputation to ensure that it is too painful for them to peck one another. Pecking is a common reaction to the stress of close confinement in battery cages. These cages have wire-mesh floors to ease waste cleanup. But standing on the wires results in painful joints, brittle bones, and deformities. At the end of their short lives, over 30% will have broken bones.

15. Angela Greter and Léna Levison, "Calf in a Box: Individual Confinement Housing Used in Veal Production" (British Columbia Society for the Prevention of Cruelty to Animals, 2012), retrieved June 23, 2016, <http://www.sPCA.bc.ca/assets/documents/welfare/farm/farmsense/june-2012-feature-story.pdf>.

Wild hens lay approximately 20 eggs per year. In 2010, hens on factory farms laid an average of 269 eggs. One of the means for obtaining this yield is through forced molting. During this process, hens are starved for two weeks, leading to 15% fatalities. Forced molting is done at 14 and 22 months of age. The hens are then slaughtered around 24 months of age, when they cease being productive.

Cage-free chickens are raised without cages. But they are still raised indoors, in dark warehouses of concrete and steel. They are still packed in tight, undergo partial beak amputation, and forced molting.

Caged and cage-free hens go through the motions of nest-building and scratching the ground to look for seeds and insects to eat.

The EU banned battery cages in 2012. Many critics argue that this is not enough, as the alternatives (cage-free and free-range) “are routinely little better for the animals than the more blatantly inhumane alternatives”.¹⁶

Simon Fairlie observed that “Industrial animal farmers don’t set out to ignore animals’ needs. Like other factory operators, they just want to keep costs low. But unlike a car maker or a toy company, the animal food industry’s production units are living beings whose quality of life depends almost entirely on the amount spent on their welfare. There will always be conflict between making money and raising animals humanely”.¹⁷ So while the animal abuse is not a goal on these farms, it is inevitable so long as pursuit of profit is not bounded by moral principles.

16. Fairlie, *Meat*, location 3964.

17. *Ibid.*, location 3942.

RELIGIOUS PRINCIPLES

The situation described above is at odds with the Sacred Law. Indeed, the Sacred Law requires that something be done to rectify the situation. I will show why this is so for individuals who keep animals, trade in their products, and consume them. I will do this by mentioning legal rulings and principles relevant to the issue and how they apply to those various roles. No argument or conclusion in this section should be taken as final. The main point of this essay is to argue that Muslims in general should be concerned with how the animals whose products they consume are raised—and that these concerns are not limited to individuals who keep and raise animals.

Although this essay concerns legal and moral issues related to obtaining material benefits from animals, it is important that we not forget that animals also play a role in our theological and spiritual well-being. Reflecting upon animals and the many benefits they provide us is a means to strengthening our belief in and appreciation of Allah, since reflecting upon that which is created leads to knowledge of its Creator’s supreme ability, and points to His ultimate exaltedness, which in turn leads to His obedience. Allah says, “And give thought to the creation of the heavens and the earth” (Q3:191).¹⁸ Animals are part of our natural environment and, thus, “a source from which to draw lessons, or *‘ibar*”.¹⁹

The Qur’an also clarifies that our treatment of animals is a reflection of our guidance. Improper treatment of animals and tampering with Allah’s creation are both manifestations of misguidance. Allah Most High says, “For [Satan] had said, ‘I will surely take from among Your servants a specific portion.

18. Ibn ‘Abd al-Salām, *Shajarat al-ma‘ārif* (Beirut: Dār al-Fikr, 1421/2000), 212.

19. Jihad Hashim Brown, *Metaphysical Dimensions of Muslim Environmental Consciousness*, Tabah Essays Series 3 (Abu Dhabi: Tabah Foundation, 2013), 6–7.

And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah.’ And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss” (Q4:118–19). How we treat animals is a reflection of the state of our guidance: proper treatment reflects proper guidance, improper treatment reflects misguidance. Any treatment of animals that violates the Sacred Law is not merely a legal or moral wrong; it desecrates the creation and profanes the Creator. While this essay focuses on the Sacred Law, it must not be forgotten that the wrongness is not merely legal and moral: it is also theological and spiritual. Humans were created to worship Allah and the ultimate act of worship is knowing Allah. The Sacred Law is a system for facilitating worship and realizing Allah’s objectives for all of His creation. Individual rulings of the Sacred Law serve to protect creation from harm and to promote their welfare. No violation of the Sacred Law is victimless: at the very minimum it harms its perpetrator in the Afterlife and reflects a shortcoming in their veneration of Allah’s injunctions (*taʿzīm amri-Llāh*), and in their knowledge of Him (*maʿrifatihi*).

With this in mind, we will now see what the Sacred Law says about the legal status of killing animals for their meat, and how animals are supposed to be kept. I will start with this because the demand for meat is at the heart of most of these issues.

MEAT IS PERMITTED OUT OF GENERAL NEED

As a general rule, human beings cannot take the life of another living creature outside of the exceptional cases where the Sacred Law gives permission to do so.²⁰ The Sacred Law permits us

20. Furber, *Rights and Duties Pertaining to Kept Animals*, 30.

to use livestock animals (primarily camels, cows, sheep, and goats) for their milk and meat, and for providing transportation, for Allah Most High says, “And indeed, for you in livestock is a lesson. We give you drink from that which is in their bellies, and for you in them are numerous benefits, and from them you eat. And upon them and on ships you are carried” (Q23:21–2). Additionally, trained predators (such as dogs and birds of prey) can be used to hunt and catch edible game, for Allah Most High says, “They ask you [O Muhammad], what has been made lawful for them. Say, ‘Lawful for you are [all] good foods and [game caught by] what you have trained of hunting animals which you train as Allah has taught you. So eat of what they catch for you, and mention the name of Allah upon it, and fear Allah.’ Indeed, Allah is swift in account” (Q5:4).

One might inquire about the wisdoms behind the Sacred Law permitting this at all given that killing an animal harms that animal, and inflicting harm is unlawful. The impermissibility of harming others is established in the saying of the Prophet (may Allah bless him and give him peace): “There is to be no harm or its reciprocation.”²¹ Harm remains unlawful even when it is the means to numerous benefits, since the legal maxim²² states that “avoiding harms has priority over obtaining benefits”.²³

21. Ibn Mājah, Abū ‘Abd Allāh Muḥammad ibn Yazīd al-Qizwīnī, *Sunan Ibn Mājah*, ed. Muḥammad Fu’ād ‘Abd al-Bāqī, 2 vols. (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1406/1985), 2340–41.

22. Legal maxims (*qawā’id fiqhīyyah*) are general rules of thumb that encapsulate patterns observed in the Sacred Law. Maxims are general rules of thumb (not absolute laws); each one has many exceptions. Maxims guide legal decision makers: they are tools for lawmaking without being actual sources of law. Rather, the actual source is the maxim’s own backing from the Qur’an and Sunnah.

23. al-‘Izz ibn ‘Abd al-Salām, *al-Qawā’id al-kubrā al-mawsūm bi-Qawā’id al-ahkām fi iṣlāḥ al-anām*, ed. Nazīr Kamāl Ḥammād and ‘Uthmān Jumū‘ah Ḍamīriyyah (Damascus: Dār al-Qalam, 1428/2007), 1:136; and Jalāl al-Dīn al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1411/1990), 88.

Scholars of the Sacred Law have answered this potential objection by pointing out that hunting and killing animals for meat is permissible out of the general need to nourish and sustain humanity, and—as the maxim states—“needs are given the status of necessity”.²⁴ Al-‘Izz ibn ‘Abd al-Salām explains that slaughtering animals for food is one of the cases where a harm or detriment (*mafsadah*) is combined with a benefit (*maṣlahah*) and—contrary to the general rule—the benefit has priority even though harms are involved. Slaughtering is a detriment (*mafsadah*) for the animal but a benefit (*maṣlahah*) for humanity in that it keeps them alive, and the benefit of perpetuating human species has priority.²⁵

It is important not to confuse the permission to kill animals for meat with the permission to eat carrion. The permission to eat carrion is mentioned in the Qur’an where Allah Most High says, “But whoever is forced by severe hunger with no inclination to sin—then indeed, Allah is Forgiving and Merciful” (Q5:3). Here, carrion and meat that is otherwise unlawful for a Muslim to consume are permitted out of necessity. This permission is limited to what an individual actually needs—in accordance to the principles that “necessities render the unlawful lawful”²⁶ and “whatever is permissible due to necessity is limited by its degree”²⁷. However, this limitation does not apply to hunting and killing animals which are allowed out of general need. This is because “general needs have the status of individual necessities for each individual”,²⁸ so an individual’s permission to consume carrion is contingent upon that individual ex-

24. al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir*, 88; Muḥammad ibn ‘Abd Allāh al-Zarkashī, *al-Manthūr fī al-qawā’id al-fiqhiyyah* (Kuwait: Wizārat al-Awqāf al-Kuwaytiyyah, 1405/1985), 2:24.

25. al-‘Izz ibn ‘Abd al-Salām, *Qawā’id al-ahkām*, 1:141.

26. al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir*, 84; al-Zarkashī, *al-Manthūr*, 2:317.

27. al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir*, 84; al-Zarkashī, *al-Manthūr*, 2:320.

28. al-Zarkashī, *al-Manthūr*, 2:24.

perceiving necessity; and an individual's permission to slaughter an animal for food is contingent upon a general experiencing of need—even if the individual does not experience it himself. So the mere existence of a nutritionally equivalent vegetarian diet does not automatically render killing animals for food void.

There are, however, other things that might limit it—like eating a quantity of meat that exceeds the limits the Sacred Law places or eating a quality or quantity that is harmful. As mentioned elsewhere in this essay (see p. 3), an increase of meat in the diet is correlated with numerous health risks.

The Sacred Law prohibits us from inflicting harms—even to ourselves. Killing animals and consuming their meat are permitted as a means for obtaining the objective of protecting human life and perpetuating the species (*hifz al-nafs*). But a means ceases being permitted if it leads to the very opposite of its intended objective. So while the default is that killing animals and consuming their meat are permissible, they cease being permissible when it leads to harm and undermines the very objective for which they are permitted.

THE PROPHET ATE MEAT AND AVOIDED EXCESSES

Authentic hadiths mention that toward the end of his life, the most frequent foods of the Prophet (may Allah bless him and give him peace) were water and dates,²⁹ and that he ate meat alone³⁰ and with porridge (*tharīd*).³¹ He (may Allah bless him and give him peace) enjoyed meat, and stated that it was beloved to the prophets (peace be upon them all).³²

29. Muḥammad ibn Ismāʿīl al-Bukhārī, *al-Jāmiʿ al-ṣaḥīḥ al-mukhtaṣar* (Beirut: Dār Ibn Kathīr, 1407/1987), 5353; and Muslim ibn al-Hajjāj, *al-Musnad al-ṣaḥīḥ* (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), 2975.

30. al-Bukhārī, *al-Ṣaḥīḥ*, 3340; Muslim, *Ṣaḥīḥ*, 194.

31. al-Bukhārī, *al-Ṣaḥīḥ*, 5248; Muslim, *Ṣaḥīḥ*, 2446.

32. al-Tirmidhī, *al-Shamāʾil al-Muḥammadiyyah* (Beirut: Dār Iḥyāʾ al-Turāth, n.d.), 112 (170).

The Sacred Law provides us with advice on how much we should eat. The Prophet (may Allah bless him and give him peace) said, “The Children of Adam do not fill a vessel worse than their stomachs. All a child of Adam needs is a few bites to keep his back straight. But if need be, [it should be] one-third for food, one-third for drink, and one-third for him to breathe.”³³

Even though meat is permissible, we must practice moderation in our consumption of it. This is also confirmed in various verses of the Qur’an. Imam al-Rāzī explains that the phrase “and transgress not” in “O ye who believe! Forbid not the good things which Allah hath made lawful for you, and transgress not, Lo! Allah loveth not transgressors” (Q5:87) prohibits being wasteful and excessive in things we are permitted to consume. A similar prohibition comes in “and eat and drink, but be not prodigal. Lo! He loveth not the prodigals” (Q7:31).³⁴

WHAT WE EAT MATTERS

Many Prophetic narrations indicate that the performance of unlawful acts influences the acceptance of our deeds. For example, Abū Hurayrah (may Allah be pleased with him) narrated that the Prophet (may Allah bless him and give him peace) said, “Allah the Almighty is Good and accepts only that which is good. And verily Allah has commanded the believers to do that which He has commanded the messengers. So the Almighty has said, ‘O (you) messengers! Eat of the *ṭayyibāt* [all kinds of legal foods], and perform righteous deeds’ (Q23:51); and the Almighty has said, ‘O you who believe! Eat of the lawful things that We have provided you’ (Q2:172).” Then he (may

33. al-Tirmidhī, *Sunan al-Tirmidhī* (Cairo: al-Bāb al-Ḥalabī, n.d.), 2380, well-rigorously authenticated; Ibn Mājah, *al-Sunan*, 3349.

34. Fakhr al-Dīn al-Rāzī, *Mafātiḥ al-ghayb* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1420/1999), 12:417.

Allah bless him and give him peace) mentioned a man who, having journeyed far, is disheveled and dusty, and who spreads out his hands to the sky saying, “O Lord! O Lord!” while his food is unlawful, his drink is unlawful, his clothing is unlawful, and he has been nourished with the unlawful—so how can [his supplication] be answered?³⁵

Even more reasons will be given below (see p. 22) in the context of how people who are disobedient and their disobedience can have an enduring effect on things they come into contact with. So we should be concerned with the licitness of the animal products that we use and consume.

LIMITS AND HOW ANIMALS ARE SUPPOSED TO BE KEPT

Also, when it is permissible to kill animals for food, its permissibility is attached to several conditions. One of these conditions is that the animals not be denied any of the numerous rights the Sacred Law gives them, according to the legal maxim “necessity does not void another’s right”.³⁶ Necessity does not void rights. A fortiori, neither do general needs. Whatever right we have to kill an animal for its meat does not permit us to harm or annoy the animal beyond what is strictly necessary. This leads us to the second condition: that the animals are kept as prescribed by the Sacred Law.

The legal and ethical rulings related to kept animals were the topic of a previous Tabah Paper, *Rights and Duties Pertaining to Kept Animals*. The Paper presented a case study of laws from the Shāfi‘ī school related to the treatment of animals and how those laws developed over time. The study included material from legal texts chosen from key periods of the school’s history in order to show the initial conceptualiza-

35. Muslim, *Ṣaḥīḥ*, 1015.

36. Muṣṭafā Aḥmad al-Zarqā’, *Sharḥ al-Qawā‘id al-fiqhiyyah* (Damascus: Dār al-Qalam, 1409/1989), 213.

tion, content, and presentation of the rulings, and how they then developed over time.

The case study showed how Shāfiʿī scholars understood the textual evidence of the Qurʾan and Sunnah to indicate that people who keep animals are legally and morally responsible for the well-being of their animals, and that they must go to great lengths to avoid injuring or annoying their animals. Imam al-Ghazālī (d. 505/1111) provides a typical coverage of this section in his book *al-Wasīṭ*. He writes:

It is obligatory [for an owner] to provide fodder for his animals, since their lives are inviolable. Due to this [inviolability], it is not permissible to abuse them nor to slaughter them except to eat. Similarly, he does not exhaust their milk thereby harming their progeny.

It is permissible to steal fodder and thread [to suture a wound] if it is on the verge of dying—according to the evident opinion of the school.

A traveler puts the need of animals for water above his [own] ablution [for prayer] and, thus, makes dry ablution [with dirt].

If the land becomes barren, he must provide fodder for animals that graze.

It is not obligatory for him to maintain his house, [irrigation] canals, and immovable property—even if those are on the verge of destruction, since inviolability is for that which possesses life.

If he refuses to provide fodder [to an animal], the judge can force him to sell it, or sell it on his behalf.³⁷

Something to note is that the underlying core reason is that living creatures have sanctity of life by virtue of being alive and possessing a soul—not just when they are someone’s property.

37. al-Ghazālī, *al-Wasīṭ* (Cairo: Dār al-Salām, 1417/1996), 6:248–9.

That sanctity is inviolate save in the few exceptional circumstances where Allah has given human-kind permission to do so, and then only to the extent required.³⁸

The study also looked at two Shāfiʿī texts related to the welfare of kept animals (*maṣlahah*), and beneficence towards them (*ihsān*). The texts reiterated the same legal rulings but with a slightly different emphasis. One of the study's texts is al-ʿIzz ibn ʿAbd al-Salām's (d. 660/1261) *Shajarat al-maʿārif wa al-aḥwāl* [The tree of all sorts of knowledge and states]. This excerpt from his text gives one of the best surveys of the ethical and legal rulings related to kept animals.

[Beneficence towards a kept animal] is by providing its fodder or grazing it as much as it needs. [It is] by being gentle when loading it and traveling it, so one does not make them responsible for something they are not able to do. [It is] by not milking its milk except what is in excess of its children[’s needs], to treat its mange, and to treat its sicknesses.

If he slaughters, he does it with beneficence: by sharpening the blade, cutting quickly, with the animal laid down gently. [It includes] leaving it alone after slaughtering until it becomes cool.

[Beneficence includes] that if some animals harm other animals, such as by goring—even if some annoy others through head-butting, or something else—he separates between it and what annoys it, since [the Prophet (may Allah bless him and give him peace) said that] “there is a reward for service to every living animal”,³⁹ and “So whoever does an atom’s weight of good will see it” (Q99:7); [the Prophet also said that] “On Resurrection Day, rights will be paid to those to whom they are due so much so that a hornless sheep will be

38. Furber, *Rights and Duties Pertaining to Kept Animals*, 30.

39. al-Bukhārī, *al-Ṣaḥīḥ*, 2363; Muslim, *Ṣaḥīḥ*, 2244; and others.

retaliated for by punishing the horned sheep which broke its horns.”⁴⁰

Whoever sees someone load an animal with more than it can bear is to order him to reduce it. If [the owner] refuses, he removes it with his hand, since “He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, [even] then he should [abhor it] from his heart, and that is the least of faith”.⁴¹

He (may Allah bless him and give him peace) said, “When you travel [through a land] where there is plenty of vegetation, you should [go slow and] give the camels a chance to enjoy the benefit of the earth. When you travel [through a land] where there is scarcity of vegetation, you should hasten with them.”⁴² A prostitute was forgiven as a result of giving water to a dog.⁴³

The Sacred Law places many restrictions on how people who keep animals can treat them. In many cases, humans are restricted from using animals in ways where human gain comes at the expense of animal welfare. Animal welfare is not something that can be ignored for the sake of reducing expenses and

40. Muslim, *Ṣaḥīḥ*, 2582; al-Tirmidhī, *Sunan*, 2420; Ibn Ḥibbān, *Ṣaḥīḥ*, 7363.

41. Muslim, *Ṣaḥīḥ*, 49; Ibn Mājah, *Sunan*, 1275, 4013; Abū Dāwūd Sulayman ibn al-Ash‘ath al-Sijistānī, *Sunan Abī Dāwūd*, ed. Muḥammad Muḥyi al-Dīn ‘Abd al-Ḥamīd, 4 vols. (Beirut: al-Maṭba‘ah al-‘Asriyyah, n.d.), 3430; Abū ‘Abd al-Raḥmān Aḥmad ibn Shu‘ayb al-Nasā’ī, *al-Muḥtabā min al-Sunan (al-Sunan al-ṣughrā li al-Nasā’ī)*, ed. ‘Abd al-Fattāḥ Abū Ghuddah, 8 vols. (Aleppo: Maktab al-Maṭbū‘āt al-Islāmiyyah, 1406/1986), 5008; Ibn Ḥibban, *Sunan*, 306, 307.

42. Muslim, *Ṣaḥīḥ*, 1926; Abū Dāwūd, *Sunan*, 2569; al-Tirmidhī, *Sunan*, 2858; Abū Bakr Muḥammad ibn Ishāq Ibn Khuzaymah, *Ṣaḥīḥ Ibn Khuzaymah*, ed. Muḥammad Muṣṭafā al-‘Azamī, 4 vols. (Beirut: al-Maktab al-Islāmī, n.d.), 2548, 2550; Ibn Ḥibban, *Ṣaḥīḥ*, 2703, 2705.

43. Ibn ‘Abd al-Salām, *Shajarat al-ma‘ārif*, sec. 390. See also Furber, *Rights and Duties Pertaining to Kept Animals*, 32–4.

increasing profits merely for the sake of economic efficiency. This places many of intensive animal farming practices at odds with the Sacred Law. For example:

It is unlawful to separate a mother from its young. This does not change just because there is a market for a particular type of meat cut that depends upon separating a mother from her young.

It is unlawful to deprive animals of the food they need. This does not change just because it causes them to lay more eggs.

It is unlawful to mutilate animals. This does not change when mutilation is a means to mitigate the losses of animals hurting each other due to the stresses of densely packing them together for the sake of profits and human convenience.

It is unlawful to unnecessarily harm an animal. This does not change simply because harming them costs less and increases efficiency.

The evident gap between how animals are treated on intensive factory farms and how they ought to be treated should be enough to raise concerns. It is clear that people who keep animals have a responsibility to keep them according to the Sacred Law, and the authorities have a responsibility for enforcement. But what sort of responsibility do other individuals have, and to what extent are they participants when the Sacred Law is violated? This and similar questions will be explored using, primarily, legal maxims. These maxims are useful guides for getting a first approximation of how a scholar of Sacred Law (*faqīh*) might reason through these various points.

WHO IS RESPONSIBLE FOR VIOLATIONS?

The bulk of the rulings related to how animals ought to be kept concern the individuals directly involved with keeping and

caring for them. The individual responsible for committing an unlawful act against an animal is the perpetrator himself. But he may not be alone in this, as a superior who ordered the act (i.e., the owner, manager, supervisor, or foreman) is responsible for ordering the unlawful since “whatever is unlawful to perform is unlawful to demand”.⁴⁴ The superior who ordered the act is responsible for ordering the unlawful, but he is not responsible for its perpetration. Additionally, it is unlawful to obey an order to perform an act of disobedience to Allah⁴⁵—such as an order to abuse animals.

The rulings related to kept animals also mention that the authorities have a responsibility to end violations and abuses against animals once they become aware of them. More will come on this later under the heading “Commanding the Right and Forbidding the Wrong” (see p. 23).

But what about the responsibility of the individuals who buy animals from sources where abuse is endemic?

IT IS UNLAWFUL TO COMMAND THE UNLAWFUL

Intensive factory farming exists as it does because consumers demand cheap animal products and companies seek to maximize their profits and minimize their costs. Whoever places an order with an intensive factory farm for animals does so knowing that those abuses are an inevitable consequence of this order, and that the money he provides in exchange for his order helps fund those abuses.

A legal maxim states “whatever is unlawful to perform is unlawful to request”.⁴⁶ Ordering animals from a farm where abuse is inevitable is, in effect, a request to abuse animals and,

44. al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir*, 151.

45. al-Bukhārī, *al-Ṣaḥīḥ*, 7144; Muslim, *Ṣaḥīḥ*, 1839; Abū Dāwūd, *Sunan*, 2626; al-Tirmidhī, *Sunan*, 1707.

46. al-Suyūṭī, *al-Ashbāh wa al-naẓā’ir*, 151.

thus, unlawful. The individual who places the order has committed the unlawful act of requesting perpetration of an unlawful act. One must keep in mind that another maxim states that “acceptance of a thing is acceptance of its consequences”.⁴⁷

And the wrongness does not stop here. Engaging in a transaction that one knows provides a means to the unlawful is unlawful, even if the transaction itself is valid. If one merely suspects that it provides a means to the unlawful, then it is offensive.⁴⁸ For example, it is offensive to sell grapes one presumes will be used for making wine, and unlawful if one knows that they will be. This argument is an example of “blocking the means” (*sadd al-dharīʿah*).

So it is offensive to engage in a transaction that one suspects will lead to the unlawful, and unlawful when one knows that it will. Purchasing animals from a farm where one knows unlawful animal abuse occurs provides that farm with a means to perpetuate their unlawful treatment of animals. Since providing a means that one knows will be used to commit the unlawful is unlawful, that purchase is itself unlawful—even if it is legally valid and effects a transfer of ownership.

Similar reasoning can be applied to individuals who provide animals, feed, and services to farms where abuse is known to occur.

THE COMMAND TO AVOID UNLAWFUL AND DOUBTFUL FOODS

Allah has commanded that we consume food and drink from lawful sources, and that we avoid anything that comes from unlawful or dubious sources. The Prophet (may Allah bless

47. Ibid., 141; al-Zarkashī, *al-Manthūr*, 2:176.

48. Abū Zakariyyā Muḥyī al-Dīn Yaḥyā ibn Sharaf al-Nawawī, *Rawḍat al-tālibīn wa ʿundat al-muftīn*, ed. Zuhayr al-Shāwīsh, 12 vols. (Beirut: al-Maktab al-Islāmi, 1412/1991), 3:418; and Zakariyyā ibn Muḥammad al-Anṣārī, *Asnā al-maṭālib fī sharḥ Rawḍ al-tālib*, 4 vols. (Cairo: al-Maṭbaʿah al-Maymaniyyah, 1312/1895), 2:41.

him and give him peace) said, “Allah the Almighty is Good and accepts only that which is good. And verily Allah has commanded the believers to do that which He commanded the messengers. So the Almighty has said: ‘O (you) messengers! Eat of the good things and do right’ (Q23:51). And the Almighty has said: ‘O you who believe! Eat of the good things that We have provided you’ (Q2:172).” Then he (may Allah bless him and give him peace) mentioned the case of a man who, having journeyed far, is disheveled and dusty, and who spreads out his hands to the sky saying: “O Lord! O Lord!” while his food is unlawful, his drink unlawful, his clothing unlawful, and he has been nourished with the unlawful—so how can his [supplication] be answered?⁴⁹

Imam al-Nawawī comments that this hadith indicates that drink, food, clothing, and the like must be entirely lawful and completely free of dubiousness. A fortiori, anyone who supplicates must be even more concerned with this fact.⁵⁰

The need to avoid food and drink from unlawful and dubious sources is reiterated in other hadiths. For example, the Prophet (may Allah bless him and give him peace) said, “The lawful is plain, and the unlawful is plain. Between the two are doubtful matters which not many people know about. So whoever avoids doubtful matters clears himself in regard to his religion and his honor; but he who falls into doubtful matters falls into the unlawful—like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah’s sanctuary is His prohibitions. Indeed, in the body there is a morsel of flesh which, if it

49. Muslim, *Ṣaḥīḥ*, 1015.

50. al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1392/1972), 7:100.

is sound, the whole body is sound, if it is diseased, all of it is diseased. Truly [this morsel] it is the heart.”⁵¹

And while individuals may be excused from performing each and every obligation to their full extent, there is no excuse for voluntarily committing an unlawful activity. The Prophet (may Allah bless him and give him peace) said, “What I have forbidden to you, avoid; what I have ordered you [to do], do as much of it as you can. It was only their excessive questioning and their disagreeing with their prophets that destroyed those who were before you.”⁵²

DISOBEDIENCE LEAVES AN ENDURING EFFECT

People’s actions and states can have an effect on what they handle and touch. When advising on how Muslims ought to eat, Sheikh Nuh Ha Mim Keller writes

Everyone knows that unslaughtered meat is haram to eat, but few realize how little baraka [n.b. blessing] there is in even slaughtered meat when the animals have been raised in misery and suffering, or when cooked by those of indifferent morals. One should be aware of what one is doing to oneself.⁵³

Among the evidence for this is that the Prophet (may Allah bless him and give him peace) said, “The Black Stone [in the Kaaba] descended from Paradise whiter than milk. But was blackened from the sins of the children of Adam [who touched it].”⁵⁴

Children and the prophets (peace be upon them) see the blackness of the Black Stone even though the former are innocent of sin and the latter divinely protected from it. So the

51. al-Bukhārī, *al-Ṣaḥīḥ*, 52 (2051); and Muslim, *Ṣaḥīḥ*, 1599.

52. Muslim, *Ṣaḥīḥ*, 1337.

53. Nuh Ha Mim Keller, *Sea Without Shore* (Amman: Sunna Books, 2011), 246.

54. al-Tirmidhī, *Sunan*, 3:217.877.

actions and states of the people who manipulate an object can taint that object in a way that affects others—though it may seem imperceptible. The unlawful behaviors of those who keep animals can affect those animals, and those effects can then be transferred down to the individuals who benefit from the animals’ meat, milk, and wool.

All of the things mentioned above show that the wrongs involved with animal farming are not limited to individuals who keep animals. Everyone involved in the production and consumption of factory-farmed animal products is engaging in wrongs of one form or another. The wrongs of animal abuse are not limited to the abuser and the abused. Rather, those wrongs extend to everyone involved. And rectifying them is a communal responsibility.

Allowing things to remain as they are, or to increase, would both be violations of the Sacred Law.

COMMANDING THE RIGHT AND FORBIDDING THE WRONG

The rulings related to kept animals mention the authorities’ responsibilities for rectifying violations. The basis for their responsibility is the well-known hadith where the Prophet (may Allah bless him and give him peace) said, “Whosoever of you sees an evil action, let him change it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart; and that is the weakest of faith.”⁵⁵ Scholars understand this hadith to indicate that there is a communal obligation to rectify wrong situations. This obligation is a personal obligation for the Imam and the authorities who take his place, and whatever individuals they have appointed to look after public welfare (e.g., the *hisbah*).

55. Muslim, *Ṣaḥīḥ*, 49.

Books of Sacred Law often give several common examples for when individual, unappointed Muslims can engage in commanding the right and forbidding the wrong. One of those examples is the obligation to command individuals who keep animals to care for them and be kind with them.⁵⁶

Commanding the right and forbidding the wrong is not limited to the authorities and their appointees. Rather, it is also established for individual Muslims and they are included in the obligation.⁵⁷ Individuals who command the right are permitted to do so provided that they fulfill all of the requisite conditions. And they are permitted to engage in it even if the obligation has already been fulfilled. There are some cases where commanding the right and forbidding the wrong could become a personal obligation for individual Muslims who fulfill its conditions—such as in the absence of an Imam, authorities who take his place, or the individuals appointed to look after public welfare; or when those who exist are insufficient.

Even if it were the case that the Sacred Law bars individual Muslims from commanding the right and forbidding the wrong, it still demands that we do something as a form of sincere advice. The Prophet (may Allah bless him and give him peace) said, “Religion is sincerity.” The Companions asked: “To whom?” He replied: “To Allah and His Book, and His messenger, and to the leaders of the Muslims and their common folk.”⁵⁸

So the authorities and individual Muslims both have a duty to rectify this situation.

56. al-Nawawī, *Rawḍat al-ṭālibin*, 10:218; and al-Anṣārī, *Asnā al-maṭālib*, 4:179. See also Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *Iḥyāʾ ʿulūm al-dīn* (Beirut: Dār al-Maʿrifah, n.d.), 2:306; and al-Māwardī, ʿAlī ibn Muḥammad, *al-Aḥkām al-sulṭāniyyah* (Cairo: Dār al-Ḥadīth, n.d.), 349.

57. al-Nawawī, *Rawḍat al-ṭālibin*, 10:219; and al-Anṣārī, *Asnā al-maṭālib*, 4:179.

58. Muslim, *Ṣaḥīḥ*, 55.

CLOSING

The Sacred Law sets minimum standards for how animals kept by humans must be treated. Adhering to these standards is a personal obligation of all who keep animals. Ensuring that animals are treated properly is important enough that enforcement is a communal obligation that can be carried out by individual Muslims who witness it—even if they have not been appointed to do so. Intensive animal farming, which has developed to supply cheap animal products, and consumer consumption of those products both exceed the limits set by the Sacred Law. The quantities of meat consumed are harmful to man and exceed the limits established in the Sacred Law, and producing this meat is harmful to man, beast, and the environment. Given the cyclical nature of supply and demand, everyone involved bears responsibility of some wrong—even if those wrongs vary from individual to individual. Individuals who abuse animals are responsible for the abuse they perform. Individuals who order abuse are responsible for issuing an unlawful command. Individuals who pay money in exchange for products where said abuse is known to occur—especially when placing orders in advance—are complicit in enabling further abuse. Individuals who consume the products of that abuse ingest something tainted by the unlawful acts involved in its production. While the meat might be halal to eat, once one has knowledge of the situation, it is wrong for one to be complacent about the situation and to do absolutely nothing to change it. And all of these unlawful acts have consequences in this life, the Afterlife, or them both.

RECOMMENDATIONS

As argued above, the current situation violates the Sacred Law, and the Sacred Law requires that it be changed. Completely

eliminating the consumption of animal products is neither a viable or desirable option for Muslims, since animal sacrifice is involved in several religious rites and occasions. Additionally, moderate consumption of meat is a Prophetic norm (*Sunnah*). So one really cannot make a case that the Sacred Law calls for vegetarianism or that it is in line with the *Sunnah*. Instead, something must be done to ensure that our consumption is within the limits set by religious norms and sound medical advice, and that the animals we consume are raised according to the Sacred Law. This can be facilitated by creating farms where animals are raised and kept according to the Sacred Law from the time the animal is born up through its slaughtering. This can be further facilitated by encouraging consumers to visit various links in their food supply chain and let them know how important it is to them that adherence to the Sacred Law is essential to retain their business. Also, consumers should show their willingness to pay extra for products raised in compliance with the Sacred Law and their rejection of products raised in its defiance.

Additionally, there are a growing number of substitutes for many of our current animal products. Mushrooms can be used to produce substitutes for animal leather. Vegetable and grain mixtures can be used for meat substitutes. Insects are already used throughout the world as a source of human food and animal feed. There is consensus amongst the scholars that it is permissible to eat locusts without any need for their slaughter. Evidence for this consensus is based upon Prophetic reports. ‘Alqamah (may Allah be pleased from him) said, “We went on seven expeditions with the Messenger of Allah (may Allah bless him and give him peace) and we ate locusts,”⁵⁹ and the Prophet said, “Two types of unslaughtered [flesh] are law-

59. al-Bukhārī, *al-Ṣaḥīḥ*, 5495; Muslim, *Ṣaḥīḥ*, 1952.

ful: fish and locusts.”⁶⁰ Locusts can be prepared in a variety of ways. One recent development has been to grind them up into a high-protein powder for use in various food products.

Although the previous sections provide a starting point to work from, they are just one student’s thoughts and cannot be taken as authoritative. Solid advice is desperately needed from scholars of the Sacred Law and its related disciplines.

The issues in need of answers include:

1. What is the legal ruling of producing, importing, selling, and consuming meat and other animal products when it is known that the animals are kept in ways that are in clear violation with the Sacred Law?
2. What is the legal status of producing, importing, selling, and consuming meat and other animal products if doctors determine that certain quantities or qualities are detrimental to health?
3. What is the status of producing, importing, selling, and consuming meat and other animal products if it is determined that current methods are detrimental to the environment or put future generations at risk?
4. Halal certification standards focus solely on the final moments of an animal’s life. Should halal certification standards and certification bodies also look at how animals were kept and treated?
5. What is the legal status of producing, importing, selling, and consuming meat products that involve actions that are unlawful (such as separating babies from their mothers soon after birth, or mutilating poultry beaks)?
6. To what extent are Muslim authorities responsible for ensuring the ready-availability of products in compliance to

60. Aḥmad, *al-Musnad*, 5723; Ibn Mājah, *Sunan*, 3218, 3314; al-Bayhaqī, *al-Sunan al-Kubrā*, 1128; and others.

the norms of the Sacred Law and priced similarly to their non-compliant alternatives? There seems to be something wrong when organic, range-fed, abuse-free, hand-slaughtered, halal beef is affordable only to the rich; and its tainted alternatives are all that the poor can afford.

7. In light of the above, what is the legal ruling of developing animal product substitutes?
8. To what extent does the Sacred Law allow and encourage living creatures to be turned into mere commodities, or for the Ummah's food security to be dominated by producers who have little regard for the Sacred Law and venerating Allah's injunctions (*ta'zīm amri-Llāh*)?

Among the numerous, pernicious consequences of urbanization, industrialization, and globalism is that individuals have been disempowered from bringing the Sacred Law into very basic choices regarding their daily lives. How animals are kept on their behalf is just one example.

Perhaps similar questions need to be asked about the legal status of operating, importing, selling, and buying goods produced in abusive and exploitive conditions (e.g., sweatshops), or that are known to feed on and contribute to deaths and injustice (e.g., conflict diamonds).

CONCLUSION

In this essay, I have applied the Sacred Law's standards related to kept animals to the contemporary issue of intensive animal farming. I argued that the way animals are treated at intensive animal farms is clearly at odds with the Sacred Law. I have also argued that individuals who are aware of violations of the Sacred Law bear some blame for the situation even though they are not themselves complicit in the violations. Rectifying this

situation is a collective responsibility of the Muslim community. After all, mankind has been appointed stewards of the earth and the Muslims are responsible for carrying out the details of the Divine Legislation.⁶¹ We had best do something about it before we are held accountable for this global pandemic of animal abuse.

61. See Furber, *Rights and Duties Pertaining to Kept Animals*, 2.

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