

Constitutional Animals



Kristen Stilt, Harvard Law School

MIDDLE EAST



Constitution of Egypt (2014)

Article 45:

“The state shall protect its seas, shores, lakes, waterways, and natural reserves. Trespassing, polluting, or misusing any of them is prohibited.

Every citizen has the guaranteed right to enjoy them. The state will provide for the protection and development of green space in urban areas; the preservation of plant, livestock, and fish resources; the protection of endangered species and species threatened by extinction; and the kind treatment of animals (al-rifq bi-l-hayawan), all according to law.”



Brooke Hospital for Animals, Egypt

Animal Welfare and
Human Development
For the Arab Region



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S.P.A.R.E is a charitable organization, and was founded in 2001 to help all wounded animals, poisoned dogs and cats, and those that have been shot by the authorities as part of a seasonal eradication program. S.P.A.R.E. is the first fully Egyptian animal protection society.

[More about S.P.A.R.E.](#)

QUOTE OF THE MONTH

"One's interest or need does not annul other's right."

— Al-Hafiz B.A. Masri, Islamic Concern for Animals

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ENDINGS**





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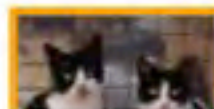
Dog Of The Month

Mizo was rescued by a concerned neighbor who found him tied up in Dokki by people who



Cat Of The Month

Ping and Pong were found in a garbage heap at only 10 days old along with their



Sources of Islamic Law

Quran: the word of God as transmitted to Muhammad through the Angel Gabriel from roughly 610 to 632 in Mecca

Hadith: sayings and actions of Muhammad; were not collected until after his life

Quran 6:38 “There is not an animal on earth, nor a being that flies on its wings, but [forms part of] communities like you.”

Animals in the Prophetic Hadith

"We were travelling with the Prophet, and he stepped off to the side to attend to his needs, when we saw a small bird with her two babies, and we took them. The mother bird came over and began fluttering in the direction of the Prophet. So he said, 'who made her miserable by taking her two babies? Return them to her.'"

Animals in the Prophetic Hadith

"The Prophet cursed the one who treated animals harshly."

"The Prophet passed by a camel whose stomach was taut, and he said: 'Fear God regarding your treatment of these animals, who cannot speak for themselves. Ride them properly, and feed them properly.'"

Dogs in the Prophetic Hadith

"The Prophet said that among us there was a man who was traveling and he became very thirsty. So he found a well and descended into it and drank, then exited, when he saw a dog panting and eating the ground from his thirst. The man said: 'This dog has reached a level of thirst that I almost reached,' and so he descended into the well and filled his shoe with water and provided the water to the dog. God thanked the man and forgave him of all his sins. The men listening to this story said: 'O Prophet, will we be rewarded for assisting animals?' The Prophet said: 'There is the possibility for a reward for helping each living being.'"

Dogs in the Prophetic Hadith

"If a dog drinks from a vessel of yours, then wash it seven times."

Various versions of "angels will not enter a home if a dog or human images are present."

Dogs in the Prophetic Hadith

Many versions of a hadith relating that the Prophet restricted the possession of a dog, saying that a person will lose one or two "qirats" [a monetary unit of measure in the early Islamic period] daily if he keeps a dog other than for certain lawful purposes.

Various versions of this hadith give different lawful purposes, but the typical ones listed are guarding, herding, hunting, and for assistance with agriculture.

THE
ANIMAL

ITS CHARACTERISTICS
AND ITS RIGHTS IN

ISLAM

BY MUHAMMAD AZ-ZAYBAQ

TRANSLATED AND CRITICALLY EDITED BY
GHASSAN ABDEL FATAH AL-BARAQAWI
AND SHIREFA A. CARLO

animals because they can cause great harm and are a danger to man. Therefore, they may be killed even if they are found in the *Haram*. 'Ā'ishah reported that Allāh's Messenger (ﷺ) said, "Five excluded creatures may be killed inside the sacred area: the crow, the kite, the scorpion, the rat and the vicious dog."⁹² Mālik defined the "vicious dog" as "...every animal by which people are attacked and which frightens them, like the lion, tiger, leopard and wolf. But if it is among the wild animals which do not attack, like the hyena, fox, wildcat or any similar animal, then a person in the state of *ifrām* is not allowed to kill it. If he does, he must offer an expiation. As for harmful birds, he is not allowed to kill them, except for those the Prophet (ﷺ) specifically named – the crow and the kite. If he kills any other bird, he must compensate for it."

Animals Whose Killing is Encouraged

The Black Dog

In the early days of Islām, Allāh's Messenger (ﷺ) ordered the killing of all dogs.⁹³ Later, he forbade killing them with the exception of one kind. Jābir bin 'Abdullāh said, "Allāh's Messenger (ﷺ) [once] ordered us to kill dogs to the extent that a woman would come from the desert bringing her dog for us to kill. Then the Prophet (ﷺ) prohibited killing them and said, 'Restrict yourself to the pure black one that has two spots, for it is a devil.'⁹⁴

Unfortunately, some Muslims are so infatuated with the customs of non-Muslims that they have taken to keeping dogs and nourishing them unnecessarily. This is not permissible, and there is a warning against it in the *sunnah*. The evidence

⁹² Al-Bukhārī, Muslim, al-Tirmidhī and an-Nasā'ī, and in some narrations the snake is added. These five are "excluded" from the prohibition against killing.

⁹³ The reason may have been that they were infected with rabies or mad. It is still permissible to kill these as they are dangerous.

⁹⁴ Muslim.

for this has been narrated by Ibn 'Umar who reported that Allāh's Messenger (ﷺ) said, "Whoever acquires a dog, except a sheep dog, a hunting dog, or a farm dog, will have two *qirāts* deducted daily from his good deeds."⁹⁵ A *qirāf* is equal to the mountain of Uhud.

The Snake with Two Streaks and the Small-Tailed Snake

In the early days of Islām, Allāh's Messenger (ﷺ) also ordered the killing of all snakes. Then he forbade the killing of those found in houses as a precaution that they might be from the believing *jinn*. They are not to be killed immediately but instead are to be given three days warning. If they leave, they are not harmed; but if they remain, they are to be killed. An exception concerns two kinds of snakes which are to be killed immediately because they are a cause of harm and danger. 'Abdullāh bin 'Umar said, "I heard Allāh's Messenger (ﷺ) say, 'Among the snakes kill those which have two streaks and those with small tails, for they obliterate sight and cause miscarriages.'⁹⁶ Upon hearing that 'Abdullāh bin 'Umar said, "I remained for a while killing every snake I saw. One day while I was chasing a snake from a house [trying to kill it], Zayd bin al-Khattāb passed me and said, 'O 'Abdullāh, slow down!' I said, 'Allāh's Messenger commanded that all snakes be killed!' He responded that the Prophet (ﷺ) had forbidden the killing of house snakes."⁹⁷

⁹⁵ Al-Bukhārī and Muslim. In another narration it says, "...except hunting dogs or sheep-guarding dogs or dogs used for looking after animals." The Prophet's disapproval of keeping dogs without necessity is likely due to the fact that they often carry disease and that their flesh and saliva are unclean substances (*naġāsah*).

⁹⁶ Az-Zuhri (one of the sub-narrators of the *hadith*) said, "We think this is because of their poison, but Allāh knows best." There are certain snakes, like some species of cobras, which shoot the venom directly into the eyes of their victims to blind them. The "miscarriage" of the pregnant woman may be due to fright from seeing these snakes.

⁹⁷ Al-Bukhārī.

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ
وَلَا طَائِرٍ يَطِيرُ بِجَنَاحَيْهِ
إِلَّا أُمَّةٌ لَكُمْ
مَّا قَرَّرْنَا فِي الْكِتَابِ مِنْ شَيْءٍ
ثُمَّ إِلَىٰ رَبِّهِمْ يُحْشَرُونَ

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ
وَلَا طَائِرٍ يَطِيرُ بِجَنَاحَيْهِ
إِلَّا أُمَّةٌ أُمَّتُكُمْ
مَّا قَرَّرْنَا فِي الْكِتَابِ مِنْ شَيْءٍ
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