



The Animal Welfare Act in Malaysia: Synergising Religious Ethics and Science Capacities in the Care of Animal Testing in Malaysia

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ABSTRACT:

The Animal Welfare Act (1953, 2006) is deemed of critical importance to Malaysia currently as it has been observed for example that the unethical use of animals in experimentation especially by and for foreign companies is a serious issue. Such a scenario need to be addressed quickly and various agencies and bodies including the newly-formed National Bioethics Committee was called to provide their inputs/suggestions. Given the cultural background of the country the process leading to the final formulation of the draft (current) of Act which took several years was an interesting lesson in the need to synchronize the efforts of religious, scientific and policy groups in ensuring animal welfare in Malaysia in general and animal ethics in experimentation in particular.

Keywords: Animal Welfare Act, Islamic Injunctions, bioethics, ethics of animals in experimentations

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馬來西亞的動物福利法案： 從馬來西亞對動物實驗之關注所見證的宗教 倫理與科學力量整合典範

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摘要

對於此時的馬來西亞而言，動物福利法案的立法（1953、2006年）被視為是一項極為重要、而且嚴肅的議題，因為於該國進行的動物實驗，尤其是由外國公司或是為了外國公司而進行的動物實驗，其違背倫理規範過度利用動物的情形十分嚴重。這樣的狀況亟需改善，而在社會的期待下，包括新成立的國家生物倫理委員會在內的各機構團體，也都應邀提供其想法或建議。鑑於該國的文化背景，法案的整個立法過程歷時數年，為了確保馬來西亞的動物福利能受到保障與維護，特別是實驗室裡的動物倫理，必須仰賴宗教、科學和政策團體的同步努力，而來自各個不同面向的同步努力

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過程，則是一項備受關注的課題。

關鍵字：動物福利法、伊斯蘭訓諭、生物倫理、實驗動物倫理

The Affinity Between Man and Animals

*“Dying from the inorganic, we developed into the vegetable kingdom:
Dying from the vegetable, we became men.
Then what fear that death will lower us?
The next transition will make us angels.
From angels we shall rise and become what no mind can conceive;
We shall merge in affinity as in the beginning.
Have we not been told, ‘All of us shall return unto Him?’”¹*
[Rumi (1207-1273): Persian Philosopher/Poet/Metaphysicist/Ethicist]

Introduction

Bioethics issues such as of animal rights in general and of the ethics of animals used in experimentation in particular have not attracted much attention in Malaysia until a few years ago (2010) when the local tabloid **The Guardian** of the United Kingdom reported that a local (Malaysian) politician had stated that “animals such as rats and monkeys have been created for testing”. This statement was, as expected, construed to be, very insensitive. More significantly it underscores the situation where there is a lack of proper guidelines still for the testing of animals especially by foreign companies exploiting the scenario *vis-à-vis* Malaysia.²

As a response, the Malaysian Bar Council Human Rights Committee (BCHRC) calls on politicians and those in authority to consider the sensitivities of the public when making statements on the issue of animal testing as it could tarnish the image of the country.³ As a matter of fact this event marked the beginning of a new effort by the concerned parties (scientists, NGO’s, policy makers) to work towards improvements to the Animal Welfare Act of 1953 (amended in 2006).⁴

¹ A.B. Masri (2007), p. 1.

² Malaysian Minister says God created monkeys... <http://www.telegraph.co.uk/news/worldnews/asia/ma>.

³ HRC Responds: Should testing on animals be permitted?, http://www.malaysianbar.org.my/human_rights.hrc_responds_should_tc.

⁴ Document of Animals Welfare Act 1953 (amended in 2006).

The media blitz following the **Guardian**'s report in fact helped to focus the spotlight on the needs for the establishment of the National Bioethics Committee (NBC) in 2012. The idea of the NBC was mooted and worked on by a group of academics and professionals from the research universities in Malaysia with the assistance of bioethics experts such as at the Regional Unit for the Social and Human Sciences in Asia and the Pacific (RUSHAP) in Bangkok and UNESCO Paris throughout the years 2007-2012 at least.⁵

The NBC's general aim was to promote ethics in science and technology so that development would not give rise to contradicting impacts on human and moral values especially as biotechnology has been given special impetus by the government and that the impact of these biotechnologies on the environment (flora and fauna), human health and culture will be inevitable. The Council's main terms of reference is mainstreaming bioethics and disseminating information on bioethical issues among people from all walks of life. Apart from focusing on application and issues concerning technologies such as stem cells, and genetically modified organisms, **animal testing** and synthetic biology integrity issues arising out conflicts of interest need to be addressed by the Council. The issue of bioethics rests on the ethical use of new technology in the life sciences. In 2006 Malaysia became one of the earliest signatories to UNESCO's universal declaration on Bioethics and Human Rights that recognizes the interrelation between ethics and human rights.⁶

Despite already having the Medical Review of Ethics Committee (MREC) under the Ministry of Health and National Bio-safety Board under the Ministry of Natural Resources and the Environment, there was no overall structure that can address all the other issues in a unified manner. Hence in 2010 the Malaysian government agreed (cabinet ruling) to the formation/establishment of the NBC, under the aegis of the Ministry of Science, Technology and Innovation.⁷

Ethics is guided by culture and religion and in a country such as Malaysia it is very

⁵ 'National Bioethics Council Launched to Tackle Bioethical Issues. http://www/biotek.gov.my/index.php?option=com_

⁶ Ibid.

⁷ Ibid.

important that bioethics principles be seen as holistic and as reflecting the values of all faith groups. Faith wise the populations of Malaysia consist of 62% Muslims, 9% Christians, 21% Buddhists and 6.3% Hindus. As such membership of the NBC also includes representatives from the National Committee for the Promotion of Harmony Amongst the Different Religions, i.e. representatives of the Religious groups.⁸

The Role of The Institute of Islamic Understanding Malaysia/*Institut Kefahaman Islam Malaysia (IKIM)*

Being an institutional member of the NBC, IKIM is poised to make contributions to the animal Welfare/animal testing debates as the latter is a special case/issue in the Malaysian bioethics landscape.

Established in 1992 under the Companies Act of 1965 IKIM's mission is to strive to enhance the understanding of Islam by making clear the universally applicable principles of the religion especially in the context of a cultural basis for the policies on biotechnologies such as animal testing. IKIM's core function is to carry out intensive and integrated research activities aimed at the explication of current issues facing the society in general and to seek solutions or at least a framework for action, by looking at the available facts of the situation or issue in question coupled with analyses and the applications of "Islamic/religious resources" which might provide guidance and serve as a basis for these analyses.

As a research centre, IKIM's research topics include Globalisation; Economics; Secular and Religious Legal Systems Harmonisation; Interfaith Dialogues; Science, Technology and Ethics; Environmental Issues; Human Rights and Politics. Research results are discussed with other experts in the field during expert group meetings/workshops (EGMs) as well as conferences with the cooperation of relevant government and non-government organizations. In the 20 years since its establishment, IKIM has carried out hundreds of intellectual meetings and published hundreds of books, monographs, journals, bulletins and newspaper articles based on its programs and activities.

⁸ <http://religionsplusintmalaysia&client>.

In the context of animal testing, IKIM and the NBC held an EGM on 7th June 2012. The major aim of the meeting was to review the current animal welfare act and to see how it should be further enhanced (Animal Welfare Act 2014?) based on the most current scientific and religious arguments/justifications.⁹

IKIM's Approach

In its quest for promoting information and interest in bioethics, IKIM supports the imperatives of sustainable development, which is balancing human needs with the protection of the natural and human environment and resources for the present and future generations. As far as IKIM is concerned, sustainable development should cover three general dimensions – the social, economic, and environmental dimension. Each of them require key institutional, policy and capacity issues to be addressed. What IKIM tries to do in fulfilling its role as far as the environmental and bioethical issues are concerned, is to respond to the needs that exist in the policy and capacity building contexts. For example what are the concerns of Muslims' and Malaysians' in general regarding genetically modified organism (GMOs), stem cell research and animal testing as mentioned. Besides the **fatwa committee's**¹⁰ edicts and/or guidelines, other instruments such as Acts and Regulations are there for the plural society of Malaysia to be bioethics – savvy when it comes to facing the challenge posed by difficult issues.¹¹

IKIM also understands the backdrop of controversies or debates in the bioethical discourse as being generally connected to the factors that underlie the unsustainable elements within the framework of the development and applications of biotechnology today. The mechanical outlook that became dominant after the Enlightenment period in the West and the subsequent separation of science and religion resulted in the compartmentalization of knowledge (values and science are not studied or applied together/simultaneously). The separation of science and religion also gave rise to two types of worldviews – the **man-centred** as well as the **life-centred worldview**. Basic beliefs of

⁹ *Draf Laporan Muzakarah Pakar Etika Penggunaan Haiwan Dalam Ujikaji 7 Jun 2012*, IKIM (unpublished report of the EGM).

¹⁰ Fatwa means religious edict.

¹¹ Ibid.

the human-centred worldview which is the most dominant in the industrialized as well as in the industrializing world include the belief that: man is the most important species on the planet, all other species have instrumental value only; there will always be more of any resource that we need and which we are now using up very rapidly; our success depends on how well we can understand, control and manage the planet for our benefit; and that all forms of economic growth are good. One can imagine that if the kind of bioethics being adhered to, is based on a human-centred worldview then the kind of bioethics held would be quite far from what nature/life may in reality be, with its principles of cause and effect set within a natural (*sunnatullah*) framework of limits (*hudud*) that gives rise to homeostasis, balance (*mizan*) and harmony (*salam*). To ensure that these conditions are maintained is one of the greatest motivations of a *maqasid*¹²-based bioethics as part of an Islamic worldview which incidentally seems to fit nicely with the worldview expressed by environmentalists and proponents of the sustainability and a life-centred worldview. Amongst others some of the basic beliefs of this worldview include the realization and understanding that: nature exists for all of earth's species; in the face of a diminishing natural resources, there is not always more; a healthy economy actually depends on a healthy environment and our success depends on learning to cooperate with one another and with the rest of nature.¹³

Clash of Worldviews

G. Tyler Jr. in his book “Living in the Environment” which by 2013 went through 17 editions, describes the slowness in action to address the environmental crisis we face today as being also due to the clash of two worldviews – the Man-Centred Worldview (MCW) and the Life-Centred Worldview (LCW).

Significant effects of the mechanistic-reductionistic outlook linked to the MCW included the compartmentalization of knowledge, the separation between science and religion as mentioned, which meant the peripheralisation of values, meanings, purposes as well as the importance of the demarcation of ‘rights’ and ‘wrongs’ that affect all areas of life through the currently dominating man-centred worldview (MCW). Miller explains this

¹² Ibid.

¹³ Ibid.

worldview as being the most dominant in industrial societies of today. Known also as the “planetary management worldview”, and prominent in the last 100 years, its fundamental principles have been outlined in the above. It sees man as being the most important species who exists **apart from** nature instead of understanding that he is actually **a part of** nature.

One can see how bioethics and worldviews are closely linked together. A worldview is about how we think the world works, what we think our role should be, what we believe is right or wrong behavior towards our fellow humans and fellow created beings animal, plants, bacteria, viruses, genetic material and even inanimate elements. Islam merely adds another dimension of relationships, which is the one between man and God. For Muslims, so critical is this relationship that the quality of all the other relationships will not be fine if the man-God relationship is not taken care of. Unfortunately, this dimension sometimes is given insufficient attention if not forgotten amidst the enthusiasm of ensuring the success of the other two types of relationships. The core business of this dimension is to educate the heart, which ultimately leads to the education of the mind and fulfillment of the soul of the human being. Today the latest discoveries in brain science give us insights to this dimension of humans.

In trying to assist the evolution of indigenous, bioethics for example on the issue on AUIE for Malaysians, IKIM is aware of the epistemological conflict/disagreement between the two worldviews just described. It tries to garner support from conventional bioethical stands such as that of Margaret Somerville,¹⁴ Professor of Law, Faculty of Medicine and Founding Director of the Centre for Medicine, Ethics and Law at Mc Gill University, who in the context of bioethics said that the power of science must be used wisely, courageously and humbly and a similar thought is also shared by Daniel Bell¹⁵ who in his writings concerning *The Future of Technology* expressed the insight that the question is not about how fast we can run (to catch up with technology) but do we want to, to begin with. For Muslims this is echoed in many Quranic verses such as in verse *Al-Insaan* “Verily we created man from a drop of mingled sperm, in order to try him; so We gave him (the gifts) of Hearing and Sight. We showed him the Way; whether he be grateful or not

¹⁴ See for example Margaret Somerville (2000), *The Ethical Canary Science, Society and the Human*.

¹⁵ See for example Daniel Bell (1960) *The End of Ideology*.

rests on his will.”¹⁶

IKIM and the Global Mandate of UNESCO

Bioethics first became prominent in Malaysia through the National Commission of UNESCO Malaysia. Especially in the 1990’s UNESCO grants for bioethics helped interested academics and professionals to conduct awareness raising and capacity building workshops to begin with. IKIM was very much a part of these early efforts as can be seen from its publications on the subject of bioethics.

Besides this, a strong call for **ethics** in science and technology in general, is the driving force for IKIM’s involvement in discoursing bioethics issues in Malaysia. To this effect it supports the ESTI¹⁷ project under UNESCO, which aims to promote a global ethics framework for science and technology. The ESTI project acknowledges that ethics need:

- To be rooted in philosophical reflection;
- To be based on the framework of human rights (in this context we can see the tendency for the non-religious to point fingers at the religious; but the reverse is also possible);
- To be embedded in science whilst ensuring ‘freedom’ (in research).

The program aims to introduce ethics in education (science and technology) and to strengthen the ethical link between scientific advancement and the cultural, legal, philosophical, and religious contexts in which it exists.

As mentioned earlier, in the context of biotechnology, IKIM very much supports the above ideal and this is why it assists the efforts of the National Bioethics Committee (NBC) of Malaysia. The idea of the Malaysian NBC was mooted by a group of medical professionals, bureaucrats, and scientists led by academicians at the University of Malaya beginning in 2005 where bioethics has been taught for the last 25 years. IKIM too began its focus/research/public awareness exercise at about the same time. After a long period of attempts and efforts to convince the government, the NBC was finally launched as explained in June of 2012 with researchers from IKIM being elected as members together

¹⁶ *The Holy Quran* trans. by Yusuf Ali, Saba Islamic Media Sdn Bhd, Kuala Lumpur, 1998.

¹⁷ ESTI stands for Ethics for Science, Technology and Innovation.

with representatives from several other NGOs, agencies and experts in the field. As it has been doing in the past IKIM continued its ‘bioethical discourses’ by assisting the NBC by carrying out the first public forum on the issue of “rights of animals used during experimentation” which is a national priority taken up the NBC right after its establishment as its priority and immediate focus.

Perhaps the significance of IKIM for the NBC can also be seen by looking at Malaysia’s demography. A high percentage of the country’s scientific manpower (including the biotechnological personnel) are Muslims. According to a study, non-Muslims in Malaysia generally tend to follow the Islamic methods/*fatwas*/guidelines in order to arrive at better/fairer views in the decision-making process regarding bioethical issues.¹⁸ The Islamic “*Halal*” certification policy and “Islamic Banking” products are two examples. Of course, the underlying motives for such concurrence needs further studies. For both cases, the Islamic ethico-legal guidelines are accepted by Malaysians as a whole as their *maqasid/objectives* can be universally applicable and useful for all, even though for the Chinese community for example the *halal* label is not the only choice available. In this context as well IKIM plays the role of promoting inter-religious harmony by carrying out interfaith/intercultural dialogues that aims at ensuring consensus among the different communities in line with Article 12 of the UNESCO (2007) Declaration of Bioethical Principles which states that the importance of cultural diversity and pluralism must be given due regard.

As Islam is an all-inclusive way of life (*ad-deen*) bioethics as a whole is relevant to IKIM because of its multidisciplinary character (involving the life sciences, medicine, law, politics and philosophy). If properly looked at, the guiding principles of the ‘*shariah*’ are in harmony with the natural state of affairs (*fitrah*) found in nature including human beings in their physical, psycho-emotional and intellectual/’reason’-able states. As such, the Muslim jurists are united in expressing that the objectives of the *shariah* (the laws of Islam or the *maqasid-shariah*) are the protection and preservation of the religion/faith/iman, life, progeny, *aql/reason* and wealth/assets justly procured.¹⁹

¹⁸ Azizan Baharuddin, 2011, IKIM Research Paper on Manpower in Science in Malaysia, (unpublished).

¹⁹ S.M. Saifuddeen S.M. Salleh (ed.), *Genealogy and Preservation of the Progeny: An Islamic*

To show the significance of “this-worldly” life can therefore be seen to be a strong underlying motive of the *maqasid* as it is the beginning of the journey to the enduring “afterlife”. Muslims primarily consider human existence to be for the performance of *ibadah*/good works/service to God which, if broken down in its meaning, covers the doing of good to oneself, to other humans and to the rest of nature (especially to animals) in His/for his sake (*hablun minallah, hablun minas, hablun minalalamin*).

Biotechnology (an aspect of which is animal testing) is the application of a branch of science/knowledge (biological) basically studies the ‘whats’ and ‘how’s’ of nature i.e. the causal relations between its parts. Such knowledge as genetic engineering (example among animals) is therefore seen as an opportunity to do good. However as with other faith communities bioethical issues among Muslim practitioners and consumers abound and they include:

1. The issue of man playing God.
2. The relationship between man and nature (such as man and animals); if man is the *khalifah* (guardian) of nature can he change the features of species? And, if so when and how?
3. Ethical guidelines (ethical, legal, religious) are being sought.
4. Guidelines for the use of animals for testing.

Once again, researching, and negotiating the above issues and needs can be considered to be IKIM’s role in bioethical debates and discourse in Malaysia, which actually already began in the 1980’s and 1990’s.

The Experts Group Meeting (EGM)

The EGM held at IKIM in 2012 had 4 major aims:

- i. To debate current issues related to the use of animals in experimentations
- ii. To discuss moral and ethical questions pertaining to animals
- iii. To look at the policies and laws in Malaysia regarding the issue
- iv. To suggest new guidelines for the use of Animals in Experimentation

25 people participated in the EGM – they were members from the NBC (Secretariat in

Ministry of Science, Technology and Innovation), National Academy of Science Malaysia, International Institute For Medical Research, Institute of Fisheries, Department of Veterinary Science, Department of Wildlife Protection and National Park, Ministry of Education, and university lecturers/researchers.

Three papers were presented:

- 1) The Use of Animals in Experimentation: Procedures and Policies in Malaysia by Prof. Zahurin Mohamed, Head of Department of Pharmacology, University of Malaya.
- 2) Issues and Current Conflicts/Debate Pertaining to the Use of Animals for Experimentation in Malaysia, presented by Associate Prof. Dr. Abdul Rahim Mutalib, Department of Pathology and Veterinary Microbiology, University Putra Malaysia.
- 3) Animal Rights in Islam: Issues and Solutions, Associate Prof. Dr. Raihanah Abdullah, Academy of Islamic Studies, University of Malaya.

Main Points in the 1st Paper

Zahurin is a Member of the NBC. She has wide experience in university ethics committees. Currently as far as Animal Use in Experiments (AUIE) in universities is concerned internationally recognized protocols are being used by researchers. However, Zahurin is aware that such protocols need to be made known more widely, for example amongst breeders, transporters and other parties involved in AUIE. For such efforts, materials such as brochures need to be prepared so that the rights of animals as well the guiding principles in their treatment is understood and practiced.

Main Points in the 2nd Paper

Abdul Rahim is an expert in the veterinary sciences and also a member of the NBC. He basically explains the types of animals and methods involved in AUIE. He underscores the fact that currently no specific guidelines exist *vis-à-vis* animal use in research. The Animal Welfare Act of 1953, 2006 (AWA 1953 & 2006) is only related to animal welfare in the context of agriculture.

The Veterinary Community through the Veterinary Society assisted by the Ministry of

Agriculture for example has taken the initiative to enhance AWA 1953 & 2006. The new AWA will contain a specific section on AUIE. Like Zahurin, he suggests that because of the lack of specific guidelines or Acts regarding the issue, it is critical that the existing University ethics committees monitoring use of animals be empowered to play their role more seriously and more effectively. He also suggests a body be set up to monitor laboratory conditions and special licenses be issued to control use of animal samples.

Major Points of 3rd Paper

Interestingly Raihanah being the speaker with the religious background points out the lack of interest among people of faith about the issue of animal rights. In this regard she echoes the thoughts of the Muslim scholar Basheer A. Masri, whose ideas on the subject we will look at in greater detail later. She explains by referring to the important religious texts the existence of fundamental principles in Islamic jurisprudence and objectives of the *syariah* (*maqasid shariah*) that specifically refers to human's behavior towards animals (animal ethics). Animals have rights in Islam and it is incumbent upon the believers to respect their rights. In other words those concerned with animal ethics in Malaysia can draw a lot from their religious perceptions to begin with. As far as AUIE is concerned, abuses can be avoided if specific guidelines are drawn up and implemented with proper monitoring. In the Islamic view humans are vicegerents (*khalifah*) and their "use" of animals should be guided by faith, good practices and *Ihsan* (empathy).

Inputs and Recommendations from the EGM

Being religiously conscious the practitioners (attendees) who deal directly with experiments using animals asked questions which if analysed, can be seen to be evidence for innate concern. Some of the questions were:

1. What is the stand of Islam regarding the use of immobilizers on animals?
2. Is the use of medications or chemicals for euthanasia on animals allowable in Islam?
3. How do we define cruelty in animal experimentation?
4. Does the NBC educate the public regarding bioethical issues especially the topic of animals testing?

5. What is the Islamic law regarding the bio-engineering of crabs as an example to have softer shells so that they fetch higher prices in the market?
6. Is it ethical to chemically induce mussels to become bigger and meatier?
7. Is it ethical to kill maracaques (*Macaca Fascicularis*) whose population is overwhelmingly very high in human residences in urban areas and which require them to be ‘destroyed’ accordingly by the wildlife department?
8. Can primates be brain induced to be more intelligent?

The questions were addressed to all the three speakers. It is perhaps instructive/useful to note that most of the attendees of the EGM were Muslim scientists. The answers given referred to the Islamic guidance such as of avoiding cruelty, strengthening the AWA and educating the scientists regarding ways of avoiding the cruelties and excess to begin with. As far as the role of the NBC is concerned, the chair of NBC who was attendance suggested that education *vis-à-vis* bioethics and animal welfare should start as soon as possible and that the NBC will solicit the assistance of the media sector such as is available at IKIM (TV and radio) to inform the public.

Concern for Animals – An Overall Islamic Perspective

In order to understand more comprehensively how Islam looks at and treat animals, we may study the works of scholars such as the renowned and respected Muslim scholar, Al-hafiz Basheer Ahmad Masri (1914-1992). Based on his research of Islamic sources, his book **Animal Welfare in Islam** is an attempt to explain and highlight Islamic teachings regarding animal welfare in total. It is an ironical situation as observed by Raihanah earlier that despite the existence of a comprehensive set of guidance derived from the two sources of knowledge i.e. the Quran and *Hadith* (sayings and actions of the Prophet), animal welfare and the ethics of dealing with animals does not “seem” to be a significant fact of life in Muslim societies. The answer to the question as to why this may be so lie at the basis of many other issues faced not only by Muslims but also followers of other faith traditions, i.e. education and strangely enough, proper and sufficient knowledge of their own religion respectively. In the Islamic outlook, to be neglectful (cruel), or even just to be condescendingly “kind” to the so-called “inferior animals” is a most unacceptable proposition, to begin with.

Islam requires its followers to accept animals as communities; having their own rights and not to sit in judgement on them based on humans' own needs and values.

Although Masri pegs his opinions to arguments based on his own religious precepts, his message does have universal appeal as he extends his concern and analysis of what is happening in the world today to cover all major religious traditions. An example that he deals with is an examination of the issue of animal sacrifice in all the world's major religion, as well as the issue of mass productions of meat.

The Role of Religious Institutions

Almost 90% of the world's population belong to one form of organized religion or another, Muslims make up almost 25%. Each religion can potentially be a major platform to influence and educate their captive audiences. Unfortunately it is rarely observed that sermons and preachings of the 'word' of God carry messages about animal ethics/welfare and/or the respect of nature.

Voicing his dissatisfaction on the lack of interest among theologians he says, "The religions institutions are supposed to give guidance to their respective followers in all kinds of moral problems. If all the churches and temples, all the mosques and synagogues were to make a concerted effort to bring their moral influence to bear, it would not only educate their laities but would also put pressure on the politicians and the economists of the world – most of whom are sitting on the fence. Perhaps some religious leaders still suffer from the misconceptions of the Middle Ages when they believe that their only core business was to deal with the human soul. Since animals were thought to have no soul, they are not considered to be the responsibility of organized religion".²⁰

Masri's hope is to see religious teachings make a comeback so that animals can be accorded the respect and status they hold/deserve but have long been denied.²¹

Unlike the Man-Centred Worldview (MCW) the Life-Centred Worldview (LCW) is close to reality and it is in harmony with many spiritually-based, empirically verifiable belief systems of many western as well as non-western societies in the world.

From the above discussion, and from the list above what can be concluded is that we

²⁰ Masri (2007), p. 3-4.

²¹ Ibid.

need a change of worldview in the world, from an over materialistic, man-centred philosophy to a life-centred one. The tenableness/reasonableness of the LCW can be justified through the field of ecology and environmental science.

Masri certainly seems to underscore the observation made by Tyler and as we have highlighted earlier; when he says that the dominance or over dominance of the MCW, in the context of Animal Welfare issue seems to have arisen due to man's ever-increasing demands/desires/fads. To satisfy these demands he uses his technological powers to transform increasing numbers of animals into food products. In laboratories, scientists produce new genetic variations amenable to cheaper/low cost intensive methods of rearing. He sees many stock-keepers as being more concerned with profits and look upon their live stock as meat and milk machines.²²

Until recently perhaps the acts of cruelty have been on a smaller and individual scale. What has changed today is the nature and extent of the cruelty, practiced on a much subtler and wider basis; justified in the name of human needs (of which many are non-essential) and 'neutral' science. Science and pharmaceutical experiments using animals are carried out to find cures for "diseases" which in many cases are induced by human's own disorderly life style. In Malaysia diabetic incidences have soared from 1.5 million in 2006 to 3.4 millions in 2011 for example.²³

The Reality Man's Dominion Over the Animals

Through both science and religion man is seen as the apex of creation. However this superiority needs to be explained: Who is this man who has been appointed as God's representative (*khalifah*) on earth? What are the qualifying conditions attached to this office?

Islam's corroboration of man's claim of superiority is circumscribed by mental, moral and physical limitations. He should use animals out of necessity and with compassion, humility and loving care and not with malevolence, avidity or greed for the satisfaction of creature-comforts, luxurious pleasures and self-indulgence. All the major religions have

²² Ibid.

²³ [http://www.consumer.orgmy/index.hp/health/disease/81-3.4 million](http://www.consumer.orgmy/index.hp/health/disease/81-3.4%20million).

taught compassionate and humane treatment of animals. However in our age of ever-increasing human mastery over nature, this responsibility should also increase proportionately.

While declaring man's vicegerency, the Quran makes it clear in the following verses, that the appointment is not unconditional:

“He [God] it is Who made you vicegerents on earth; he who disavows, the burden of disavowal will be on him...” (Quran 35:39)

“Certainly, We created man in the best make.” (Quran 95:4)

However, in the very next sentence the Quran makes it clear what happens to those who do not conform to the conditions (of being the best), in these words:

“then We reduce him to [the status of] the lowest of the low.” (Quran 95:5)

Again the Quran cautions man:

“And be not like those who say, ‘we have heard’, while they do not hearken. Verily, the vilest of all creatures, in the sight of Allah, are those deaf and dumb ones who do not use their rationality.” (Quran 8:21, 22)

The above verses of the Quran lay down a very relevant principle that ‘it depends on the conduct of man whether he maintains his privileged position as a human being or degenerates to a status lower than that of animals’. While elaborating man's responsibilities as the vicegerent of God, the Quran lays great emphasis on the development of divine attributes which have been imbued in man's constitution to begin with. Compassion, love, mercy, justice, charity are some of the Divine attributes which form the pedestal of that *masnad* on which God has seated man as His vicegerent to establish life on earth, in harmony with His laws of nature. This Kingdom of God is not meant to be only a human domain. God's sovereignty encompasses all creation, including the Animal Kingdom. How, then, can man as His Minister on earth administer justice and grace over the whole of His Kingdom without nurturing in himself the Godly attributes and a tender conscience? The Quran explains this moral philosophy:

“So, set your face to the true religion ...” (Quran 30:30)

‘True religion’ the Quran explains as:

“Direct(ing) your face towards the upright way of life – the nature created by God upon which He has instituted the innate nature of humankind. No change is permissible in God’s creation; this is the proper way of life and yet, most people do not even know of this.” (Quran 30:30)

The real criterion of man’s superiority lies in his spiritual volition, described in the Quran as *Taqwa*. This spiritual power bestows on man a greater measure of balance between the conscious and the unconscious elements of mind, thus, enabling him to make the best use of his freedom of choice. He is considered the best of God’s creation only because of this distinction. Without the power of spiritual volition, this distinction is rendered superficial.

Man’s dominion over animals, in the true Islamic sense, is based on the mould of the family with discipline and paternal love working side by side. The Prophet Muhammad puts it in these words, “*All creatures are like a family [‘iyal] of God: and He loves them most who are the most beneficent to His family.*”

The Holy Prophet used to say, “*Whoever is kind to the creatures of God, is kind to himself.*”

The Quran puts this analogy in tribal or communal terms in these words, “*There is not an animal on earth, nor a two-winged flying creature, but they are communities like you ...*” (Quran 6:38)

Utility Value of Animals

The Quran and *Hadith* also plead for the cause of animal rights by citing their proper utility-value and worth. Utility is perhaps, more significant to those people whose values are determined more by benefit motives than by moral conscience. Here are some of many such verses:

“And He has created cattle for you: you get from them your warm garments and other benefits, and you eat of their produce. And you pride yourselves on their

beauty as you drive them home in the evenings, and as you lead them forth to pastures in the mornings. And they carry your heavy loads to places where you could not otherwise reach save by laborious strain to yourselves. Verily! Your Sustainer is most kind – a Dispenser of grace. And [He has created for you] horses, mules and donkeys for riding as well as for adornment – and He will yet create things of which you have no knowledge now.” (Quran 16:5-8)

“... you get your sustenance out of them. And on them, as on ships, you make your journeys.” (Quran 23:21, 22)

“It is God Who provided for you all manner of livestock, that you may ride on some of them and from some of them you may derive your food. And there are other uses in them for you to satisfy your heart’s desires. It is on them as on ships, that you make your journeys.” (Quran 40:79, 80)

While enumerating the wonders of God’s creation, the camel – the ship of the desert – is pointed out conspicuously in these words:

“Do they not reflect on the camels, how they are created?” (Quran 88:17)

Metaphysics

According to Quranic theology, all living creatures possess a non-physical force of spirit and mind which, in its advanced form, we call ‘psyche’. This concept should not be seen as being the same as the concepts of ‘re-incarnation’ or ‘transmigration’ of souls, the doctrines of which are based on postulations different from those of Islam. Although animals’ psychic force is of a different nature than that of human beings, there is ample evidence in the Quran to suggest that animals’ consciousness of spirit and mind is of a degree higher than mere instinct and intuition. We are told in the Quran that animals have a cognizance of their Creator and, hence, they pay their obeisance to Him by adoration and worship. Out of the many verses on this proposition, the following few must suffice here:

“Seest thou not that it is Allah whose praises are celebrated by all beings in the heavens and on earth, and by the birds with extended wings? Each one knows its prayer and psalm, And Allah is aware of what they do.” (Quran 24:41)

It is worth noting the statement ‘each one knows its prayer and psalm’. The execution of a voluntary act, performed consciously and intentionally, requires a faculty higher than that of instinct and intuition. Lest some people should doubt that animals could have such a faculty, the following verse points out that it is human ignorance that prevents them from understanding such a phenomenon²⁴:

“*The seven heavens and the earth and all things there in declare His glory. There is not a thing but celebrates His adoration, and yet mankind understand not how they declare His glory.*” (Quran 17:44)

Servitude of Animals and Islamic Jurisprudence

Religion allows the use of animals for necessary human needs. Just as human beings take each others in service, humans make use of animal labor. However, humans must not forget that animals are not capable of protecting their rights as labor unions can try do to. Protection of animal rights are therefore left to human conscience, social censure and government legislation. Because legislation tend to follow trends of public opinion, religion can perhaps lobby for the regulation of use of animals to be humane and conducted with equity and justice.²⁵

Although there are many laws in the scriptures covering specific cases, the fact is, human needs and social conditions constantly change. Modern scientific and technological discoveries, globalization and the complex interlacing of global cultures, internationally and politico-economic interactions and conflicts all put pressure on today’s thinking, demanding modulation in our lifestyle, norms and values.

As far as Muslims are concerned the above issues did not exist 14 centuries ago. No related occasion arose for specific laws about them. Only guidelines and general principles are laid down. Islamic jurisprudence (*fiqh*) leaves it to the Muslim jurists (*fuqaha*) to do their judgement by interfere and analogy. The first two sources of law are the *Quran* and *Hadith*. The third is *Ijma* or consensus. The fourth is inference by analogy (*Qiyas*) and the fifth is *Ijtihad* exercise of judgement. *Ijtihad* means literally ‘to strive hard to do or achieve

²⁴ A.B Masri (2007), pp. 30-31.

²⁵ Masri (2007), p. 3-4.

something'. Its long as the law by analogy and *Ijtihad* (*qawaid fiqhiyyah*) is subsumable under the Quran and Hadith (*sharia*) there should be ample room for Muslims to act in the context of animal welfare today.²⁶

Experiments on Animals

Masri's stand on this issue which is the example highlighted in the Malaysian case study, is that many of the experiments that are being done in the name of research and education is probably very easily carried out through today's ICT technologies such as simulations in addition to the usual charts and pictures etc. He abhors the poisoning, starving, blinding or subjection of animals to electric shocks in the alleged interests of science. He urges that curricula related to the issue of animal testing or experimentation in Muslim countries be seriously looked at.

The most important consideration in deciding whether a certain experiment is really necessary or not is to ask whether there is no alternative for it. According to Islam all life is sacrosanct and animals have rights to be protected and preserved much as described earlier in the paper.

The Prophet said "There is not a man who kills a sparrow or anything smaller, without the latter deserving it but that God will questions him about it".

Masri sees no moral or ethical justification to lacerate and prick animals in laboratories when such acts are prohibited on human prisoners, and to allow such a situation is to have double standards.²⁷

The ideal to him would be to set the criterion that any kind of medical and scientific research that is not lawful on humans should be unlawful on animals too.²⁸

The basis for considering whether experiments on animals are necessary or not would be to decide whether such actions are truly legitimate and justifiable. The juristic rules are well defined and are as follows:

- i. The Necessities (*al-Masalih al-daruriyyah*)
i.e. the essential needs or interests without which life cannot be sustained.

²⁶ Ibid.

²⁷ Masri (2007), p. 28.

²⁸ Ibid.

ii. The Requisites (*al-Masalih al-hajiyyah*)

Needs or interests that are required for comfort or relief from pain or any kind of distress, or for improving the quality of life.

iii. The Luxuries (*al-Masalih al-tahsiniyyah*)

Needs or interests that are desirable for exuberance, enjoyment, or even for self-indulgence.

Under category 1 are experiments in medical/scientific research which are essential in the absolute sense for the well-being of humane and animals. The principles under which such experiments are permissible are:

- i. “That without which a necessity cannot be fulfilled is itself a necessity.” This rule only states an exception, and underlines the importance of making sure that the experiment is really a necessity (*wajib*). However, after leaving the door open for the unavoidable necessary cases, restrictive and prohibitive conditions have been imposed by the following Juristic Rules:
- ii. “What allures to the forbidden, is itself forbidden.” This rule implies that material gains, including food, obtained by wrongful acts, such as unnecessary experiments on animals, become unlawful (*haram*). The following verse of the Quran supports this stand when it condemns those who fulfill their needs by illicit means, in these words:
“Why do not their learned men and doctors of law prohibit them from saying sinful things and from eating food gained by dishonest means? Certainly it is evil what they do.” (Quran 5:63)
- iii. “If two evils conflict, choose the lesser evil to prevent the bigger evil.” According to this rule, even genuine experiments on animals are only allowed as an exception and as a lesser evil and not as a right.
- iv. “Prevention of damage takes preference over the achievement of interests or fulfillment of needs.” This rule lays down the principle that the advantages and the disadvantages of an experiment should be weighed from all angles.
- v. “No damage can be put right.”
- vi. “No damage can be put right by a similar or a greater damage.” When we damage our health and other interests by our own follies, we have no right to

make the animals pay for it by inflicting similar or greater damage on them, such as by doing unnecessary experiments to find remedies for our self-induced ailments.

- vii. “Resort to alternatives, when the original becomes undesirable.” This rule has a great bearing on the current controversy about the use of alternatives for animals in experiments, such as tissue-culture and other substitutes. Muslim experimentists should take this Juristic Rule seriously. It places a great moral responsibility on them, as well as on Muslim medical students, to find alternatives.
- viii. “That which was made permissible for a reason, becomes unpermissible by the absence of that reason.”
- ix. “All false excuses leading to damage should be repudiated.”

Conclusion

It is obvious that animal ethics should be a part of the curriculum of religious studies as well as those taking up the various sciences that have research implications. In countries such as Malaysia, think tanks and research centres such as IKIM should strive for not only policy inputs from the religio-cultural perspective to the policy makers but also make inputs to the religious authorities such as the state and National Fatwa Committees. Dialogues between the different stakeholders must be made sustainable especially in mechanism such as the National Bioethics Committees.

The Islamic instruction and guidance on animal rights and men’s obligations concerning them are so comprehensive which should complement their knowledge obtained from other sources. As believers in the revelation of God, they should learn from misconceptions of the past and cast behind parochial/ approaches to religion.

Spiritual development is not following *Shariah* (law) blindly. The theologians should not remain blissfully uninformed on this subject which is generally beyond the pale of their normal responsibilities. Similarly the general Muslims public should be fully aware of the scale on which human pecuniary, selfish and short-sighted interests have started exploiting the animal kingdom and making havoc of the ecological balance.

This paper has attempted to highlight the issue of the lack of proper guidelines in

bioethical issues such as the use of animals in testing.

The tackling of such an issue requires the negotiating of emphasis/focus of religious principles, so-called scientific progress driven by commercial interest and the government's concern with public welfare. In the context of animal testing the experience of such a "negotiation" is exemplified by the example of the role and function of IKIM.

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