

Animal rights in Iran

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Abstract: Animals as God's creatures that have soul as human beings, capture a high rank in Islamic credible literatures and due to their classification of domestic and wild some rights are assigned to them which are emphasized to be considered by human beings. This paper assesses animals' rights position in Iran where is an Islamic country and discusses their natural rights derived from Quran and traditions by Islamic laws consultants and by considering existing instructions related to protection of animals rights in Islam ; analysis the current related laws in Iran. This study aims to understand availability of animals' rights and their protection whereas by considering this fact that many years ago Islam observed animals by protection tendency and attribute certain rights for these creatures. Iran; where its constitutional law is based on Holy Islam instructions may approve animals act through Islamic fundamentals implications.

Key words: *Right; Animal; Domesticity; Animals' Rights; Natural rights*

1. Introduction

Man as the heavenly creatures in all of the religions has special dignity and he has many rights and duties. For years, the various communities have codified legislations about various aspects of human rights and new contents have been added every day: Children's rights, women's rights, worker's rights.

Today, communities are attracting attention to the fact that not only that not only people should enjoy several rights but also all parts of nature should have relevant rights such as mountains, seas, animals and plants. All creatures are under the dominion of human and he takes advantage of them and it is quite surprising that however, Islam provides the obligatory ways to keep and treat animals since more than 1400 years ago, while animal protection associations throughout the world over the past few years have notified this issue (Oram et al., 2011).

2. Animal in terms of logic

Logic is a tool of law and respecting it prevents the thoughts to slip. In logic, creatures are put in an order such as nature, Jumada or object, object name, animal, man; now according to logic, animal is an object and then it is object name and it can grow, feed, reproduce, and other vital activities, and at last, it is sensitive to external stimuli that it feels.

Regardless of the rights or the animal is rightful, it is a living thing that it has the right to exist by God and animals and humans have given equal rights by God, even in cases where the human or the pet owner consider the animal as (right subject), animal

rights should not be violated and humans have some duties against the animals and respecting the animals and not abusing them have been emphasized by God and animal cruelty is forbidden in sources of Islamic law and it has prosecution. (Zimmerman C et al, 2009)

3. Animal in terms of nature

Nature is a vague notion which refers to all creatures that God created in the infinite universe. In general, anything that human is not involved in its creation is called nature. In other words, it is a set of living thing resources as well as the causes and conditions of harmony which exist around every living thing and the continuation of life, human; plants and animals' life are dependent on the environment and conditions. Constituent elements of nature can be divided into two parts of animate and inanimate:

- a) Animate factors are as follows: Wildlife (animals) and vegetation (natural growth).
- b) Inanimate factors are as follows: water, air, soil.

The combination of these factors makes up the planet. However, we call it natural environment today, it is not a pure nature and it is free from alteration and it has been affected by human and generation of many animals has become extinct or they are being extinct which has raised fears of mankind from destroying the natural resources. Thus today, organizations and associations try to prevent the crimes, including human and animal conservation by formulate rules and regulations. Animals in nature are divided into two main parts of domestic and wild. The importance of domestic and wild animals in the proverbial obvious opal and

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environmental scientists will suffice that "The world is incomplete without the presence of a worm."

Human should respect the rights of the animals. The issue of animal rights is only apparent in animals that can be kept as a domestic one. Even the pet owner will be punished for being unjust to the animal and he should be in care of the status of the animal. For example, the most obvious kind of ownership is the right to buy and sell domestic animals, but where the right of the domestic animal is the subject, for example, in a contract to buy an animal, if the animal feeds its babies and separating the mother and child is harmful for both of them and they should not be separated due to the God's commandment and here, the rights of animal is prior to the rights of the owner (Belser 2005).

But where we talk about the rights of wild animals, because the prominent feature of wild animals is that they cannot be sold, people should respect the rights of wild animals and it is not a matter of right under no circumstances, because the wild animals do not have any owner and even wild animals organization "EPA" has no right to sell and trade the wild animals, according to the Article 1 of law about the protection and improvement of environment which was adopted in 1972, and the Article 1 of the law about the Hunting and Fishing in 1967, the organization shall be responsible for maintaining and protecting all the wild animals, it is never considered as the owner of the wild animals. Therefore, it is obvious that, the right of wild and domestic animals is clear and decisive (Van der Laan et al., 2011).

4. Animal's awareness and sense (wisdom)

The evolution of animal rights is tied to the history of human thought. Myth of unintelligent animals but innocent as well as the myth of "noble savage" has become history; many research have been done on animals, because since the 1970s, it was thought that animals are creatures that act on instinct and their various behaviors have a genetic basis, but new research result shows that animal's behavior is much more similar to human behavior than we used to believe before. Animals feel pain, they understand the psychological pressures, and they understand kindness, compassion and love toward each other, and they even experience different rites during their life; For example, elephants mourn for the death of a family member and they stand motionless for several days beside the body of a dead elephant or the geese try to show the direction to their goslings; therefore, a kind of knowledge transfer and learning can be seen in these animals, many animals have intelligence and they are able to solve their problems by innovative ways. All these researches led to change our attitudes and behavior toward animals and they also have legal rights (Ostrovski et al., 2011).

The argument about a person is a new thought. Definite boundary between animal and human has gone today so that a person has been replaced by a

human being and the features of being a human have been limited to the ability to use reasoning for problem solving, his use of language in communication and self-awareness and memory function. "Coco" is a gorilla that has the ability to use and understand more than 1,000 signs and several thousands of English words. The intelligence quotient scores of this animal vary 90 to 75 in human IQ tests. Although it is considered as unintelligent in this scale, it is not unintelligent at all. Another example is "Chantk" at the National Zoo in Atlanta. It is an orangutan and it has shown that it has the ability to recognize its body parts in the mirror and it uses mirror for washing its teeth and setting its glasses. The average ability of many chimpanzees and gorillas is the same as a 4 year-old child (Hossain et al., 2010).

5. School of animal's ethics

There is no difference between humans and animals in the school of Animal's Ethics and it is stated that these differences have been created only to justify the abuse of animals. In this regard, relying on the intrinsic value of animals as individuals, this perspective has been emphasized so that animals must have intrinsic value, regardless of the direct and indirect benefits and they are regarded as the same ethical considerations of human. As a result, the aim and the end of this philosophical system in general, are to ban the use of animals. As the "The Defense of Animals", animals are considered to have moral rights. The basic criterion of moral considerations is on the basis that every living thing has a way of life and regardless of its value to others, it is also important for itself. As a result, this school rejects any use of animals (Tsumumi et al., 2008).

6. School of animal's welfare

Another school of thought compared to other schools which is more interested is called animal's welfare which has beneficial nature and it is result oriented to some extent. According to this view, if the benefits and consequences of human actions overcome the pain and suffering inflicted on animals and the detrimental effects upon the promise of positive results is vital to human life, in this case it would be justified from a moral dimension.

Claiming the view that any discussion on the use of animals to meet human needs is not essential, it is trying to regulate its dimensions and the goal is to make a framework of how to use and limit them along with the requirements with the least amount of pain and suffering damages. In other words, by the approval of the human use of animals at the same, it expresses his direct and moral responsibility to them (van der Laan et al., 2011).

7. Supportive provisions of animal's right in jurisprudence

The legal system of Iran originates from Imami jurisprudence and Islamic doctrine and Imami jurisprudence are considered as law for us. In the absence or silence of the law with regard to Article 167 of the constitution, sources of Islamic law and religious precepts are invoked. Due to the lack of law about the animal's rights on one hand and regarding the sources on the jurisprudence in this respect and provisions and orders by God which are all within the context of the right to live, ownership, nutrition, reproduction, health, home and prohibiting the exploitation of domestic and wild animals and other rights by the separation of domestic and wild animals and with regard to the validity of the provisions in its absence, then, we can benefit from it and the following are some of the jurisprudence cited (Zimmerman et al, 2009).

8. Conclusion

Nature beings are all the manifestations of God's power and they are all precious but ranking and hierarchy can be seen among them and human beings is prior to animals. But the sense of honor and integrity do not mean ignoring the honor and dignity of other creatures. Through the study of history, philosophers and other thinkers, we can conclude that animal's positions have always been debated and the human mind has been involved. Whether animals have wisdom or not has created a school of thought so that human behavior is ethically and legally more variable than those based on more knowledge. What we can conclude by the words of Imams about the importance of supporting the rights of animals, it is a manifestation of mercy and compassion towards animals and the evidence for the claim that all creatures of God such as animals have rights in Islam. Islam, in its universal aspects, has expressed the terms and comprehensive statement of the rights of animals. And the rules are accurate and detailed so that it is unprecedented.

References

- Belser P (2005). Forced labour and human trafficking: estimating the profits. Geneva, International Labour Organization.
- Hossain M et al. (2010). The relationship of trauma to mental disorders among trafficked and sexually exploited girls and women. *American Journal of Public Health*, 100(12):2442-49.
- Oram S et al. Animal law, national policymaking and the health of trafficked people in the UK. *Health and Human Rights*, 2011, 13(2):7-12.
- Ostrovski N et al. (2011). Women in post-trafficking services in Moldova: diagnostic interviews to assess common mental disorders over two time periods among returning women. *BioMed Central Public Health*, 11:232.
- Tsutsumi A et al. (2008) Mental health of female survivors of Animal Rights in Nepal. *Social Science & Medicine*, 66(8):1841-47.
- van der Laan P et al. (2011) Cross-border trafficking in human beings: prevention and intervention strategies for reducing sexual exploitation. *Campbell Systematic Reviews*.
- Zimmerman C et al. (2009) Meeting the health needs of trafficked persons. *BMJ*, 339:b3326.