

Background Information

Workshop

God's Justice and Animal Welfare

A Seminar Organised by the Junior research group “Norm, Normativity and Norm Changes” at the Department of Islamic-Religious Studies, Friedrich-Alexander University Erlangen-Nürnberg organised by PD Dr. Abbas Poya and Isabel Schatzschneider

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In the recent past there has been some attempts worldwide to obtain legal rights for animals in court procedures. In 2014, Argentine appeals court recognized the basic legal rights of an orangutan named Sandra who was born in a German zoo and sent to Argentina. An animal rights group argued that she had been wrongfully forced into a life of incarceration. The appeals court declared that Sandra is a non-human person, who has been wrongfully deprived of her freedom. Sandra is freed and transferred to a sanctuary.

One central theme within the topic of justice and animals is the concept of legal personhood. In the western legal system non-human beings are not objects. However, they are handled as such as they do not fit the criteria of falling within the concept of legal personhood. This classification is limiting their rights and is restricting the discourse of just treatment of animals. Traditional western theories of justice either totally excluded non-human animals from their accounts or do not explicitly give facts about non-human animals in determining the facts about what justice demands. Contemporary scholars (like from Martha Nussbaum, Sue Donaldson, Will Kymlicka and Robert Garner) however tackle this exclusion and highlight that there are a variety of theoretical perspectives in ethics and social/political philosophy including consequentialist, deontological, and virtue theoretic approaches that can make room for the idea that non-human animals have an ethical status, and the idea that this has a direct impact on what justice involves.

The seminar on God's justice and animal welfare will be conducted within the junior research group “Norm, Normativity and Norm Changes”. The central objective of the junior research group is the search for answers to the question, if and to what extent justice is addressed as a normative theory for societal order in Islam. The term justice will thereby be analysed regarding aspects of legal theory, theology and empiricism.

The discussion on justice and animals finds consideration in the following fields: *al-kalām* (theology), *al-aḥlāq* (ethics) and *al-adab* (etiquette), *at-taṣawwuf* (Sufism), *as-siyāsa aš-šarī'a* (good governance according to *šarī'a* law), *al-fiqh* (Islamic jurisprudence), *maqāṣid aš-šarī'a* (the higher objectives of the sharia) and social justice (*al-'adala al-ijtima'iyyah*).

Justice is one of the foremost ethical and legal values in the Qur'ān. The concept of justice also

encompasses non-human beings. Animals and the natural environment are semantically and ontologically linked with the concept of God and its creation. They are presented as signs (*āyāt*, sing. *āya*) that point to the existence of the Creator, His Omniscience, Absolute Will, Omnipotence, and other Divine Attributes. Furthermore, from an Islamic perspective all living creatures possess a nonphysical force of spirit and mind. Additionally, the earth was created for all creatures on this earth, including humankind, animals, and other types of organisms. Humankind's superiority lies not in its enjoying any higher powers or control among created beings, but in humans' accountability before God.

From an ethical perspective it is a duty to treat animals, insects, and other organisms with care and respect, and to avoid any form of abuse and harm. Good deeds shown to other living beings and nature are highly rewarded. It is highly recommended to encourage any actions that improve the lives of animals and to remove anything harmful to them (*al-amr bi-l-ma'rūf wa-n-nahy 'ani l-munkar*).

In Islamic property law animals are assets and therefore subject to ownership and possession. Despite the differentiation between legal objects and animals; legally they are under the power of disposition of humans. Ownership confers significant rights of control that are intended to be exercised in the owner's interest. Consequently law classifies animals as "other" in relation to human beings.

Within the context of justice and animals the most central questions that arise can animals receive just treatment? And is it possible to have equal rights for humans and animals? Solutions have to be found on how animals might be integrated into a human-centric legal system.

This seminar therefore aims to fathom the understanding of to which extent non-human animals are recipients of justice in Islam. The first objective is to show how animals are included in the academic discussion of justice both in the Western and Islamic tradition. Secondly, it should be critically reflected how the Western academic discourse excludes animals in a legal justice system. Thirdly, how the Islamic framework on justice and non-human beings can be integrated into the already existing scholarship on the inclusion of animals into a theory of justice.

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