

THE PHILOSOPHICAL INTERPRETATION OF JUSTICE IN THE QUR’ĀN

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Abstract:

In this paper we shall be examining the concept of justice in the Qur’ān, through the understanding of classical Islamic philosophers, especially Miskawayh (422/1030), Al-Raghib al-Isfahani (approximately 453/1060), and Imam al-Ghazali (/5051111). Through a comparison of their views we are able to show how the philosophical concept of justice from Greek antiquity filtered through to Muslim philosophers, and how they interrogated the philosophical concept into the Qur’anic world view. In other words, the Muslim philosophers, inspired by the Arabic translations of Greek philosophical works, were able to provide a philosophical commentary on the Qur’anic concept of justice. Whereas for Aristotle, justice means ‘equality’, and the justice of the law of society, for the Islamic philosophers, justice was not just treated as a legal concept, but also a moral concept, and they insisted that true justice must begin with the justice of the self, and then be transferred to the justice of society. Through the justice of the soul, the person should be able to transcend legal justice, and balance it with benevolence. Thus, the basic requirement for society is legal justice, but we also need to practice the virtue of benevolence, which means that we are prepared to forgo our justice, our human right, for the sake of others. In this sense, benevolence is superior to justice, as it is not constrained by the law, but stems from the voluntary expression of the human soul.

Key words: Justice in the Qur’ān, Miskawayh, Al-Raghib al-Isfahani, Al-Ghazali, equality.

Introduction

This paper deals with justice as a virtue in the Qur’ān, and we will limit the discussion to the linguistic, theological and philosophical meanings of justice. For the philosophical meaning of justice we shall draw upon the thought of Imam al-Raghib al-Isfahani, the eleventh century Islamic philosopher and Qur’anic scholar.

There is an urgent need to revitalize the concept of justice as a virtue, as the focus in the Islamic and Western worlds has been on the juridical and political aspects of justice. Since the European enlightenment the classical philosophical conception of justice has been replaced by individualistic conceptions of human nature, with focus on human rights, but for a society to operate with full justice we need right humans. For peace and justice to prevail in the society, we do not only require laws of justice, but also people of justice.

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Why is justice such an important concept? Of all the four cardinal virtues, justice is probably the only good that is an absolute good in itself. Wisdom, temperance and courage are goods when they serve good ends, but justice transcends them all. One can exercise wisdom, courage and temperance for evil ends; but not so with justice. Justice is a comprehensive virtue as it is not only concerned with the justice to the self, but also to the justice of others. Justice to the self basically means that reason has supremacy over passion.

Qur’anic justice transformed barbaric pagan society that lived in the age of ignorance (*jāhiliyyah*). Ignorance in this context implies the ‘reckless temper’ of the pagan Arabs who were prone to violence (Goldziher, 1967: 202f.). It is the haughty spirit of ‘manliness’ that inspired blood feuds (Izutsu, 1959: 23f.). The Qur’ān transformed the tribal morality of the Arabs into a personal morality: ‘No burdened soul shall bear the burden of another, and every person will be accountable on the Day of Judgement for himself’ (Q. 13:89; 31:32). It favoured a universal brotherhood in which kindness and equity should count for more than custom and law. Prophet Muhammad responded to the challenges of his time, and curbed the barbaric cruelty of the pagan Arabs. The Qur’ān devotes two hundred verses admonishing those who are guilty of injustice and oppression.

Belief in One God is fundamental to Muslim ethics and is the foundation of man’s accountability to God, as well as of his happiness in this world and the next. The various religious, legal and moral obligations are interconnected because they are subsumed under God’s will. However, people also obey God because He is good, and their pure innate nature (*fiṭrah*) predisposes them to good. The Qur’ān recognizes the human innate goodness that enables us to admire the virtues of others. No one likes to be called a liar, a thief or a drunkard. Even a thief does not like to be called a thief! More than forty-five references in the Qur’ān appeal to man’s universal moral conscience and his innate sense of good and evil, e.g. Q. 7:157; 16:90; 7:28; and 7:33 (Draz, 2011: 63). Justice appeals to innate human nature and innate reason, and therefore falls in the category of natural justice.

The Qur’ān provides the principles of justice, and all scholars agree upon these principles, but they have, over the centuries, disagreed on how it should be implemented. Al-Isfahani, drawing upon the knowledge of his time, applied Ijtihad, and developed his own theory of justice. He tried to integrate the existing knowledge of justice into an Islamic framework of justice.

The Linguistic Meaning of Justice (‘Adl)

The most common usage for the word “justice” in Arabic is *‘adl*, and it has many synonyms, which may have a slightly different shades of meaning. The most important of these related words are: *qist*, *istiḳamah*, *wasat*, *nasib*, *mizan*. The opposite of justice is *jawr*, which has synonyms such as *zulm* (wrongdoing), *tughyan* (tyranny), *inhiraf* (deviation). These are terms of right and wrong, justice and injustice, and are used in the broadest sense to connote ethical and religious meanings.

The Arabic word *‘adl* (justice) comes from the root verbs, *‘a-d-l*, which means: to be equal to, to be just, to be straight, to be temperate, the happy medium. This verb appears 14 times in the Qur’ān, and is used in the following senses: To act equitably, to judge justly: *wa-umirtu li-‘a’dila baynakum* (I am commanded to decide justly between you) (Q. 42: 15); To offer as an equivalent, to compensate: *ta’dil kulla ‘adalin la-yu’khadhu minha* (Whatever compensation it might offer, will not be accepted from it) (Q. 6: 70); *To deviate, to turn away: bal hum qawmun ya’dilun* (but they are a people who deviate) (Q. 27: 60) (Badawi and Haleem, 2008)

The noun, *‘adl*, which is derived from the verb, appears 14 times in the Qur’ān, and has the following meanings:

Justice, fairness, equity: And when you judge between people, judge with justice (*b’l ‘adli*) (Q. 4:58); (One who commands to justice (*bi’l adli*) (Q. 16: 76) Uprightness: (Call two upright witnesses (*‘adlin*) from among you) (Q. 65:2).

The word *‘adl* also means equivalence (Q. 5:25) and recompense (Q. 6:115)

A related word to *‘adl* is *qist*, which comes from the root q-s-t, which means: justice, balance, share. Words with this root occur 25 times in the Qur’ān:

Tuqsit: to act justly: ‘And if you fear that you cannot deal justly (*la-tuqsitu*) by the orphans [in marrying them], then marry those women who seem agreeable to you’. (Q. 72: 14)

Muqsitun: those who act justly, fairly, even-handedly: ‘Then if it[the aggressive party] returns, put things right between them equitably, and be sure, Surely God loves the just’ (al-Muqsitin) (Q. 49:9)

Qist: justice: ‘My Lord commands to justice’ (*b-il qist*) (Q. 7: 29) (Badawi and Haleem, 2008).

Qist is also used to denote the balance of equity, and the Qur’ān uses the metaphor of balance to indicate justice. In Q. 57:25, balance (*Mizan*) is revealed by the Book in order to observe equity (*qist*) on behalf of humanity. In legal vocabulary justice means the integrity and probity of a witness, who must be just in court, and this is also hinted at by the use of the word *qist* (Q. 4:135) where people are warned to act justly even if it is against one’s parents and relatives. That is to say, emotions should not come in the way of justice. “So follow not personal inclinations, lest you not be just” (Q. 4:135). The word is also used with reference to obligations in commerce: “O my people, give full measure and full weight in justice (*bi’l qist*), and reduce not the things that are due to the people, and do not commit mischief in the land; causing corruption” (Q. 11: 85) (Campanini, 2006: 12-14; Izutsu, 1959: 212-214).

The notion of *‘adl* as equality or equalizing is used in the sense of equating one thing with another. It could be used in the abstract sense of the principle of equality, which means

the equality before the law, as in: ‘The Believers are indeed brothers’ (Q. 49: 10). The principle of distributive justice is expressed in *qist* (share), *mizan* (scale), *taqwim* (straightening). The notion of balance is expressed in the word *ta’dil*, and the notion of moderation between two extremes is expressed in the word *wasat*.

The opposite of justice (*‘adl*), is injustice (*zulm*), from the verb *zulima*. The verb signifies to be wronged (Q. 22:39), and to be denied what is one’s due (Q. 21: 47). The noun takes on the following meanings in the Qur’ān: injustice (Q. 20:111), wrongdoing (Q. 6:82), placing something in the wrong place, or attributing some wrong to a person (Q. 25:4) (Badawi and Haleem, 2008).

Isfahani defines *zulm* in accordance to the last- mentioned meaning, which is to: “put something not in its proper place”. He provides the analogy of a dot in the centre of the circle as representing justice, and the deviation from this centre as injustice; citing the verse: O indeed, those who believe and debar others from the path of Allah have gone far astray’ (Q. 4:167). This deviation is *jawr* [injustice]; but a more comprehensive term is *zulm* [injustice]. Since injustice is to abandon the truth, or the centre, then it is to be removed from the centre, near or far. Isfahani then quotes the following two verses: But the devil wishes to lead them far astray (Q. 4:60); and ‘It is as if, those were called from a distant place’ (Q. 41:44) (Isfahani, 1987: 357).

There are three kinds of injustice (*zulm*) in the Qur’ān. The first is between man and God; anyone who rejects faith in God is an aggressor (*zalim*): “Those who reject faith and do wrong-Allah will not forgive them (Q. 4:167). The second is between man and man, which is the worst kind of injustice. “Those who unjustly eat up the property of the orphans, eat up a fire into their own bodies” (Q. 4:10). The third is between man and himself. “They harmed Us not but they used to do injustice on themselves (Q. 7: 160) (Berjak, 2006:711).

The Theological Meaning of Justice

The theological meaning of justice is established by the *kalam* scholars who interpreted certain verses of the Qur’ān about God’s power and justice, and human freedom and responsibility. While theologians agreed that justice flows from God, they disagreed as to whether it is an expression of His will and Power or an expression of His Perfection. Two major schools emerge from the debate; one school giving more emphasis on God’s power, and the other more on human capacity and responsibility. The forerunners of the two schools were the Qadarites and the Jabarites, and they started the debate about man’s capacity to be the author of his actions. They wanted to know the extent to which man is responsible for his actions and accountable to God’s justice. The main discussion centered on the relationship between human free will and divine destiny.

Divine destiny or *qadar* (measuring out, divine determination) is used synonymously with *qudrah* (ability, power). It is found in several verses in the Qur’ān and it is used as the

basis for the doctrine of predestination. Divine destiny also implies God’s power and knowledge (Q. 2:256; 6:9; 54:49; 15:21). Various Islamic thinkers have dealt with the problem of freedom (*huriyyah*), choice (*ikhtiyār*) and free will (*irādah*). The theologians (*mutakallimūn*) are mainly concerned with the relationship between the divine will and human will, and how the former limits the latter (Nasr, 1981: 18-23). Their focus is on whether God predetermines human activity or whether human beings are free to act. Divine destiny is implied in the verse ‘He created everything and meted out for it a measure’ (Q. 2:25). The word *taqdīr* means to fix for a thing a certain measure and has several implications, one of which is that God has endowed every being with certain qualities or potentialities peculiar to it. The question that is posed is whether divine destiny determines man’s fate in the hereafter. Most scholars hold the view that it does not determine man’s fate, as man is a free agent. . However, if divine destiny implies God’s foreknowledge of future human actions, how can man be made be held responsible for his actions? Theologians grappled with this question and came up with various answers. The early predestinarians (Jabarites) held that man does not have free will, but the libertarians (Qadarites/Mu‘tazilites) held that he does. The Ash‘arites attempted to reconcile these two extreme positions (Watt, 1973: 82-89). The predestinarians were inspired by Qur’ānic verses that stressed the absolute power of God over all human actions, while the libertarians were inspired by those that accentuated man’s will and responsibility (Wolfson, 1976: 734). The predestinarians base their arguments on verses of the Qur’ān that imply God’s absolute power: ‘To Him belongs the dominion of the heavens and the earth. He brings to life and causes to die, and He has power over everything’ (Q. 57:2) and, ‘Say: “Nothing will befall us except what Allah has decreed for us”’ (Q. 9:51). They also emphasize the verses pertaining to God’s foreknowledge: ‘He knows all things’ (Q. 57:3); ‘He is fully cognizant of what ye do’ (Q. 63:11); ‘Allah surely has the knowledge of the Hour and He sends down the rain. He knows what is in the wombs, whereas no soul knows what it shall earn tomorrow; nor does any living soul know in what land it shall die. Allah is all-knowing, well-informed’ (Q. 31:34). The libertarians, however, deny God’s knowledge of future events, for they say that ‘one cannot properly be a knower, unless an object of knowledge is already existent’. Divine foreknowledge nullifies free choice. Some libertarians, instead of denying foreknowledge, only denied its causative function; that is, it does not cause the generation of the thing. For them this resolved the contradiction between God’s foreknowledge and man’s free will (Wolfson, 1976: 661-662). Some Mu‘tazilites and philosophers such as Ibn Sīnā also held the libertarian view of denying God’s knowledge of future events. This was one of the reasons for al-Ghazālī’s critique of Ibn Sīnā. In modern times, Sir Muhammad Iqbal, the Indo-Pakistani poet-philosopher, tended towards the libertarian view in reaction to Indian Muslim fatalism.

The middle view reconciles the predestinarian and libertarian views, and is represented by the Ash‘arite and Māturidite schools. The Ash‘arite school, founded by Abū al-Ḥasan al-Ash‘arī (d. 324/935), reacted against the Mu‘tazilite denial that human acts were created by God and their limitation of God’s foreknowledge. The Qur’ānic perspective is clear about God’s knowledge of particulars when it states: ‘There does not escape Him the weight of an atom in the heavens and in the earth’ (Q. 34:62). Thus, al-Ash‘arī held that God has absolute power and knowledge and that man’s acquisition (*kasb*) is created by God at the very moment

of the act. This created power is essential for voluntary action. Thus, man acquires the act that God alone can bring into existence. Man’s appropriation of the act created by God gives him a free will that renders him responsible for his actions. The Mu’tazilites also held that man is responsible for his actions, but they regarded him as a doer and a creator, whereas the Ash’arites do not believe he is the creator of his actions, only an acquirer, because God is the creator of man’s deeds, as stated in the Qur’ān: ‘And Allah has created you and what you do’ (Q. 37:96).

The Ash’arites denied causality within nature. God does not have an arbitrary power, but has power over all action, even evil. However, he does not desire the evil action, nor does he command it. Thus, human evil does not reflect on God’s moral nature (Legenhausen, 1988: 259). The Ash’arite solution appeals to the majority of Sunnī Muslims. Our actions cannot be predetermined, for than God cannot hold us to account for our actions on the day of judgement. For divine justice to make sense we have to have the freedom to act autonomously; however, this power to act out of our free will comes from God, who creates it within us every time we perform an action, even if it is evil. God does not desire us to commit evil deeds, but he creates our actions, at each moment that we act. It is we humans who desire to commit an evil act; hence we are punished by God for it on the Day of Judgement.

Justice is an expression of God’s will; not human freedom; for God is the creator of everything: “Surely, Allah has power over everything” (Q. 2: 19). Ash’ari argues in *The Ibanah* that although; “Allah does not desire any injustice for mankind” (Q. 3: 108), this does not mean that He did not create human injustice. He did, however, create the injustice of man to his fellow men (Khadduri, 1984:57).

The Maturidi-Sunni perspective is slightly different from that of the Ash’ari; while it acknowledges divine power, it does not accept that God creates actions at every moment, but He does grant man the original capacity to act with a free will. The Mu’tazilites, who represent the libertarian position, in stressing the justice of God, they granted man complete autonomy to act as he pleases as a free being, without any intervention from God. The problem with this position is that it appears to limit God’s concern in human affairs to a Judge that will reward or punish His servants on the Day of Judgement. What about God’s mercy and compassionate? Would He just leave man alone, to act autonomously, and not allow him to turn to Him for compassion and forgiveness?

The Turkish author of *Risale a-Nur*, Bediuzzaman Said Nursi, supports the Ash’arite view that God determines all actions, but that evil actions are the responsibility of the person himself. God gives man the power to sin at that moment, but it is man who chooses and desires to commit the sin himself. Nursi states: My servant! Whichever way *you wish* to take with your will, I will take you on that way. In which case the responsibility is yours! (Nursi, 1997: 138; cf. Nursi, 1993: 483). Thus, God grants man the freedom to make choices, which makes him responsible for his actions. He ought to exercise his autonomy for the sake of humanity and within the framework of God’s ethical commands.

As indicated, it is not only a matter of freedom and responsibility, but also the question of who we are responsible to. First of all, the Qur’ān makes it clear that man is a free being: ‘The truth is from your Lord. Whoever wishes, let him believe; and whoever wishes, let him disbelieve’ (Q. 18:29). Thus, there is no coercion in Islam, and man is even free to reject faith; but he is responsible to God for his actions. There are verses stating that God has sealed the hearts of the disbelievers, but this is only an arbitrary act of God, for ‘God will not guide those who reject His signs’ (Q. 16:104); ‘God will only lead astray those who are wicked’ (Q. 2:24); and ‘God will only seal up those hearts that are arrogant’ (Q. 40:37). There is no redemption in Islam, and every man will gain the reward according to what he earned: ‘Man gets nothing but what he strives for’ (Q. 53:39) and ‘God does not change the condition of the people unless they change themselves’ (Q. 13:11). The predominant meaning of this verse is that God will not bless man by improving his condition unless he changes his inner state to become a recipient of God’s grace (Asad, 1980: 360). This accords with the views of Ibn Kathīr, al-Ṭabarī, Ibn al-Jawzī and al-Qurṭubī (Idris, 1983: 3-5).

In the end, how are we to know the extent of God’s intervention in our actions and the extent of our own free will? We will never really know the mystery of God’s workings. We do have free will and act as though we have it, knowing full well that there is a higher divine power that determines all actions. Without this divine power no action can take place, whether good or evil. Needless to say, God never desires evil, but grants us the power to perform the evil deed; we alone desire it and will it, and therefore should take responsibility for it. Draz (2008: 108) states:

When we act, we have no intentions of acting as instruments of God’s Holy will, since we know nothing of this divine will in advance. Leaving all other considerations aside, we accept it pure and simply as our own and thereby sign our agreement. So man becomes responsible in doing so, as if he becomes a debtor as soon as he surrenders his surety. We can now see why the Qur’ān insists on proclaiming our responsibility before God, in the very passages [e.g. Q. 16:93] where it seems to subordinate human will entirely to divine will.

Man is responsible for his actions because he will be held to account on the Day of Judgement and will be rewarded or punished in accordance with what he has earned in this world, which is basically a testing ground for humanity. ‘God made the heavens and the earth in truth, so that each soul could be rewarded for what it had earned’ (Q. 45:22). Also: ‘He it is who created the heavens and the earth in six days – and His throne was upon the water – that he might test you, as to which of you is best in conduct’ (Q. 11:7).

The Philosophical Meaning of Justice

Philosophical justice is justice defined by philosophers, who tried to harmonize philosophy with revelation. The Muslim philosophers gave importance to reason in their conception of justice, and they benefited from some Greek ideas on justice, and integrated them into an Islamic context. Al-Raghib al-Isfahani was particularly careful not to imitate

Greek thought blindly, but integrated very carefully some philosophical ideas into an Islamic metaphysical world view, and supported his theory of justice through extensive quotations from the Qur’ān; not for the sake of literary and religious embellishment, but to make them part of the argument. Like Miskawayh and other ethical philosophers before him, Isfahani held that justice is not only about legal rules, but also about the moral dispositions towards good or evil. Western law focusses on legal justice, as it is more applicable to human rights; but the Qur’ān’s focus is on human obligations. Through obligations the rights of others are fulfilled. These are obligations to God, to the self, and to others.

Al-Raghib al-Isfahani, although inspired by Aristotle’s view of natural justice, connected natural justice with divine justice. Justice is viewed in relation to God’s will, and its bearing on the destiny of man. Justice is one of the pillars that supports the world; and without it, the order and balance of the world would be disturbed (Isfahani, n.d.: 337).

In relation to the justice of the world, the Qur’ān uses the word *mizan*, signifying that God, the All-Just, administers the balance of all things in the universe, with nothing lacking in it. That is, there is no injustice and imbalance found in it. Thus, by reflecting on the balance of the universe, we are reminded to act with justice in all things. Thus, the Qur’ān states: *It is Allah who sent down the Book in truth; and the Balance too* (Q. 42:17).

And He said: *And the sky, He raised and He set up the balance. That you may not transgress in the balance* (Q. 55:7).

So God used the word *al-mizan* to refer to justice, because justice results in balance, and balance manifests concrete actions of justice (Isfahani, 1987: 350). Justice is also the reason for which the world has been created: ‘God made the heavens and the earth in truth, so that each soul could be rewarded for what it had earned, and they will not be wronged’ (Q. 45:22). Justice and balance have originally been planted by God in all things and beings in the universe, and therefore, the phenomenal world is a manifestation of divine justice. Thus, “Such is the artistry of God, who has created everything with due wisdom, balance and perfection” (Q. 27:88).

Iṣfahānī views justice (*‘adl*) as a principle of equality and a mean between excess and deficiency. It is an innate human disposition. It is the infinite orderliness of God’s actions. Man’s justice is imperfect, but for it to approximate divine perfection, it must come from the moral self, not from laws. It is only God whose justice is absolute, for He alone can count everything. ‘He encompasses whatever they have and numbers everything’ (Q. 72: 28).

Justice appeals to innate human nature. Righteous people would honour their agreements, be delighted by acts of justice, and are offended by acts of injustice. They are not moved by fear of retribution, human or divine; but by reason. Reason moderates the lower elements of the human soul, desire and anger. This view became standard among all Islamic philosophers of the eleventh century, including Miskawayh, al-Isfahani, and al-Ghazali.

These Islamic philosophers, as mentioned, have adopted the four Platonic virtues, and integrated it into an Islamic context. The rational faculty must predominate over the concupiscent and irascible faculties, and when these faculties are in balance and harmony, temperance, courage, wisdom and justice will emerge. These virtues, combined with faith in God, will lead to the happiness in this world and the next world. Justice to others will only come about if reason predominates over desire and anger; this means that the justice of the self must occur first. Reason must control desire and anger, and put them in their proper places, as subordinate to the rational soul. Courage and temperance will then emerge as the mean between two extremes. This is the justice of the self, and it is the key to the justice of the society. As already mentioned, it is the mean in virtue that we are required to nurture, and that is, to avoid all excess, and to follow the path of moderation. In other words, the rational faculty should control the animal self. But if the animal self is dominates reason, it would be an injustice to God and to the self. The Qur’ān reminds man to pursue the middle-path: “Pursue the middle path as you have been commanded” (Q. 11: 112).

According to the Aristotelian conception of virtues, the predominance of reason over the lower faculties is the key to happiness in this world. The modern conception is in agreement with the Aristotelian idea that happiness is confined to this world only; but whereas for the former happiness is tied up with a standard of moral conduct, for the latter there is no such a standard. But in the worldview of the Qur’ān, happiness is not confined to this world only, but extends into the hereafter; in fact, the Qur’ān confirms that the happiness of the hereafter has a direct relation to the happiness in this world, and that although the happiness in the hereafter is permanent, an element of that happiness can be experienced in this world, provided man attains the justice of the self.

Justice to the self also implies the affirmation and fulfilment of the covenant that the soul has sealed with God. Justice in the Qur’ān does not refer to a state of affairs such as: “Between one man and another; or between society and the state; or between the ruler and the ruled; or between the king and his subjects”. Justice is basically a condition whereby a man is in his right and proper place, and this is not just merely a situation in relation to other people only; but also to his condition in relation to himself. Justice primarily refers to a man’s relation to himself. The Qur’ān makes it plain that when a man is unjust, he is actually being unjust (*zalim*) to his self. That is to say, if man allows his carnal soul to dominate his rational soul, and does wrong to others, and disobeys God, he is in fact committing an injustice (*zulm*) to himself. In other words, if he has wronged his own soul, he has put his soul in a place where it does not belong. He has abused his soul, and made it exceed the bounds of its own real nature and caused it to deviate from the true path (Al-Attas, 1995: 65-68).

Social justice in this sense is not merely conformity to the external law, but also requires self-discipline and control over the emotions. Hatred for others should not lead to the avoidance of justice. It is in this sense that the Qur’ān states: ‘You who believe, stand in front of Allah as witnesses of equity (*shuhadā’ bi al-qisṭ*) and your hatred for other men does not allow you to turn away to act justly (*‘alā allā ta’dilū*). Act justly (*i’dilū*), this is nearest to piety’ (Q. 5:8).

Here we also notice the relation between justice and piety (*taqwah*) in the Qur’ān. The word *taqwah* implies an awareness of divine justice; that one is accountable to God for one’s actions. Thus, one must not be so moved by anger and hatred, that justice turns into revenge, and one commits a greater injustice towards one’s opponents. Thus, the believer is exhorted to maintain self-restraint through his awareness of God’s justice. When the Prophet Muhammad conquered Mecca, he did not seek revenge, but forgave his bitterest enemies. Thus justice as a moral virtue should be nurtured in the human soul; otherwise it can lead to a new form of injustice. To be sure, moral justice is essential for overcoming self-centredness, which is the root cause of injustice in this world.

So far, we have looked at justice mainly as a moral concept, but as a legal concept it implies equality. Equality could mean either the equal distribution of good (distributive justice) or the punishment for a wrong that was done (rectificatory justice). Isfahani adopted these two legal categories of justice from Aristotle, but placed them in the context of the revealed law. But legal justice can only be administered through the courts. However, there is a value higher than justice, and that is benevolence.

And if you are in a position to judge between two persons, then you cannot apply anything but justice [*adalah*]; but benevolence depends on the two parties who are under judgement. It means to forgo one’s right to justice; which is in a sense to forgive the person who has done wrong, as the Qur’ān states: ‘To forgo it is more righteous. And do not forget to be bountiful to each other. Allah sees what you do’ (Q. 2:237). Furthermore, God elevates those who act with grace: ‘To those who do the good is the best reward and more’ (Q. 10:26) (Iṣfahānī, 1987: 356). God prescribes retaliation as a form of justice, but grants the believers the option to act with benevolence, which is spiritually beneficial, as it acts as an atonement for them. “And We prescribed to them therein that a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds retaliation; but whoever forgoes it charitably, it would be an atonement for him” (Q. 5:45). Thus, acting with benevolence is not enforced, but it is a matter of free will, and a better way of dealing with matters of conflict.

Just as God is benevolent and compassionate towards His servants, His servants are required to be benevolent and compassionate among themselves: ‘They are compassionate towards each other’ (Q. 14:48). Just as God is just, so should His servants be just towards people. Justice is the basic requirement of the law and is important for order in society. But benevolence is to be kind and forgiving. If justice means that two persons should each receive an equal half of a loaf of bread; then benevolence would be for the one person to forgo his right to his half share, and give it to the other person in greater need. This is not the justice of equality, which requires that the bread be divided into two equal halves. But it is benevolence, as it arises out of the person’s good nature, and it is a voluntary action of the human soul.

Thus, because of this dynamic inter-relationship between the justice of the self, and the justice of society, benevolence is made possible. Human rights and the laws of punishments are enforced in modern society. However, if the society were to be characterised by the moral

traits of love, mercy, benevolence and generosity, there would be no need for legal justice. However, this is an ideal situation, and the reality is that people tend to be self-centred, and so are bound to commit all kinds of crimes. That is why we need the laws of justice to maintain order in the society. However, this is not enough for people to become good citizens; they also need to acquire the virtues.

For Isfahani, there are five things in which a man should practice justice: (1) that which stands between him and his Creator, which is the knowledge of His Oneness and Laws; (2) that which is between the faculties of the soul, which is to make his caprice submissive to his intellect. It is said that the most just person is he who is more just to his intellect than to his caprice; (3) that which is between him and his forefathers; which is to follow their good advice and pray for them; (4) that which is between him and his ancestors, which is to fulfill their rights and being fair in relation to them; as in selling, buying, honouring them, and in contracts and leasing activities; (5) dispensing justice among people through the rule of law, and that is aimed at the governors and their Caliphs.

By contrast, injustice for Isfahani also has five categories:

First, the injustice to the Almighty Lord; second, the injustice to the faculties of the soul; third, the injustice to the ancestors; fourth, the injustice to those who deal with him from among the living; and the fifth, the injustice to the common people. Isfahani states: The most unjust person is one who wrongs his own soul, his own relatives, and then the rest of mankind. And the most just among people is one who is just to all people, his relatives and then with his soul. That is to say, the unjust person cannot be unjust to others unless he transgresses himself first (Isfahani, 1987: 357).

The two passages above are related in the sense that the first passage deals with the five categories of justice, and the second passage deals with the same five categories, but with reference to injustice. The first two points are significant, as they distinguish Islamic justice from secular justice, which tends to be neutral with respect to religious morality. The first point deals with the basic knowledge of God; His Oneness and Attributes. This fundamental knowledge is the point of departure for the second point, which is the justice to the faculties of the soul. Justice as a moral virtue is not an end in itself, but it is connected to belief and knowledge in God and the hereafter. This is the metaphysical vision that shapes all moral actions for the believers. When character is nurtured with the consciousness of the metaphysical worldview of Islam, then justice to others will emerge as something natural, stemming from the human soul, and not as something coerced by some external law. Justice is therefore the whole of virtue as it concerned with both the individual and the society, and it embraces the individual virtues as well as the social virtues. That is why Isfahani describes the just person as follows: “He is just to himself first, before being just to others” (Isfahani, 1987: 358).

Conclusion

Islamic philosophers, as exemplified by al-Isfahani, conceived the justice of the self as an essential basis for the establishment of legal justice and material equality in the society. Since justice was first and foremost a moral virtue and an expression of the human self, it becomes the very basis for humans to have the resolution and strength of character to implement justice at the external level of the society. The human soul or human conscience is more powerful in seeking justice than the state’s enforcement of legal justice on the society.

Justice in the Qur’anic context is about conformity to the divine law and obedience to God. But justice in the Western secular context is about conformity to human law, with focus on human rights and human freedom. This is not always compatible with justice in the Qur’ān, which will restrict certain liberties such as not permitting one to take one’s own life, and not allowing one the freedom to abort one’s unborn child.

As mentioned, true justice is when for reason predominates over the lower self, and directs human instincts and emotions in a positive manner. The virtues that arise out of this will not be merely platonic virtues, but religious virtues as they are directed towards the happiness in this world and the hereafter. This can only come about through practicing justice as a virtue and not merely as a legal concept. It means that the justice of the self must first be achieved, before there can be true justice for the society.

Principles of justice should not be morally neutral; but they should be informed by a clear set of values, that can nurture right humans, who will voluntarily fulfil their obligations towards fellow-citizens. The focus on human rights in Western society is partly a result of the extreme individualism and self-centredness that have dominated human behaviour, and partly because of a narrow legalistic conception of justice. This has led to great injustices in the society. Thus, there is an urgent need to revitalize the concept of justice as a virtue, and to put it into practice, for the sake of peace and happiness in this world and in the hereafter.

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