

Cultural Heritage and Contemporary Change
Series VII, Seminars: Culture and Values, Volume 36
General Editor
George F. McLean (†)

Justice and Responsibility: Cultural and Philosophical Foundations

Edited by
JOÃO J. VILA-CHÃ, SJ
JOHN P. HOGAN

Copyright © 2018 by
The Council for Research in Values and Philosophy

Gibbons Hall B-20
620 Michigan Avenue, NE
Washington, D.C. 20064

All rights reserved

Printed in the United States of America

Library of Congress Cataloging-in-Publication

Names: Vila-Chã, João, editor.
Title: *Justice and Responsibility: Cultural and Philosophical Foundations* /
edited by João J. Vila-Chã & John P. Hogan.
Description: Washington DC: Council for Research in Values and Philosophy,
2018. | Series: Cultural heritage and contemporary change. Series VII,
Seminars: Culture and Values; Volume 36 | Includes bibliographical
references and index.
Identifiers: LCCN 2017055964 | ISBN 9781565183308 (pbk.: alk. paper)
Subjects: LCSH: Justice (Philosophy) | Responsibility.
Classification: LCC B105.J87 J86

The Council for Research in Values and Philosophy

10 TABLE OF CONTENTS

- 159 An Education for Responsibility:
Edith Stein and the Formation of the Whole Person
Katherine Baker
- 171 The Search of the "Responsible Life"
in Martin Buber and Leo Buscaglia
Peter M. Collins
- 205 Responsible or Responsive? Uncovering Environmental Economics'
Cultural Biases from Asian Perspectives
Silja Graupe
- 227 Cultural Islam: An Alternative to Political Islam
Ilshat R. Nasyrov
- 239 PART III
Social Responsibility and Contemporary Challenges
- 241 Globalization or Borders: Balkan Dilemmas
Anna Krasteva
- 267 Back to the Cave: Personal Ethics and Public Moralizing
Richard Feist
- 283 The Problem of Justice in a Global Corporate Economy
Oliva Blanchette
- 293 Responsibility and the Limits of Justice
Denys Kiryukhin
- 307 Reconsidering Hierarchy: Responsibility and Justice in the Byzantine
and Post-Byzantine (Eastern Christian) Societies
Dan Chijoju
- 317 Justice as Love: Greek and Christian Origins of Aquinas' Conception
of Justice and Its Relevance in Late Modernity
David J. Klassen
- 349 Creative Imagination, Culture, and the Origins of Democratic Politics
in Giambattista Vico's Conception
Mihaela Czobor-Lupp
- 377 Young's Theory of Structural Justice and Collective Responsibility
Feorillo A. Demeterio III
- 401 PART IV
Justice and Responsibility in African, Indian and Islamic Traditions
- 403 Nigerian Traditional Moral Values:
Globalization, Justice and Responsibility
Ogugua Patricia Anvuluorah & Jude Chinnweuba Asike
- 411 The Human Rights Issue: An Indian Perspective
Veisus A. George
- 425 Subaltern Global Justice and National Identity
R. C. Sinha
- 435 The Conjunction between Quranic Justice and Islamic Civilization
Sayed Hassan «Akhlag» Hussaini
- 461 PART V
Justice, Rights and Responsibility in the Socio-Political
and Economic Realm
- 463 What Role Should China Play in Bringing about a Just World?
Gillan Brock
- 485 Representative vs Direct Democracy
Chrysoula Giisoulis
- 499 Living Wages and Economic Justice: Whose Responsibility?
Micah Lott
- 513 CONCLUSION
Justice and Responsibility
in the Face of Global Inequality and Corruption
John P. Hogan
- 521 INDEX
- 541 CONTRIBUTORS

The Conjunction Between Quranic Justice and Islamic Civilization

SAYED HASSAN «AKHLAQ» HUSSAINI

In Islam, the practical meeting point between the sacred and the secular, and revelation and reason, is the principle of justice. Moreover, the human being is described as the Caliph of God, or God's vicegerent in the world. The human is the link between heaven and earth, objective in subjective reality, and the personal and the social. Thus, justice plays a big role both in understanding and practicing Islam. It is an indispensable foundation for Islamic doctrine as well as for theological matters. Justice as an attribute of God lays a theological base for different Muslim denominations. I am attempting in this paper to demonstrate: (1) the significance of Justice in the Quran; (2) how the Muslim understanding of Quranic justice shapes Islamic civilization, including philosophy, theology, ethics, law, a theory of society, politics, and economics; (3) what is the responsibility to the human in this conjecture?, and (4) how does such a concept of justice call Muslims to new challenges? Answering the two first questions constitutes the first two parts of this paper and the next two questions shape the third part. This examination helps us to obtain a better understanding of justice in the Quran, its place in current Islamic movements, and enriches the discussion of justice worldwide.

The Quranic Background

In referring to justice, the Quran uses the term "Adl" in different forms of speech 28 times, "Qist" in different forms of speech 25 times, and "Wazn" in different forms of speech 23 times. Respectively, the first term means justice,¹ the second means 'giving everyone his portion',² and the third means 'calculating exactly'.³ The holy Quran relates justice to the following issues:

Muhammad Jafar Imami, *Lughat dar Tafsi'r-e Namoi'eh* (Qum: Imam Ali bn Abi Talib, 1387), p. 374.
² *Ibid.*, p. 440.
³ *Ibid.*, p. 612.

Discussion of God. Justice is the word of God (Quran, 6:115; note, most translations, here and below, from the Quran are the author's) as well as His attribute (4:40) and is well known among knowledgeable people (3:18). God established the world, namely, skies and earth (55:7), created people (82:7), and revealed religion based on justice (6:115; 57:25), and He will judge – granting reward and punishment accordingly on the Last Day (26:117).

Discussion of Humanity. With the saying, "Verily, God loves those who act justly" (5:42), the Quran poses its highest concern about justice among people. A just individual is a desired, powerful, responsible, useful and on the right path; while an unjust person is not knowledgeable, is weak, a burden on others, and unsuccessful (16:76). The Quran encourages and orders its followers to apply justice through fair-mindedness in their social life even in dealings with those who wronged them, or nonbelievers – regardless of their moral values, religious views, brutal practices, socio-political positions, and repressed emotions because God can see all (5:8; 5:42; 60:8; 6:52; 16:90). Only a witness of just people is acceptable at the court (5:95) or social conflict (5:106). Finally, justice is a significant characteristic to reach the position of leadership. Thus, it is narrated that God rejected Abraham's quest to make his offspring the next leaders: "He said: My covenant includes not the unjust" (2:124).

Discussion of Relationships. Justice calls for a strong connection between God and people: "Be just: that is nearer to piety" (5:8); the right way of entering into friendship with God (49:9). Justice is among the main aims that the prophets apply (2:213; 42:15; 57:25). The last verse emphasized that the prophets not only declare the significance of justice and apply it, but they also attempt to teach people and reach them at the level at which they practice it. The Quran clarifies that justice is the foundation for peace in the community (49:9).

Muslim Development of the Idea of Justice

This Quranic base is strongly confirmed by the Prophet Muhammad's tradition *al-Sunna* that both of them together establish the main authorized religious sources in Islamic civilization. This is an example of the prophet's speech: "The Supreme God says: I will punish each Muslim community if it is satisfied with an unjust and oppressive governor, even if they are pious and benevolent themselves. I will forgive the Muslim community that is satisfied with a just governor, although they themselves are oppressive and sinful; the latter [a just governor] is a divine governor, and the former is a non-divine governor."⁴ In this context, filled with the concept of justice, it makes sense

⁴ Hussain Ali Muthazeri, *Islam Dir-e Firrat* (Tehran: Sayeh, 1378), p. 617.

that Muslims have to beg God constantly in their daily praying to help them in practicing justice.⁵

The above-mentioned usage of justice in the Quran as well as in the Islamic tradition have created a unique opportunity among Muslims in different periods of time and varied fields to develop the concept of justice in their own theology, philosophy, ethics, law, theory of society, politics, and their economic views. Accordingly, justice like an extensive and ongoing spirit covers all angles of Islamic culture from ontology to individual conditions, from political issues to ethical quests. Glimpsing these fields provides us a better understanding of Islamic civilization and how Muslims deal with justice.

Theological Justice

The question of justice is at the core of Islamic theology that had divided the earliest Muslims into two denominations: *al-Adityah Wa-l Ghayrahum* or "people of justice and the others." People of justice include *Mutazila*, from a Sunni context, and *Shia*. Others mostly manifest in *Ashaera* and can be traced to *Ahl al-Hadith* or 'textualism'. These two kinds represented two different replies to the question of God's justice in regards to human rationality and responsibility – concerning why God created, inspired prophets, established obligations and more.⁶

Obviously, both sides, "the people of justice" and "the others," believe in God's justice because of the Quran's clear statements. The difference is based on the human ability to understand independently the meaning of God's justice.⁷ The true problem is related to human reason and free will. *Mutakallem* or Muslim theologians explored the question by asking whether we are free beings who can listen to the prophets' invitation to God, understand the invitation, evaluate the ideas, and make decisions freely. The people of justice continue if we are not free individuals who make decisions, what do God's rewards and punishments mean? How is God just in rewarding or punishing people if He did not grant them free will to begin with? In other words, people of justice justified their beliefs based on the human's independent understanding that was assumed applicable upon God's actions because, on the opposite side, there is no way to distinguish between the true and false and right and wrong.

Fakhr al-Din Al-Razi, *Tafsir-e al-Fakhr al-Razi* (Beirut: Dar al-Fikr, 1981), 1:258.
Qadhi Abdul-Jabbar, *Sharh al-Usool al-Khamsah* (Cairo: Maktabah Wahabah, 1996), p. 300.

al-Usool al-Khamsah (Safat: Kuwait University, 1998), p. 69.

The people of Justice believed what "the others" are saying about the definition of justice as the deeds of God, is not a justification of God's attribute, but it is more the rejection of God's justice. See Murtaza Mutahhari, *Adl-e Ilahi* (www.motahari.ir), p. 51.

In contrast, the "others" or "non-believers in justice" believed in the transcendental position of God regarding human reason and free will. We think we understand and create our actions, but as a matter of fact, they are ineffective without God's action. Continuing/ongoing justice is what God does. The people of justice spread their rationalization over God's actions as well. God is *Hakim* or wise meaning He follows an aim or objective in any action. The "others" believed wisdom is God's actions because they are God's chosen, not because they are following wisdom. Therefore, justice in the people of justice is connected with free will, the principle of *Husn wa Qubh-e Aqli wa Zhati* or "rational and inherent goodness and badness," and God's wisdom that leads finally to the meaning of *Tawhid* or Oneness of God.⁸

The "principle of rational and inherent goodness and badness" is an outcome of Muslim theologians' investigation of God's justice. This axiom developed more than ten theological issues in Islamic theology like the following: (1) the necessity of knowledge of God; (2) God's purification of absurdity; (3) the necessity of people's religious duties; (4) the necessity of prophethood; (5) reasoning about prophetic doctrines; (6) knowing the honesty of the prophet's doctrines; (7) termination of the period of prophecy alongside continuing divine law; (8) stability of moral principles; (9) meaningfulness of tragic and catastrophic events; and (10) God does not punish before warning. He does not require what is beyond peoples' capacity, nor does He deny peoples' freedom.⁹ As we see, God's justice played a core role for the Islamic doctrine of God, creation, resurrection, prophethood and so on. There is a connection between theology and anthropology. God's justice here equals human rational capacity, free will, and responsibility, especially in regard to the Islamic doctrine of predestination or *al-Taqdir* or *al-Qazha wa al-Qadar*.

⁸ Muttahari, *Adl-e Ilahi*, p. 23. It seems that this is the origin of Sunni term. See Salih bn Mahdi al-Muqbeli, *al-Alam al-Shamikh fi Ithar al-Elaq ala al-Abac wa al-Mashayekh* (Egypt: 1328), p. 300. *Sunnah* in Arabic means tradition, and Sunni who follows the tradition. It was referring to the "others" who were following tradition and narration, *ahl al-Sunnat wa al-Hadith*, because those are the sources that define justice and wisdom etc. They have accused Mutazila that they do not follow the community of Muslims (*al-Jama'a*) and the prophet's narrations (*al-Hadith*). Arguing about the true meaning of the prophet's tradition and community of Muslims, Mutazilla called themselves the people of justice and Oneness, *Ahl al-Adl wa al-Tawhid* and equaled *Ahl al-Sunnat wa al-Jama'a* to *ahl al-Hadith wa al-Mushabbehah* "the people of narration and anthropomorphism" (Qadhi Abdul-Jabbar, *Faiz al-Itizal wa Tabaqat al-Mutazilah*, [Tunis: al-Dar al-Tunisiyyah lil-Nashr: 1974], pp. 185-187). Also, there are differences between *Shia* and *Mutazilah*, two parts of the people of justice, in their interpretation of free will, justice, God's wisdom, and comprehensive oneness of God. For more information, see Muttahari, *Adl-e Ilahi*, pp. 28-29.

⁹ See Subhani's edition and revision on Kashf al-Murad, Allamah Hilli, *Kashf al-Murad fi Sharh Tajrid al-Itiqad* (Qum: Imam Sadiq, 1375), footnotes in pages 56-67.

that explains God's all knowing and all power.¹⁰ *Al-Taqdir* means all things are happening following God's power, knowledge, and will; and then there is no reason for disappointment and submission to negative circumstances because He encourages us to struggle with the negatives that we experience in our daily struggles, while He is supporting us in our faith and leading us to a final, faithful victory.

In addition, Islam is the last and permanent religion (33:40). Some Muslim theologians continue that if justice is among the prophets' objectives (57:25), it has to be an absolute idea because if God's laws are permanent they have to be just in the consistency and permanency of religion.¹¹ However, there are movements among contemporary Muslim intellectuals, called the *New-Mutazila*, originating from al-Afghani ideas, attempting to spread the concept of rationality and justice.

Philosophical Justice

The main stream of Islamic philosophy, including the Peripatetic, the Illuminative, and the Transcendental schools were involved more with metaphysical concepts of being than the practical idea of justice and politics. The political theory of al-Farabi and the social theory of Ibn Khaldun are exceptions. In spite of that, the Islamic emphasis on justice affected Islamic philosophy.

In philosophy, the first book about justice was written by al-Kindi, and titled, *Indeed all God's Actions are Just, No Injustice Among Them*. This volume is cited by Ibn Nadin, in his listing of philosophical books.¹² This volume later developed in Islamic theology, is rooted in Plato's theory of justice, in the dialogue "Euthyphro."¹³ Al-Kindi's book has not survived.

The first book really used in philosophical study about justice belongs to al-Farabi. He discussed two concepts of justice; the first is putting everything in its right place like different parts of the body and the three forces of the mind. This idea leads him to the philosopher king, in four different forms.¹⁴

¹⁰ For in detail discussion about rational and inherent goodness and badness in Islamic theology book at following book in Persian: *Husn wa Qubh-e Aqli wa Payeha-e Akhlaq-e Jawidan* (the Subhani Tabrizi (Qum: Imam Sadiq, 1382).
¹¹ Murtaza Muttahari, *Islami wa Neyaz-ha-e Zaniani* (Tehran: Sadra www.motaheri.ir), 1:191.

¹² Muhammad Ibn Ishaq al-Nadim, *Kitab al-Fihrist* (London: Al-Furqan Islamic Heritage Foundation, 2009), 2:184.

¹³ There is in detail information about Muslims' impressibility from Plato's ideas: Hassan Fathi, *Tabatubi*, Taleyedare Bahth-e Husn wa Qubh-e Aqli, in *Hekmat va Falsafeh* (Tehran: Allameh University: Department of Philosophy, February 2006), Vol. 1, No. 4, pp. 5-15.
¹⁴ See Sayed Hassan Akhlaq, "Al-Farabi and Machiavelli," in *Ayeneh Marefat* (Tehran: Shahid Beheshti University, summer 2009), Vol. 7, No. 19, pp. 145-173.

The last is balancing and harmony. In Farabi's idea, the Utopia or *al-Madīnah al-Fazilah* is a balanced community that contrasts the ignorant city or *al-Madīnah al-Jahilah* that appears in four forms: city of substitutes which looks only for money, of honor which looks only for honors, of popularity which looks only for unlimited liberty, and of the military which looks only for dominance. These four states lack the balance among different forces related to happiness.¹⁵ However, al-Farabi is considered in Islamic history more for his ontological exploration and his ideas on justice also discussed in an ontological context. Al-Farabi divided philosophy into practical and speculative. In correspondence with human nature, the former discusses possible entities in front of human beings, and the latter discusses necessary entities in front of human beings. The possible entities are based on reason and free will and provide human happiness. The individual happiness of the human fulfills through self-purification, and his social happiness fulfills through social responsibility. However, practical philosophy deals with possible and potential entities, instead actual beings and unwilling entities.¹⁶ The contemporary philosopher Mahdi Haeri Yazdi (1923-1999) continued that if we suppose a condition for ourselves that does not care about local and personal character, and is not affected by education and traditions, then we will judge that justice is goodness and beauty.¹⁷ There is a tendency to show that philosophers like al-Farabi and Avicenna believed that the goodness of justice is a self-sufficient proposition. However, this idea appeared in recent Muslim philosophers such as Abd al-Razzaq Lahiji (d.1961), Sayed Muhammad Baqir al-Sadr (1935-1980), Ayatollah Khomeini (1902-1989), and Mahdi Haeri Yazdi.

Muslim philosophers, in their ontology, appreciate the difference as an essential part of being, without accepting the discrimination. Also, they look at knotty issues as an opportunity for struggle and growing up. In the Peripatetic Philosophy, justice is related to the wisdom of God. God is Wise – meaning He created the world in its best possible form. This idea develops later in the transcendental wisdom of Mulla Sadra through a profound ontology. Accordingly, God's justice equals giving and gracing existence to the potential of regarding its rationality. God is not only the origin of absolute perfection, absolute benevolence and absolute grace, but also, He is the complete agent and the gracious necessity. Therefore, He gives each being its merit of existence and completion. If we are saying that God does just in the cosmos it means He gives each one its portion of being and completion. In view of that,

¹⁵ Abu Nasr Farabi. *Arza Ahl-e Madīnah-e Fazileh* (Tehran: Shoraye Ali Farhang va honar, 1354), pp. 280-284.

¹⁶ Mahdi Haeri Yazdi, *Kavosh-ha-e Aql-e Amali* (Tehran: Moasese-ye Mutaleat va Tahqiqat-e Farhangi, 1361), p. 8.

¹⁷ *Ibid.*, p. 14. The supposition sounds like the Rawlsian "veil of ignorance."

injustice related to God means the prevention of a potential – its possibility of being. Thus, from an ontological viewpoint, God's justice refers to His general emanation and grace to all potential beings, without prevention or discrimination.¹⁸

Examining the Islamic philosophical works from al-Kindi to the present era we find three approaches toward the concept of Justice, although they are not categorized clearly. They are as follows:

Epistemological attempts: in this sphere Muslim philosophers mostly believe in possible knowledge of justice through self-sufficient rational propositions. It is submitted that those propositions have objective, absolute, clear and certain contents. This is a concept that links philosophy to theology and is developed more by theologians or theosophical philosophers, like Mulla Sadra.

Axiological attempts: in this sphere they analyze justice in the whole of creation, especially in humans and their relationship with the Creator. This justifies also why we have to obey justice. Justice is above all the virtues in the society that is replaceable only in an ideal situation with a virtue like kindness or benevolence "*Ihsan*."¹⁹ The former is a rational dealing that provides mutual responsibility, but the latter is an ethical value that spreads esteem, regardless of merit and reaction. Muslim thinkers look at justice in society not only as an individual virtue or social order, but also as a transitional virtue toward a desired and perfect society as "*Ummah*"²⁰ or people of Oneness. People are created to reach the "perfection" or actualization of their excellent potential beings as it is understood in Islamic philosophy and its interpretation of the Quranic verse 56, chapter 51.²¹ People can achieve their own perfection through the just character as the first step, and then, perfect society through a just community.

Anthropological attempts: in this sphere they discuss justice concerning their concept of human nature, free will, intentional creation, sociability, position in the community, individual or social needs. Facing new philosophical debates requires Muslim philosophers to enrich and develop their ideas. I personally believe Muslims need to return to al-Farabi to reestablish an Islamic theory of politics and justice.

¹⁸ Mutabari, *Adl-e Ilahi*, pp. 58-60.

¹⁹ There is a clear Quranic verse saying God ordered people to practice justice and benevolence (16:90). I will discuss this subject in the last section of paper using a quotation of Imam Ali.

²⁰ See Sayed Hassan Hussaini, "Identity and Immigration, A Quranic Perspective," *Building Community in a Mobile/Global Age: Migration and Hospitality* (Washington D.C.: The Council for Research in Values and Philosophy, 2013), pp. 84-86.

²¹ For example see Sayed Muhammad Hussain Tabataba'i, *al-Mizani*. Also, this Rumi's poem refers to same idea: "I did not ordain (Divine Worship) that I might make any profit; nay, but that I might do a kindness to (my) servants." Rumi Jalal al-Din, *The Mathnavi of Jalal al-Din Rumi* (Tehran: Booteh, 2002), 2:1746.

Ethical Justice

The Quran over and over again emphasizes training and purification among the main goals of the prophets to promote humanity. These concepts are understood as advocating for education and spirituality in an Islamic context that led to various schools of thought and Sufism. Sufism devotes much attention to the idea of the perfect human (*al-Insan al-Kamil*), Islamic ethics (*al-Akhlaq*), laws (*al-Fiqh*) and the idea of just human (*al-Adil*). *Al-Risalah fi al-Hoqq* (the treatise on the rights), written by Imam Ali Ibn Hussain, the grandson of the prophet Muhammad, is a great connecting point between ethical rights and lawful rights in the Islamic context.

However, discussing moral values and ethical concerns remains central among eminent thinkers like Imam Ghazzali and Mulla Muhsin Fayz Kashani (d. 1980). The former, in the Sunni denomination, wrote *Ihya Ulum al-Din* (Revival of Religious Sciences) to renew Islamic ethical objectives²² that were forgotten among Muslims and *al-Sharia*, and the latter, in the Shia denomination, renewed *Ihya Ulum al-Din* through writing *al-Mohjat al-Bayza fi Ihya al-Ihya* (The Clear Way to Revival) to present a common demand among all Muslim communities. Before both of them, the desired morality was conceived as a personal state that follows Islamic law, but imagined it more as a balance among different inner desires and passions of a personality that make a foundation for spiritual accomplishment. This balance links Islamic ethics to the notion of justice.

Islamic ethics expanded the idea of personal justice through a combination of Plato and Aristotle's concepts of justice. Respecting soul and virtue, Islamic thinkers proposed the just man as a moderate man who follows the rule of reason. This view is visible in Ghazzali²³ and Mulla Muhammad Mahdi Narraqi²⁴ (1716-1795) and his son Mulla Ahmad Narraqi (1771-1829). At the advanced apex of this exploration, Ahmad Narraqi expanded the implications of a just state (*Malakah-e Adalat*) within a moral personality reflected in the areas of character, deeds, money, properties, dealing with people, and political and governmental issues. In a detailed chapter, he discussed three manifestations of justice, including between people and God, among living

people, and between live and dead people.²⁵ However, justice in Islamic ethics is an absolute, permanent, and the unchangeable virtue that demonstrates the desired ideal of moral improvement.

Muslim ethicists were more concerned with individual moral justice, rather than social and structural justice. These arguments were behind their approach: (1) human being is not a machine that follows instructions and orders routinely; (2) if an individual could not be just in his/her few activities, what is guaranteed is that s/he can apply justice in complicated public affairs particularly in association with power and money. Hence, justice viewed as a personal and moral virtue is reflected in community. Also there is an optimistic approach to the human in relationship between justice and knowledge; the former deals with practical values and the latter with speculative values. More and true knowledge can reform the personality into a more just person.²⁶

Lawful Justice

The Quranic focus on justice is also connected with three major elements in the Islamic context: secular law; *Fiqh*,²⁷ – Islamic law; and ethics. Although, the last one is concerned with justice as we saw earlier, in comparison to Islamic law it attempts to move people from justice to *Ihsan* (benevolence) and it is more associated with personal character and improvement. *Fiqh*

²⁵ Ahmad Narraqi, *Miraj al-Saadat* (Qum: Hijrat, 1379), pp. 83-99.

²⁶ Muslim ethicists always suggest two ways to change a character: the informative and the pragmatic. They believe that if people know the best way they surely will follow it. Additionally, they have different views on the current modes of human personality development that claim to constantly change or reform personalities. See Ghazzali, *Ihya Ulom al-Din*, 3: 54-55; *Kimeyye Sa'adat*, 2: 9-16.

²⁷ Regarding Islamic laws we must have a clear idea of terms: *Fiqh*, *Ijtihad*, and *al-Sharia*. *Fiqh* is an Arabic term meaning "deep understanding." The Quran uses it several times with the same meaning but more related to "heart" (4:78; 6:25 & 65 & 98; 7:179; 8:65; 9:81 & 87 & 122 & 127; 11:91; 17:44 & 46; 18:57 & 93; 20:28; 48:15; 59:13; 63:3 & 7). Accordingly, Muslims earlier used to split Islamic *Fiqh* into two branches: major *Fiqh* and minor *Fiqh*. The first one was about Islamic basic beliefs and the second about Islamic law. Imam Abu Hanifah (699-767), the founder of the Sunni Hafani School of *Fiqh* wrote a book about Islamic basic beliefs called *Fiqh al-Akbar* (the major *Fiqh*). There is a commentary on this book by the great theologian Abu al-Mansur al-Maturidi (853-944); al-Maturidi, abu al-Mansur Muhammad, Shaah al-Fiqh al-Akbar, reviewed and republished by Abdulllah Ibn Ibrahim Ansari, Counsel for Military Encyclopedia: Hyderabad, 1904. However, nowadays *Fiqh* refers more to the minor one or deep contemplation on Islamic laws meaning "profound deduction of Islamic practices from related sources." The expert who deduces Islamic particular and pragmatic laws is called *Faqih* – Muslim Jurist: one who deals with *Fiqh* and *Mujtahid*. The last title is co-rooted with *Jihad* and *Mujtahid*, *Mujtahid* and *Jihad* are originated from Arabic root *Jahad* meaning hard struggling. Then, *Mujtahid* is one who hardly tries to deduce Islamic laws, *Mujtahid* who does *Jihad*, and *Jihad* is hardly attempt in the path of God that includes both inward and outward

²² Ghazzali narrates lots of Hadith (the authorized tradition of the prophet Muhammad) to demonstrate that the true nature of religion is promoting and improving the character of an individual. See Muhammad, Ghazzali, *Ihya Ulom al-Din* (Krayatah Futra: Indonesia [no date]), Vol. 3, pp. 48-49.

²³ Ghazzali, *Ihya Ulom al-Din*, Vol. 3, pp. 52-53, also see Ghazzali, Muhammad, *Kimeyye Sa'adat* (Tehran: Ilmi wa Farhang), Vol. 2, pp. 6-9.

²⁴ Mahdi Narraqi, *Jame al-Sa'adat* (Beirut: al-Alami [no date]), Vol. 1, pp. 64, 120 & 121.

and law are common in pursuing the rule of law, but they have the following differences: 1) The law examines humans in their social interrelationships, but *Fiqh* also examines people in relation to themselves (merely private affairs) and to God; 2) The application of law is guaranteed by outward forces like social or judicial power, but this is not the case with *Fiqh*; 3) The rules and regulations in law are more flexible and changeable than *Fiqh*; 4) Basically, the law cares for worldly affairs like safety, but *Fiqh* also cares of transcendental issues; 5) The law does not pay attention to intention in most cases, but *Fiqh* considers highly the intention behind practices. 6) The law concentrated on "ought to" and "ought not to," but *Fiqh* has more options – namely *Wajib* (have to do), *Haram* (have to avoid), *Mustahab* (prefer to do, but not necessary), *Makruh* (prefer to avoid, but not forbidden), and *Mubah* (equal to do or leave). 7) *Fiqh* is originated from divine/sacred laws that cannot be discussed and improved without Islamic authorized sources like the Quran, *al-Sunnah*, and in several cases, the Islamic consensus, while the secular law is not limited to them; 8) The above-mentioned qualities of *Fiqh* created a unique science and technique in Islamic civilization called *Usole al-Fiqh* (the principles of Islamic laws) to discuss how to deduce Islamic laws. This science includes some philosophical and linguistic contemplations arguing constantly on its axioms and approach. 9) As a matter of fact, *Fiqh* is not considered as a fully sacred science among Muslims because it is based on the process of deduction (*Ijtihad*). However, it is not a secular science like law because its sources, goals, contents, and most importantly, because it constitutes the Islamic combination of sacred and secular affairs.

Due to the poor and spiritless modernization, usually *Fiqh* is not associated with secular law in Islamic countries and secular and sacred laws are developing separately and mostly on a contradictory path. Therefore, I am listing here the development of justice in *Fiqh* as following. Islam clearly talks about justice as a quality of true faithfulness that shapes explorations in Islamic law. These qualifications appear whenever the formation of a community or social conflict-resolution is needed. This occurs, for instance, with issues such as divorce, business transactions, contracts, the need for an Imam for prayer, Islamic jurist (*Faqih*) to follow, judge of a jury, etc. after the death of the Prophet, such examples laid a foundation for Islamic civilization to deduce Islamic law in the new situation. The first two schools of law and jurisprudence were born in such a need: the school of *Ahl al-Rai* (the people

struggling. The process of the hard struggle to deduce Islamic law is called *Ijtihad*. Moreover, *al-Sharia* originates from *Shar'a* meaning the path – co-rooted with *al-Shaara* namely street. The Quran used it for both the incorrect and correct path including Judaism and Christianity (5:48; 7:163; 42:13 & 21; 45: 18). Nowadays, most people use *al-Sharia* in a very narrow sense equating the Islamic law with *Fiqh*.

of opinion) and the school of *Ahl al-Hadith* (the people of the prophet's narration); the former was trying to form opinions on modern subjects using analogies based on the spirit of Islam, and the latter focused on a series of texts by Mohammed's companions about the prophet's life and teachings – a kind of Scripturalism that spread the seeds of Salafism in Islamic civilization.²⁸ However, the confrontation between these two schools can be understood as the confrontation between people who follow the principle of justice as the core of Islamic laws and the people who are limited to the text. Concentrating on the spirit, not only the appearance of Islam caused the shaping of the Islamic rules of deduction and jurisprudence.²⁹

Apart from 'Scripturalism', therefore, Islamic law or *al-Sharia* is formed from a combination of God's revelation and humanity's struggle to understand through *Ijtihad* or the "human struggle for a method to deduce the divine order about new issues." These methods and their validity is discussed in a discipline called *al-Usul al-Fiqh* "the Principles of Jurisprudence." In other words, it is the study of the origins, sources, methods, and axioms upon which Islamic jurisprudence and law or *al-Fiqh* is based. Some scholars called *al-Usul al-Fiqh* the true Islamic philosophy because it originated from the pure Islamic context in a very rational discussion. It deals with four references as the main sources for deduction of new Islamic law through *Ijtihad*. These sources contain the Quran, the infallible tradition, consensus, and reason. The last source leads them to "the principle of rational independence." Thus, *al-Usul al-Fiqh* is a negotiating or balancing discipline between God's law, on one hand, and rational independence, on the other. It is opposition to Scripturalism that approaches religious obligations with the limitations of the text.

Al-Fiqh, however, has been highly developed in this context moving a step from a personal and merely moral justice to a social and lawful/legal justice. It started with applying justice in two meanings: (1) a stable and subjective quality that encourages individuals to do right things and avoid wrong things – similar to piety; and (2) avoid major sins.³⁰ However, as a result of expanding the concept, we can consider the following achievements. In this context, it

²⁸ See my paper titled *Taliban and Salafism: a historical and theological exploration*, on website (<http://www.opendemocracy.net/sayed-hassan-akhlaq/taliban-and-salafism-historical-and-theological-exploration>).

²⁹ Mullaahari, *Ad-e Ilahi*, pp. 31-32.

³⁰ There are verses in the Quran dividing sins into two major and minor ones (4:31; 18:49) and making the faithful aware of God's forgiveness to minor sins if they avoid the big ones. There is diversity of idea among Muslim scholars what the criterion to distinguish major from minor sins is. Also, the answer to the question about what is the position of a faithful who committed big sin in regards to faith, caused huge civil war among the first Muslims (the battle of *Khawarij* or *Nahrawan* in 658) and created the most intellectual Islamic denomination

manifests the following seven characteristics for just action: rightness, necessity, relation to others, leading to benefits or to struggle and suffering, power, claims, and reparation. The scholars of *al-Sharia* expand these to cover: protective (life, property, and reputation); retributive (proportionality between crime and punishment after clear announcement), and distribute (benefits and struggles) justice. This is the meaning of justice as a subject, but if we look at justice as a predicate, it is predicated on three subjects: (1) respecting the privacy of others' life, property and reputation – protective justice; (2) punishing the wrong doers in regard to law and rational proportionality between crime and punishment – retributive justice; and (3) distributing the common goods and social benefits and struggling regarding people's merits, needs and abilities – distributive justice.

All above-mentioned characteristics have to be subject to "non-predilection." Then, the formal element of justice is equality, not equality of all in all fields, but equality of equal individuals in equal fields. This concept is changeable to "equality before the law" or as it is well known "rule by law" and "Rule of law." Muslim jurisprudence discusses matters such as individual and government's duties to protective justice (4:29 & 93; 17:15), liability, clarity, public and prior announcement, and proportionality to retributive justice (2:209; 24:32), and difference, deserts, abilities, and needs to distributive justice (2: 286; 23:62; 41:46). Of course, because of its divine roots, Islamic laws emphasize benevolence, contentment, and sacrifice as ethical virtues but affords them to people's choices and grants the principle of justice for them. Meanwhile, there is a tendency among recent Muslim jurists to focus on justice as an effective principle that redefines some Islamic current laws. They are attempting to establish justice based on "common sense."³¹ These new Muslim *Faqrh*s criticize the history of *Fiqh* because it established lots of principles like necessity of respect to parents and social contacts based on several verses of the Quran but it does not establish the principle of justice based on more verses in the Quran.³²

Mutahhari discusses the proportionality between divine punishment and human crime or sin through natural relationship between cause and effect, rather than conventional or arbitrary relationships.

called *Mitazila*. It seems reasonable that a religion who wants to combine *al-Sharia* and truth (*al-Haqiqah*), secular and sacred affairs, and keeps itself permanently impactful must leave room for discussion, deduction and personal facing God.

³¹ See: Hadi Qabil (Jami), *Qa'edah-e Adalat wa Nafy-e Zuhm* (Qum: Fiqh al-Thaqalayn, 1390), p. 57.

³² *Ibid.*, p. 56.

Social Justice

Islamic socio-political thought is not developed as much as Islamic theology, philosophy, law, and ethics in considering the idea of justice. Social justice, in this context, is closer to 'proportionality' than 'egalitarianism'. We are not able to define justice as mere equality – meaning giving or treating people the same, regardless of their merits. It is reasonable to say that justice deals identically with equal ownership of rights. This definition leads us to respect the rights of individuals and giving everyone what they deserve.³³ The Quran clearly states that God created people in different positions with diversity of levels (43:32-34; 17:21) that can be understood as a sign of God (30:22). But that does not mean that some people are privileged with opportunities and others have none. Some people are more beautiful, some of them have more peaceful minds, others have more healthy bodies, others are granted with high intelligence or nice families and so on. Therefore, people need each other because of different assets they possess. Also, it means that part of reason for this variety of levels is a social system, meta-personal responsibility, and individual effort. Everybody has to endure some suffering in order to reach happiness; the same applies to the community's well-being as it always presupposes reforming the system, methods, and character. This is why *Zakat* (alms) mostly comes associated with *Salat* (praying) in the Quran. This meaning of justice appears in all forms of Islamic discussion of justice including the Sufi perspective. For example Rumi used the same idea for encouraging people toward a spiritual journey as follows:

What is justice? Giving water to trees. What is injustice? Giving water to thorns. Justice is (consists in) bestowing bounty in its proper place, not on every root that will absorb water. What is injustice? To bestow (it) in an improper place that can only be a source of calamity. Bestow the bounty of God on the spirit and reason, not on the (carnal) nature full of disease and complications.³⁵

However, social justice, as it is understood nowadays is not well developed in Islamic social thought. The only exception is Ibn Khaldun (1332-1406) who discussed justice as "the medium state" in personal character and social circumstances,³⁶ as "putting everything at their place,"³⁷ as "applying the

Mutahhari, *Adl-e Ilahi*, pp. 56-57; Mutahhari, *Islam wa Niyaz-ha-e Zaman*, 1: 184-186.

The following verse of the Quran is very thoughtful: "Is it they who apportion your lord's mercy? We have apportioned among them their livelihood in the life of the world, and raised mercy of your lord is better than (the wealth) that they amass."

Rumi, *The Mathnawi of Jalal ud-din Rumi*, 5:1089-91.

Ibn Khaldun, *Muqaddimah* (Damascus: Dar al-yaurub, 2004), 1: 362-3; 189-193. *Ibid.*, 2:77-80.

Islamic laws through religious Caliphate,³⁸ and as "Figh justice"³⁹ or avoiding major sins and having the just state.⁴⁰ Sadly, as long as Ibn Khaldun recognizes "the providing public interest in the best way" as the nature of social justice that lead to civilization,⁴¹ he approaches negatively the application of justice among people through secular governments.⁴² Unfortunately the period of the true Islamic caliphate ended 30 years after the Prophet Muhammad changed to monarchy.⁴³ Thus, Ibn Khaldun leaves us without any clear direction about the implications for applying social justice in our time.⁴⁴

Political Justice

Islam, because of its secular elements and the Prophet's involvement in the tasks of government, exists in close association with the theory and practice of politics. The first and major division among Muslims, the Sunni and Shia denominations, was related to power. However, this split concerned the political legitimacy of power in regard to people, the separation of powers, and relationships between political power and justice. But, unlike modern concepts, these divisions were not analyzed in detail. Muslims are involved with the just caliph, Imam or political leader. He is supposed to be the comprehensive leader of worldly and other-worldly affairs. This leader is considered the successor of the prophet Muhammad. Although in Sunni accounts it is mostly the caliphate that is an issue of *al-Sharia* or *Fiqh* (a part of Islamic practice). While in Shia accounts, *Imamah* is among the substantial pillars of Islam. In reality, however, both reduce the discussion to the personality of the caliph or Imam and the function of *al-Sharia*. Therefore, the concept of political justice as traditionally discussed is a quality of the desired governor; his relation to ordinary people is like the relation of soul to body. The personality of a governor is more important than the political institution and system. Only a just person can apply just actions and rules of *al-Sharia*.

However, the inspiring point is that the application of justice is recognized among the main aims of Islamic government and it is flexible enough to

³⁸ Ibid., 2:42.

³⁹ Also Ibn Khaldun accounts these five issues as the objectives of *al-Sharia* in prohibiting injustice in order to protect people's religion, mind, intellect, generations, and property. Cf. Ibid., 1:479.

⁴⁰ Ibid., 1:368 & 406.

⁴¹ Ibid., 1:129-130; 447-479.

⁴² Ibid., 1:478-479.

⁴³ Ibid., 1:399; 2:42.

⁴⁴ Ibn Khaldun has a pessimistic view in regards to human nature; injustice and transgression is a part of human nature (Ibid., 1:138); although God has put both good and bad in nature of people, but they more close to evil and oppressive in natural state. Cf. Ibid., 1:254.

advanced ideas and update experiments both in methods and contents. Imam Ali ibn Abi Talib (600-661), the fourth caliph of the prophet and first Imam of Shia, explicitly accepted the pledge of people to become caliph, because he felt himself responsible for justice, saying: "Behold, by Him who split the grain (to grow) and created living beings, if people had not come to me and supporters had not exhausted the argument, and if there had been no pledge of Allah with the learned to the effect that they should not acquiesce in the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rope of Caliphate on its own shoulders, and would have given the last one the same treatment as to the first one. Then you would have found that in my view this world of yours is no better than the sneezing of a goat."⁴⁵ Thus, sometimes, the religious government or theocracy is justified through applying justice, as the main aim of government, instead of safety, secure property, and welfare, although it includes all of them.

Moreover, the lack of genuine discussion on justice in political Islamic debates can be understood as the outcome of domination of "the others" (*Ashaera*) supported via despotic regimes among Muslims who nourished dictatorial cultures.⁴⁶ This ideology through different forms among Sunni and Shia society changed the critical approach toward power that was common among Muslims at the time of the Righteous Caliphs to a sacred approach to sanctify power.⁴⁷ Analytically, the characteristics of politics based on *Ashaera* can be listed as follows: (1) lack of knowledge: if there is no rational principles to lay a foundation to know the events in the world except God's hidden decision, how can people know the justification of power and make it legitimate. Political power, like other socio-political realities, can be understood as the unquestionable grace of God to some people; (2) lack of power – the responsibility toward surrounding circumstances originates from a clear understanding. When there is no room for true cause and affect (the principle of causality that was denied by *Ashaera*), people do not care for the surrounding socio-political system. This is because they have no real knowledge of it and no power; and (3) lack of rule of law: if there is not knowledgeable regulations and human-based power we will not understand past events and pre-

⁴⁵ Ali ibn Abitalib, *Nahj al-Balaghah* (Qum: Dar al-Hijrah [no date]), Sermon No. 3.

⁴⁶ Qadhi Abd al-Jabbar (935-1025), the great Mutazila theologian, clearly narrates how Muawiah ibn Abi Sufyan (602-680) established the idea of pre-determinism to justify his political power. Qadhi continues that this idea warmly recognized for same purpose through Umayyad Caliphate. It originated from Levant (al-Shaam or Historical Syria) and overcame all over Islamic spaces creating a huge problem (Qadhi, *Faql al-Iital*, pp. 143-144).

⁴⁷ There are lots of stories reporting how lay people approached the Righteous Caliphs criticizing their speeches and deeds regarding to their understanding of Islam and Islamic justice. It means that those people compare the caliph's order and character to God's laws, but later Muslims compare God's law and their character to the governor's order or understanding.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemat bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat/Caliphate* - meaning literary "succession." The Quran used term *Caliph* referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth" (31:20); 2) Recognizing humans as social entities who have responsibilities to others, "in order that it may not be a thing taken by turns among the wealthy" (59:7; also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God's compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor; and the rich, and something from the socio-political-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiyam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemat bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat/Caliphate* - meaning literary "succession." The Quran used term *Caliph* referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth" (31:20); 2) Recognizing humans as social entities who have responsibilities to others, "in order that it may not be a thing taken by turns among the wealthy" (59:7; also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God's compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor; and the rich, and something from the socio-political-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiyam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemat bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat/Caliphate* - meaning literary "succession." The Quran used term *Caliph* referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth" (31:20); 2) Recognizing humans as social entities who have responsibilities to others, "in order that it may not be a thing taken by turns among the wealthy" (59:7; also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God's compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor; and the rich, and something from the socio-political-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiyam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemat bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat/Caliphate* - meaning literary "succession." The Quran used term *Caliph* referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth" (31:20); 2) Recognizing humans as social entities who have responsibilities to others, "in order that it may not be a thing taken by turns among the wealthy" (59:7; also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God's compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor; and the rich, and something from the socio-political-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiyam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemat bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat/Caliphate* - meaning literary "succession." The Quran used term *Caliph* referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth" (31:20); 2) Recognizing humans as social entities who have responsibilities to others, "in order that it may not be a thing taken by turns among the wealthy" (59:7; also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God's compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor; and the rich, and something from the socio-political-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiyam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

if they have a certain amount of wealth⁵¹ to support the needs of the poor,⁵² destitute, indebted person, stranded traveler, for public benefits, like education, religious, health, public services, or can be spent to purchase slaves to set them free, and for non-Muslims who help the community. Of course, there are lots of potential ways to develop under modern *Ijtihad*.⁵³ Also there are several verses of the Quran that are encouraging and more obligated to *Zakat* to achieve this worldly and hereafter blessings (2:272; 70: 24-25; 73:20; 76:8-9; 107:1-3). In addition, *Khuuns* (literally one fifth) in regards to some material goods is an obligation on a Muslim that also helps to reduce poverty in the community (8:41). (d) Extravagance and squandering are banned both for personal (8:141) or social (25:67) interests, as signs of friendship with Satan (6:141; 17:26-27). (e) *Qaz al-Hasanah*, literally the beautiful loan, (or loan without interest) is encouraged among the faithful as a giving loan to God by saying, "who is it that will lend unto God a beautiful loan, so that he may give it increase manifold? God straitens and amplifies. Unto him you will return" (2:245). (f) Prohibiting profiteering also leads to a very well-known Islamic law barring the *Riba* (usury) (2: 275-279; 3: 130-131). Borrowing and lending can be done through other types of loans or financial dealings that form the debate on Islamic banking. (g) Islamic law also prohibits hoarding (4:29; 102: 1-2; 104:1-2), fraud (11:85; 83:1-3), bribing (2:188), gambling (2:219; 5:90), and robbery (60:12). It also offers special regulations about the property of orphans (4:2 & 127), wills (2:176 & 180-182), and inheritance (4:6 & 9-12 & 176; 6:152), and attempts to provide a common field for respect to individual property, social responsibility, and maintenance of the social system toward social justice. Our right to own property is subjected to reasonable usage and dealings based on mutual satisfaction (4:29; 25:67). The Quranic emphasis on having a clear concept of goods as a basis for dealing (11:85; 83:1-3) inspires ethical ideas in an era of advertisements, avoids excessive spending and lays a foundation for respect of the environment.

As a result, while respecting worldly enjoyments and wealth,⁵⁴ Islam undertakes regulations to block illegal ways to collect wealth, harmful methods

⁵¹ Some foods, animals, and popular currency like gold and silver are considered as the subject of *Zakat* in the classic Islamic law. See Muntazeri, *Islam Din-e Fitrati*, p. 580.

⁵² There are several Islamic points that encourage people to remove poverty because it fails religiousness, misleads rationality, and mistreats social relationship (Imam Ali, Nahj, saying No. 319, Muntazeri, *Islam Din-e Fitrati*, p. 548).

⁵³ *Zakat* in its Arabic root means purifying. So it is developed in Islamic civilization in regards to body, social position, beauty, political power, braveness, health, success, and knowledge respectively as fasting, giving, chastity, justice, struggling in the path of God, attempting to worship God, benevolence, spreading the knowledge to enjoy the purified nature of your possessions.

⁵⁴ See Sayed Yahya Yasrebi, *Tafsir-e Rooz*, Sure 104.

for income such as fraud and hoarding, and enriches faith in order to fight corruption, keeps the economy associated with human, moral and divine values oriented toward social justice and reducing the gap between poor and rich. Alongside, Islamic regulations and concepts of usury, lending interest-free, and giving alms provide some benefit for poor people encouraging them to take a share in a productive life. Moreover, the Islamic religious position does not afford financial privilege for believers. Religious leaders have the same rights and obligations in regard to property, work, and interests. Even the political leadership, in a theocracy, originates from people's pledge or (*Bay'a*), and is conditioned by applying Islamic practices. In other words, all verdicts and orders through religious authority or leaders must possess a clear process of transparency and must welcome all constructive criticism.

Human Responsibility

Based on such background, a great Salafi jurist, Ibn Qayyim al-Jawziyyah (1292-1350) wrote: "God sent the prophets and revealed books to help people to establish *Qist* - meaning justice - that is the foundation for skies and earth. When signs of justice appear and they present themselves, that is the *al-Sharia* of God and His religion, no matter from whence they come."⁵⁵ Accordingly, efforts to understand and apply justice consistent with our own time can be understood as part of practicing *al-Sharia*. In this way justice becomes associated with human free will and one's responsibility. It means that God's justice includes two elements: in regard to God, it implies God's activities in the world through the principle of causality that is known as *Qaza wa Qadar* or "predetermination and destiny."⁵⁶ In regard to humans, they have to know God's rule, natural law and human nature and take responsibility to solve their own problems.⁵⁷ Following this, I argue that scholars should examine new domains of justice in the Islamic context. These will be useful for both Islamic intellectualism and the global context.

Before moving on, I have to emphasize that, at a glance, in comparison with two substantial human values namely liberty and justice, Muslim populations seem to have prioritized justice over liberty. This is the reason for the growth of socialistic and communistic movements among Muslim cultures,

Muhammad bn Abu Bakr, Ibn Qayyim al-Jawziyyah, *Bada'i al-Fawz'id* (Jeddah: Majma al-Fiqh al-Islami, 2008), 3:764.

⁵⁵ There is a Hadith or narration from Imam Sadiq in the most important book of Hadith in Shia Islam saying the following: "God dislikes doing something ignoring its causes." Cf. Muhammad ibn Yaqub al-Kulayni, *Usul al-Kafi*, Vol. 1, Chapter on knowing Imam and referring to him, Hadith No. 7.

⁵⁶ Muttahari, *Jahranbini-e Tawhidi* (Tehran: Sadra, available at www.motaheri.ir), 2/98-99.

rather than liberal and capitalist movements. Muslims look at democracy as a path toward justice and social services more than a path toward human rights, free will and free expression. Social and economic justice is the main concern of political Islam, including the Iranian revolution and the Egyptian brotherhood; in this context, "Divine Justice" written by Murtaza Mutahhari (1919-1979), the theorist of the Islamic revolution in Iran, and "Social Justice in Islam" written by Sayyid Qutb (1906-1966), the theorist of Muslim brotherhood in Egypt, should be noted. The former tries to present a theological and philosophical account of justice, and the second attempts to apply social justice through *al-Sharia's* rule. In another word, Mutahhari looks at justice from a secular perspective that provides us some rationale to understand religious obligations. Therefore, justice is not what religion declares, but religion declares what justice does.⁵⁸ Qutb believes that justice is based on our notion of religious foundations. It is applicable only through following *al-Sharia*. It appears as the result of religious obligations, not as a criterion for religious doctrines and obligations.⁵⁹ In any case, both approaches reflect a firm linkage between faith and justice. In what follows, we shall survey the potential for further explorations.

1) *Pre-religious concept of justice*. The Quran focuses and reiterates the significance, necessity, value, and practice of justice without giving it any clear and special definition. Accordingly, justice is not an abstract idea from a religious source, but it is a criterion for evaluating religions. The Muslim definition of justice as "putting everything in its right place" states the above-mentioned points and implicates firstly a priority existence of "right" that recognizes and follows through justice; secondly, a priority "status" that realizes rights through justice. This pre-religious understanding of universal values like justice appeared in *Adliya*; it helps intellectuals to evaluate religious claims and rules based on justice. Also, it inspires people to constantly think of communication between new rational and pragmatic ideas. Furthermore, Islamic civilization, like other civilizations, develops through exchanging ideas with others and the fundamental concept of justice is no exception. Dealing with the notion of justice understood as a right to private property, as equal freedom and equal opportunity and welfare, as equal rights for self-determination and improvement, and, finally, as rule of law, is something destined to enrich the Muslim world. Let's now consider some of those aspects:

2) In the Quran, there are several regulations related to justice. Although the Quran did not define the meaning of justice, it clearly mentions regulations that give us opportunity to look at justice from a religious perspective.

⁵⁸ Murtaza Mutahhari, *Barrafiye Ejmali-e Mabaniye Iqtisad-e Islami* (Tehran: Hikmat, 1420), p. 14.

⁵⁹ Sayyid Qutb, *al-Adalat al-Ijtima'iyyah fi al-Islam* (Beirut: Dar al-Shorouh, 1995), pp. 20-24.

Additionally, these regulations lay a foundation for dialogue between revelation and reason, warning us of forgetting the balance between a pure proportionism and an equal distributionism. Neglecting these regulations can help impoverished and downtrodden people.⁶⁰ The Quran explicitly distinguishes between two kinds of differentiation and inequality among people: (A) the inherent inequality among people has its origin in the divine plan (4:34; 17:2). It is associated with God's order for care of society backed with His reward and punishment; (B) unnatural inequality is originated from human discrimination and oppression (28:5). It is our responsibility to try to remove it (34:32). Human responsibility takes different forms. However, Islam's special regulations serve in the following manner: (a) remind us of a comprehensive view of justice that might be neglected under the power of money, politics, and even everyday life; (b) makes a field for discussion among humans in search for understanding and some divine orders to enrich human life through discovering unfamiliar ideas; and (c) points out a connection existing between secular and sacred values and connects justice with other human values that lead to greater justice and fosters religious values such as kindness and benevolence.

3) *Ijtihad* or association between secular and sacred efforts. The Quranic advice "Command what is found in common custom" (7:99, also see 3:110 & 22:78) through using an Arabic word "*Urf*"⁶¹ - meaning the common values and customs - provides a foundation for Islamic jurisprudence to deduce the principle of customary manner or the authenticity of customariness. The significance of customs established the law school in Islamic culture especially among the followers of Imam Abu Hanifa (699-767). This school acknowledges five characteristics in human custom: it is the Islamic source of law, the frame for *al-Sharia*, leads *al-Sharia* to flexibility, is prior to *Nas* (the clear text of *al-Sharia*), conditions and determines *al-Sharia's* general rules.⁶² This system considers the deduction and the argument based on common sense, as it is said that *Urf* means the ongoing style or general established approach among people to do or avoid an action or a speech.⁶³ Concerning justice, a new *Ijtihad* by Ayatullah Yusef Sane'i is trying to make an argument by adding one more verse of the Quran, "and we did not send any messenger

⁶⁰ The Quran uses term "who were deemed weak in the land" (Quran, 28:5) referring to socio-politico-economic circumstances create this class of people.

⁶¹ Regarding the Arabic root of word, Muslim exegetes mostly interpret *Urf* to "well-known goodness." It is said that Ghazzali was the first one to define *Urf* in Islamic jurisprudence saying that "common habits and *Urf*" established rationality in the souls and "nice hearts accept them" (see Qabil, *Qadeh-e Adalat va Nafy-e Zalim*, pp. 148-152).

⁶² Ali Jabbar Gulbaghi Masulah, *Dar Amadi bar Urf* (Qum: Daftar-e Tablighat: 1378).
⁶³ Qabil, *Qadeh-e Adalat*, p. 155.

except with the language of his people" (14:4) to infer the following: first, in conflict between completely rational opinions and *Urf*, the latter is prioritized as is common in *al-Sharia*. Second, *Urf*'s understanding of justice is prioritized over the specific orders of *al-Sharia* in cases of conflict⁶⁴. However, the practical reasoning in Islamic law can provide an updated understanding of justice to confront the *status quo*.

4) The formation of new ideas. In the history of Islamic intellectualism, two dominant extremist interpretations, from opposite poles have threatened rationalism. Islamic Scripturalism is found in a variety of forms, including Salafism present among Sunni, Akhbari, and Shia.⁶⁵ Overall, one interpretive form reduces Islam to the outward meaning of scripture, and the other, Sufism, reduces Islam to its inward aspects and is an anti-rational approach.⁶⁶ The first enlarged and enriched the principle of justice through the objectives of *al-Sharia*, and the latter, favored *Ishq* (love) and intuition that elicits different readings. This same story is repeated nowadays by equating justice with outer and direct textual laws and also equating religious inspiration with mysticism. Accordingly, current Muslims, through these two methods, attempt to apply justice: (1) Scripturalism, in the radical form of Salafism, or in a moderate form in Shia that does not consider time and space implications. They both seek application of a very restricted concept of *al-Sharia* without thinking of the background, of adjustment, and goals. (2) new-Mutazilism is, in its principles of faith, rationalistic and in law, dependent on an updated *Ijtihad*. Practicing Islam in the global village is a matter of serious contemplation, the Islamic doctrine of justice requires new institution of *Ijtihad*. These three points can lay firm foundations for the desired *Ijtihad*: first the Islamic doctrine of *Takhtaihi* (erroneousness) that recognizes the possibility of error in an Islamic verdict through the process of *Ijtihad*. Averroes (1126-1198) bravely expanded this idea on the main principles of faith, rather than limiting them to particular practices.⁶⁷ A second point that the updated *Ijtihad* must refer constantly to Islamic spirit and goals. Third, the institution cannot be satisfied only with the classical methods, approaches, and resources of *Fiqh*. Muhammad Iqbal (1877-1938) was a pioneer, calling for a modern *Ijtihad* that can be

⁶⁴ Qabil, *Qadeh-e Adalat*, p. 177-265.

⁶⁵ I mean widely all Shia schools that limit to revealed theology and canon law. Historically, Akhbari refers to a Shia school of thought who rejects the use of reasoning in deriving religious laws limiting to the holy texts including the Quran and *al-Sunnah*. The singular form of Akhbar is Khabar (report) equals the holy report or *al-Hadith*.

⁶⁶ This well-known poem of Rumi is completely clear in criticizing the rational approach: The leg of the syllogisers is of wood; a wooden leg is very infirm." Rumi, *The Mathnawi of Jalal ud-din Rumi*, 1:2128.

⁶⁷ Ibn Rushd, *Fasl al-Maqal* (Beirut: Markaz Derasat al-Wahdah al-Arabia, 1997), p. 107.

understood by a grand national assembly.⁶⁸ This means enriching the Islamic concept of justice in theory and practice and calls for cooperation of various perspectives in humanities and theology.⁶⁹ However, keeping the Islamic idea of justice active and inspiring necessitates using but not just grafting on the Western ideas to traditional Islamic laws. We are living in different times with lots of new discoveries. Updated *Ijtihad* is a human investigation standing on its own feet, looking at the sun, and trying to balance between the modern and the changeable side and the traditional and stable side.

5) Confrontation between Western and Muslim intellectualism. Although there is no doubt about the significant dialogue on justice taking place, and the need for co-responsibility among scholars to advance the idea of justice, there are still significant obstacles on both sides. Both seem caught in prisons of the past. Muslim intellectualism is hardly able to leave its colonial background, recently fired with anti-capitalism. There are lots of economic-political phenomena which cause hesitation about equal treatment in the global village. Both sides experience dichotomous approaches under Orientalism, and such dominant paradigms. This approach often prohibits Western culture from grasping the opportunities in Islam with regard to justice. The tendency is still to view Islam through a Christian lens or from a previous historical period. The reverse happens to Muslims. Both sides need to overcome these blocks, and examine each other's experiences, not only as one among other options, but as an obligation to advance the long human desire for justice, with the help of other cultures and traditions.

6) From justice to benevolence. The Quran mentions both justice and benevolence as virtues associated with each other (16:90). The social aspects of Islam also examine the difference between them. The first represents a starting point and the second the desire point or goal. There is a quotation of Imam Ali, the prophet Muhammad's son in law, who is well known for his generosity and benevolence in history, answering the question of preference between justice and generosity "Jood"⁷⁰ saying: "Justice puts everything in its place, and generosity distirbutes them in all directions. Justice is a general

⁶⁸ Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (first published 1930, available at www.kms1.isn.ethz.ch), pp. 72-76.

⁶⁹ This is why I do not agree with Socialist Islam because it is concentrated on one value from one perspective. See Hassan Hanafi, *New Directions in Islamic Thought* (Washington D.C., Georgetown University: cirs, 2010).

⁷⁰ Jood or generosity is more specific than benevolence "*hasan*," although there are same in regard to justice. Generosity is more considered with giving money and goods, but benevolence covers the actions, services and behaviors as well (Murtaza Muttahari, *Bisr Gofar* (available on www.motaheri.ir), p. 20).

rule and generosity is a special attribute."⁷¹ The former is subject to public law and rule, and the latter is subject to personal choice and dignity. The first is the foundation of society, the second, the accomplishment of personal character. If there is no strong foundation, the complementary cannot keep the entity safe. Justice is a floor and benevolence is a roof.

7) Inspiring ideas. Finally, the comprehensive concept of justice in Islam encourages us to think of justice in a variety of surrounding problems including discrimination based on domestic or global traditions, the gap between classes, conflicts among human values like freedom, philanthropy and justice, industrialization of the culture, psychological and moral reactions, isolating people from their existential and ontological roots in considering justice, modernization of undeveloped countries and the investment of the first world in the third world countries that can be a potential for extremism. It demands a religious perspective to look at justice, if one wants to go deeply into basic human values. In other words, it inspires us to not limit justice to a utilitarian, conventional, libertarian, or simple equality approaches. Finally, one could say that the Islamic call for justice is both theoretical and practical; it is a human call for a common, global attempt to analyze and consider different aspects of justice and to try to apply them as well.

REFERENCES

- AL-FARABI, abu Nasr (1354). *Arae Aql-e Madineh-e Fazileh* (The Opinions of the Virtuous City). Tehran: Shoraye Ali Farhang va Honar.
- ALI IBN ABITALIB [no date]. *Nahj al-Balaghah*, collected by Sayyid Razi and edited by Subi Salih. Qum: Dar al-Hijrah.
- AL-KULAYNI, Muhammad ibn Ya'qub (1369). *Usul al-Kafi* (The Sufficient Principles). Tehran: Islamiyyah.
- AL-MUQBELI, Salih bn Mahdi (1328). *al-Alam al-Shamikh fi Ithar al-Haq ala al-Abae wa al-Mashayekh* (The Lofty Flag on Predecessors and Leaders). Egypt: [no publisher name].
- AL-NADIM, Muhammad Ibn Ishaq (2009). *Kitab al-Fihrist* (The Book of Index), edited by Sayyid Ayman Fuad. London: Al-Furqan Islamic Heritage Foundation.
- AL-RAZI, Fakhr al-Din (1981). *Tafsir-e al-Fakhr al-Razi*. Beirut: Dar al-Fikr.
- FATMI, Hassan (2006). "Alfatur, Telayedar-e Bahih-e Husn wa Qubh-e Aqli." (Plato: the Pioneer of Discussion on Inherent Goodness and Badness), in *Helikam va Falsafeh (Wisdom and Philosophy)*. Tehran: Allameh University: Department of Philosophy.
- GHAZZALI, Muhammad [no date]. *Ihya Ulom al-Din (Revival of Religious Knowledge)*, introduced by Badawi Tabanah. Indonesia: Keryatah Futra.
- ⁷¹ Ali Ibn Abitalib, *Nahj al-Balaghah*, saying No. 437; Murtaza Muttahari, *Sairi dar Nahj al-Balaghah* (available at www.motaheri.ir), pp. 117-120.

- GHIAZZALI, Muhammad (1380). *Kirinyaye Sa'adat (The Alchemy of Happiness)*, Edited by Hussain Khdiw Jam. Tehran: Ilmi wa Farhangi.
- GULBAGHI, Masulab, Ali Jabbar (1378). *Dar Amadi bar Urf (An Introduction to the Custom)*. Qum: Daftar-e Tablighat.
- HAERI YAZDI, Mahdi (1361). *Kavosh-ha-e Aql-e Amali (The Investigations Through the Practical Reason)*. Tehran: Moasese-ye Mutaleat va Tahqiqat-e Farhangi.
- HANAIFI, Hassan (2010). *New Directions in Islamic Thought*. Washington D.C., Georgetown University: CIRS.
- HILLI, Jamal al-Din Hassan (1375). *Kashf al-Murad fi Sharh Tajrid al-Iliqad (Exploring the Intentions; An Interpretation on the Summation of Belief)*. Edited and revised by Jafar Subhani. Qum: Moasese-ye Imam Sadiq.
- HUSSAINI, Sayed Hassan (2013). "Identity and Immigration. A Quranic Perspective," *Building Community in a Mobile/Global Age: Migration and Hospitality*. Washington D.C., The Council for Research in Values and Philosophy.
- HUSSAINI, Sayed Hassan (2009). "Al-Farabi and Machiavelli." *Journal of Ayenah Marefat*. Tehran: Shahid Beheshti University.
- HUSSAINI, Sayed Hassan (2013). *Taliban and Safafism: a historical and theological exploration* available at (<http://www.opendemocracy.net/sayed-hassan-akhlaq/taliban-and-safafism-historical-and-theological-exploration>).
- IBN KHALDUN (2004). *Muqaddimah* (An Introduction), edited by Abd al-Allah Muhammad al-Darwish. Damascus: Dar Yaarob.
- IBN RUSYD (1997). *Fasl al-Maqal (Decisive Treatise)*, edited by Muhammad Abid al-Jabiri. Beirut: Markaz Derusat al-Wahdah al-Arabia.
- IMAMI, Muhammad Jafar (1387). *Lughat Dar Tafsir-e Namoneh (The [Quranic] Terms in Tafsir-e Namoneh)*. Qum: Moasese-ye Imam Ali bn Abi Talib.
- IOBAL, Muhammad. *The Reconstruction of Religious Thought in Islam* (first published 1930, available at www.isn.ethz.ch).
- MUHAMMAD IBN ABU BAKR, Ibn Qayyim al-Jawziyyah (2008). *Bada'i al-Fawa'id* (the beneficial innovations). Jidda: Majma al-Fiqh al-Islami.
- MUTAZERI, Hussain Ali (1378). *Islam Din-e Fitrat (Islam: Natural Religion)*. Tehran: Sayeh.
- MUTTAHARI, Murtaza. *Adl-e Elahi (The Divine Justice)* (available at www.motaheri.ir).
- MUTTAHARI, Murtaza. *Bisr Gufar (The Twenty Lectures)* (available at www.motaheri.ir).
- MUTTAHARI, Murtaza (1420). *Barrasiye Ejmali-e Mabaniye Iqtisade Islami (A General Inquiry on the Principles of Islamic Economics)*. Tehran: Hikmat.
- MUTTAHARI, Murtaza. *Jalaubini Tawhidi (The Monotheistic Worldview)* (available on www.motaheri.ir).
- MUTTAHARI, Murtaza. *Sairi dar Nahj al-Balaghah (An Exploration on Nahj al-Balaghah)*, (available at www.motaheri.ir).

- NARRAOI, Ahmad (1379). *Miraj al-Sa'adah (The Ascent of Happiness)*. Qum: Hijrat.
- NARRAOI, Mahdi [no date]. *Jame al-Sa'adaat (The All Comprehensive Happiness)*, introduced by Muhammad Reza Muzaffar, edited by Muhammad Kalantar. Beirut: al-Alami.
- QADII, (Jami), Hadi (1390). *Qaedat-e Adalat wa Nafy-e Zulm (The Principle of Justice and Eliminating Injustice)*. Qum: Fiqh al-Thaqalayin.
- QADII ABDUL-JABBAR (1974). *Fa'z al-Itizal wa Tabaqat al-Mutazilah (The Preference of Mutazila School and the Layers of Scholars of Mutazila)*. Tunis: al-Dar al-Tunisiyyah lil-Nashr.
- QADII ABDUL-JABBAR (1996). *Sharh al-Usool al-Khamsah (An Interpretation on the Five Principles)*, edited Abd al-Karim Uthman. Cairo: Maktabah Wahabah.
- QAHDI ABDUL-JABBAR (1998). *al-Usool al-Khamsah (The Five Principles)*, edited by Faisal Badir Awn. Safat: Kuwait University.
- QUTB, Sayed (1995/1415). *al-Adaalat al-ijtimaiyyah fi al-Islam (The Social Justice in Islam)*. Beirut: Dar al-Shorouq.
- RUMI, Jalal al-Din (2002). *The Mathnawi of Jalal ud-din Rums*. Translated and edited by Reynold Alleyne Nicholson. Tehran: Booteh.
- SAYED YAHYA YASREBI (1387). *Muqaddemeii bar Falsafe-e Siyasat dar Islam (An Introduction to Political Philosophy in Islam)*. Tehran: Amir Kabir.
- SUBHANI TABRIZI, Jafar (1382). *Husn wa Qubh-e Aqli ya Payeha-e Akhlaq-e Jawidan (The Rational Goodness and Badness of the Foundations for Permanent Ethics)*. Qum: Moasese-ye Imam Sadiq.

Part V

Justice, Rights and Responsibility in the Socio-Political and Economic Realm