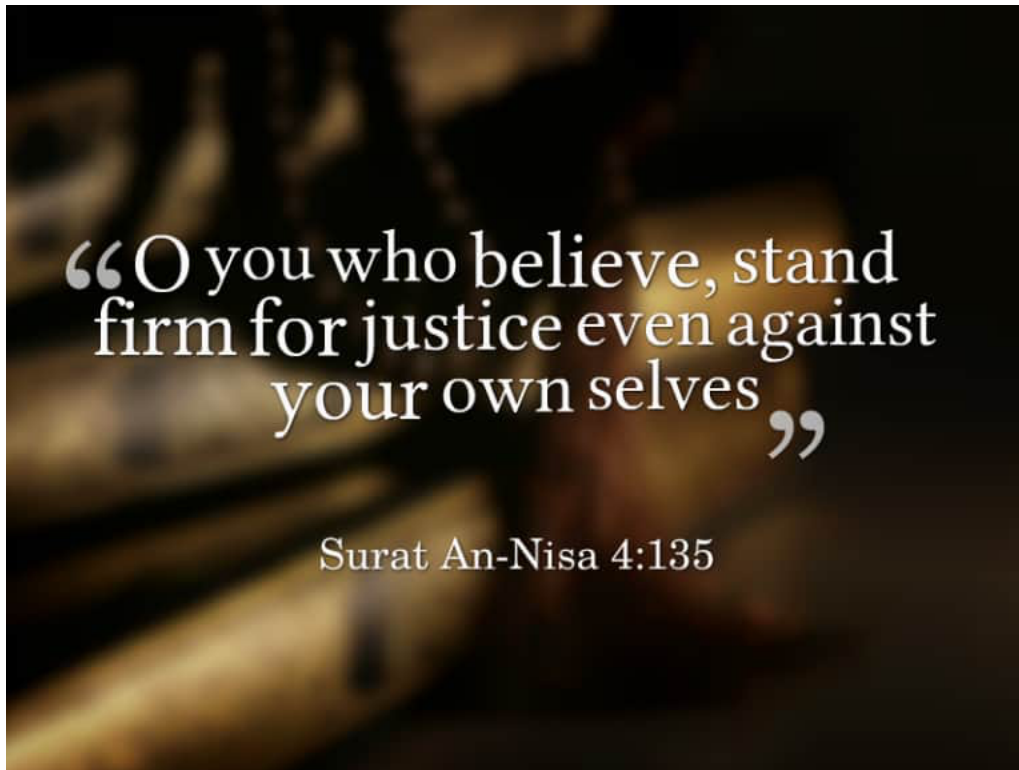


Why is justice so important in Islam?



The core article of faith is the oneness of God, reflected in the unity of His creation in its totality. This unity is reflected in harmony and balance. Injustice destroys harmony and upsets balance thereby provoking disorder. The Muslim is commanded to give primacy to prayer throughout his life and, in all that he does, to remember God. It is true that people can maintain prayer and remembrance under all conditions, even in the midst of chaos, but the fact remains that spiritual life prospers and flourishes when it has a stable base, a firm platform from which the ascent to the knowledge of God and the love of God can, as it were, take off. A disordered society compounded of danger and distractions, unjust and troubled, provides no such security. The man who has to watch his back all the time is diverted from the remembrance of God as is the one who has suffered injustice and must struggle to eliminate feelings of anger and resentment. Moreover, injustice fractures the brotherhood and sisterhood of the believers which is an essential element in an Islamic society. Above and beyond this is the simple fact that He who is called “the Just” commands justice both in society and in every aspect of human relations. Since, in Islam, all things are inter-connected – this is an aspect of unity – it might even be said that every act of injustice jars on the cosmos as a whole like a discordant note in a piece of music.

Islam is a very realistic religion and the Quran itself recognises the reality of human weakness. Those who are injured are permitted to take retaliation but they are reminded at every turn that it is better to forgive and to seek reconciliation. Muslims are commanded to return good for evil, thus breaking the vicious circle of animosity; “to do good to those who have injured us” in the words of one of the classical commentators on the Quran, but this requires human qualities which are by no means universal although they were characteristic of Muhammad. In his

dealings with the pagans who tried by every means to destroy him and his community he exemplified the rule of forgiveness and reconciliation, forgiving even the most vicious of his enemies when he finally re-entered Mecca in triumph, providing them with gifts so that their hard hearts might be softened and peace prevail after the years of conflict. Justice might have required their punishment, but there is no contradiction here since there is more than one way to achieve balance which, after all, is the ultimate objective of justice. Islam describes itself as “the middle way”, a religion of moderation in everything except the love and worship of God. Muhammad condemned extremism with the greatest severity and today’s Muslims have a greater need to be reminded of this than ever before as they do of his saying that “anger burns up good deeds just as fire burns up dry wood”.

Extremism and anger are both of them ugly in their manifestations. In one of his inspired sayings (these are quite separate from the revealed text of the Quran) the Prophet said: “God is beautiful; He loves beauty”. It is significant that the Arabic word *âsan* means both “good” and “beautiful”. The connection is clear since a good action or, for that matter, a good character has a quality of beauty which, in its turn, is related to the idea of harmony, just proportion and therefore of justice as such. It is worth noting that the English word “fair” means both just and beautiful. The Arabic verb *âadala*, from the same root as *âadl* (Justice), is usually translated as “to proportion”, “to create in symmetry” or “to be equitable”. Here again we have the idea of harmony which is dependent upon justice.

Muslim thinkers have always been interested in the science of numbers and their significance, and each letter of the Arabic alphabet has a particular number attached to it. Words derived from the root *âDL*, including *âadl*, occur 28 times in the Quran, and, as it happens, there are 28 letters in the Arabic alphabet. These are related to the 28 “mansions of the moon” which determine the Muslim calendar. This may seem somewhat esoteric but, in the Islamic perspective, there are no chance coincidences and, for Muslims, it is further proof of the universal harmony which is the pattern of creation and a sign that everything makes sense when it is closely examined.

In the Quran, which is for all Muslims the directly revealed Word of God, He says: “We sent down the Book and the Balance so that mankind might uphold justice”. Here again the idea of balance occurs, linked directly with the revelation itself. The “scales of justice” are set up and our actions are to be weighed in perfect equity. Regarding the Last Judgement, we read in the Quran: “That day mankind will issue forth in scattered groups to be shown their deeds, and whoso does an atom’s weight of good will see it then and whoso does an atom’s weight of ill will see it then”.

Actions which may appear to us completely trivial are cast into the balance, but good and ill are not alike in weight. The Quran tells us also that a good action, however small in itself, will be rewarded many times its own weight whereas the crimes or sins we may have committed will weigh no more and no less than what they are as such. It might even be said that the scales are themselves weighted in favour of the good and since God is the source of all that is good, all that is beautiful, all that is harmonious, this is in the nature of things. So far as human justice is concerned, the Prophet counselled all those who are obliged to sit in judgement over their fellows to “avert penalties by doubts” and this is clearly in accordance with the requirement of the British legal system that guilt must be proved “beyond reasonable doubt”.

Judicial System

“But no, by your Lord! They will not believe until they make you a judge in what they dispute among themselves, then they will find in themselves no uneasiness touching your verdict and shall submit in full submission.” Holy Qur'an (4:56)

Naturally, human societies witness problems and differences among the people. Some may assault others, someone may beat another, someone may steal another's money, commit murder, or otherwise endanger the life of a member of society. A difference may arise between them over the ownership of a piece of land, a debt, or any other source of contention.

Islam aims to establish justice, security and stability in society. To do this, it sets certain laws and rules in effect to punish transgressors and deter them from resorting to violence. These laws oblige the Muslims to take their cases before the judiciary to be examined and judged. Islam makes acceptance of the verdict passed by the Islamic court a requirement of faith as is shown by the above Qur'anic verse.

By establishing the judiciary in Islamic society, security, stability and justice can be preserved. Crime and evil is also controlled. For the criminal and transgressor fear of punishment, tends to urge them to refrain from these acts against society. Were it not for the judiciary and punishment, human societies would be plagued by chaos.

“And that when you judge between people you judge with justice.” Holy Qur'an (4:58)

Principles of the Judiciary System

“...and when you speak, then be just though a be (against) a relative,...” Holy Qur'an (6:153)

1. The judge should be a jurisprudent (*faqih*) and sufficiently wise with respect to Islamic laws so that he can pass judgement in light of this knowledge.
2. The judge should be a pious man who judges justly and rightly.
3. No judgement can be given without evidence, testimony of witnesses, and/or the admission of the accused.
4. Every accused man is innocent until he is proven guilty. If guilty, he is punished and ordered to restore the injured party's rights.
5. The judgement handed down by the Islamic court should be in accordance with the laws and rules of Islam alone.

Praise be to Allah, Lord of the worlds

In the present age, at least in the West, the notion of justice and, in particular, of rights has taken on a colouring that is specifically modern. People are unwilling to accept that misfortunes are a part of life and not necessarily the fault of someone else or of the system. Earlier generations in the West were taught the virtue of resignation, as are Muslims still to this day. The cry “It’s so unfair!” is heard now on every side and the subjective conviction that one has suffered injustice or that one’s rights have been infringed is a source of bitterness and unhappiness. The Muslim, while he must uphold justice so far as he can, has no right to such self-indulgence or to suppose

that he can be judge in his own case. To complain against destiny is, in effect, to enter a complaint against Him who holds all destinies in His hand and whose justice is beyond questioning. Here certain Qur'anic verses are particularly apposite: "And surely We will try you with something of fear and hunger and the loss of wealth and lives and crops. But give good news to the steadfast who say, when misfortune strikes them: 'Truly we belong to God and truly to Him we return'. These are they upon whom are blessings from their Lord and mercy. Such are the rightly guided". Life's vicissitudes test our metal and reveal what we truly are in ourselves. The notion of "fair shares" can be dangerous since few people today are ready to accept that what life has given them is indeed fair. In the Islamic perspective ultimate justice puts everything in its appropriate place, whether high or low, and this is to be accepted since there is no place from which the ascent to the Creator - "seeking the Face of his Lord Most High" - may not be undertaken. This, rather than wealth or good fortune, is the priority of the Muslim who aims to fulfil the purpose of his life.

Clearly the question of balance arises once again: on the one hand the obligation to strive for justice in this world, on the other to accept the injustices which are woven into our earthly life in a spirit of resignation. Circumstances dictate which of these alternatives is appropriate. The story is told of a merchant in Muslim Spain who, when told that his ship had sunk with all his goods aboard, looked down for a moment before exclaiming: "Praise be to God!". Later a man came to tell him that the ship had been saved. Once again he looked down before exclaiming: "Praise be to God!". He was asked why he had looked down. "I wanted," he said, "to be sure that my heart was untroubled". Equanimity is a basic virtue in Islam. Here, perhaps, there is a clue to the reconciliation of the alternatives with which we are so often faced – to take up arms against the injustice we have suffered or to accept it with resignation. The right choice can only be made if we detach ourselves from our emotions and from all subjectivism.

This, of course, is an ideal not easily attainable but what matters is that the ideal stands clear of personal entanglements, is respected and is seen as the goal for which the good man should aim. History recounts that, during one of the battles in defence of the Muslim community in Medina, the Prophet's son-in-law Ali, engaged in combat with one of the pagans, brought his enemy to his knees and was about to strike the killing blow when the man spat in his face. Ali sheathed his sword, knowing that to strike out of personal anger rather than as an act of dispassionate justice would be a sin.

So justice is a basic principle of Islam since it has its roots in God Himself. To the secular jurist who sees it as an end in itself this may seem an alien concept but Islam is a God-centered Faith which never permits anything to be detached from its divine source, al-Åaqq, one of the "99 Names", which means "The Truth" but can also be translated as "The Real", ultimate Reality itself. There is therefore a principle which over-masters justice and this is Raãmah, Mercy. According to another of the Prophet's inspired sayings: "When God completed the creation He wrote the following, which is with Him above His Throne - My Mercy takes precedence over my Wrath". Justice is, in a sense, a manifestation of Wrath unless it is tempered by Mercy. All but one of the chapters of the Quran opens with the words: "In the name of God, the Merciful, the Dispenser of Mercy", and, among Muslims, these same words initiate all human actions. It is said that the instrument of creation was the "breath of the Merciful" and therefore that existence itself is a mercy for which we have a duty to be grateful. Indeed, ingratitude and unbelief are

almost synonymous in the Islamic perspective.

Believers are warned again and again that if they hope for mercy from their Lord – as all must – then they have to show mercy to their fellows and to “every creature that has a living heart” including the beasts and the birds. “God gives a reward for gentleness which He will never give for harshness”, said the Prophet. It is clear that, for the Muslim, there is a powerful restraint upon justice if justice is understood merely as a weighing of relevant facts and that is why the human judge, fallible and himself in need of mercy, trembles when he gives judgement.

In Islam mercy always has the last word.

Conclusion

The Islamic form of distributive justice could create a society that may not be equal in economic standards because it must allow for individual differences, depending on the degree of effort put in. Nevertheless, whether such a judicial system is inspired by Islamic thinkers such as al-Iṣfahānī or it takes on another form; if administered by those who are just and righteous as suggested in surah al-Nisā', verse 58, it would help those who are the least fortunate and bridge the gap between rich and poor in such a way that we would never again live in an Islamic society where there is abject poverty.

Justice in the Qur'anic context is about conforming to the divine law and being obedient to God. Justice in the Qur'an has no room for discrimination based on color, race, or gender. Qur'anic justice is a moral virtue and a legal concept. These two dimensions of justice—justice towards oneself and justice towards others—are two sides of the same coin, so should not be separated. Those in leadership positions should be the embodiment of moral virtue if they are to dispense justice in a fair manner. If justice is a virtue of the soul, as al-Iṣfahānī has demonstrated, it will provide the strength of character and the force of will to implement justice at the external level of the society.

Principles of justice should not be morally neutral but informed by a clear set of values, not only for the sake of human rights but also to nurture these rights. The focus on human rights in Western society is partly a result of self-interest, and partly an over-legalistic conception of justice. This has led to great societal injustices. There is an urgent need to revitalize the concept of justice as a virtue for the sake of peace and happiness. While Western philosophy defines justice as 'giving to each what is due', Islamic philosophy, while acknowledging justice as equality, views justice as an overflowing stream that sweeps away inequities. Islamic justice is not to be conceived in purely legalistic terms but has an ethical spirit that allows for spontaneous acts of kindness from the heart. The Qur'an assigns responsibility for justice to both the individual and the government. There is no limit to how much voluntary charity the individual can give to help the less fortunate. Islamic governments are expected to collect and dispense the compulsory dues paid to those who are in need, such as orphans, widows, the sick, and the elderly.

Al-Iṣfahānī in the eleventh century integrated the Aristotelian forms of distributive and rectificatory justice into the Islamic worldview. Contemporary scholars should continue in this spirit and apply their minds to contemporary knowledge and the best available approaches to implement distributive justice in Muslim societies. As for rectificatory justice, it is not only a matter of addressing individual crimes but also about redressing historical injustices through affirmative action.

Muslim modernists and revivalists have been mainly concerned with distributive justice. The modernists who were inspired by Western ideals hold that distributive justice is for the public good, and therefore does not need Islamic justification, while the revivalists are hesitant to adopt Western forms of justice without integrating them with the moral and spiritual values of Islam. Justice in the context of Islamic virtue ethics is incompatible with many modern liberal conceptions of justice, which tend to be more inspired by individualistic self-interest than humanitarian altruism.