This volume brings together essays presented at two International Seminars organized by The Council for Research in Values & Philosophy (RVP) held in Washington D.C., in the summers of 2011 & 2013. Some of the contributions were presented at a meeting held at Boston College as an extension of the 2013 Seminar. Under the title Responsibility, Personal and Social Foundations for Life in a Global Age in 2011, and Justice and Responsibility: Cultural and Philosophical Considerations in 2013, the two International Seminars at the base of this book had their starting point in the recognition of the need to overcome the excesses inherent in social paradigms based on self-centered individualism. The Seminars were deeply animated by the urgency of moving philosophical and interdisciplinary reflection toward a more holistic understanding of human existence. The core of the proceedings was built around the concepts of responsibility and justice. This is a project oriented toward the formulation of a new humanism and a philosophical understanding of the social dimension of the human condition based on the premises of an authentic openness to the neighbor, near and far, and to transcendence.
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
Sijia Gaupe

227 Cultural Islam: An Alternative to Political Islam
Ishat 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 Chipoiu

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 Ctobor-Lupp

377 Young's Theory of Structural Justice and Collective Responsibility
Federico 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 Anwuliorah & Jude Chinweuba Asike

411 The Human Rights Issue: An Indian Perspective
Vansita A. George

425 Subaltern Global Justice and National Identity
R. C. Sinha

435 The Conjunction between Quranic Justice and Islamic Civilization
Sayed Hassan "Akhlaq" Husseini

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
Chrysovalan Gitsoulis

499 Living Wages and Economic Justice: Whose Responsibility?
Micah Lott

513 CONCLUSION

513 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 "Akhilao" 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 viceroy in his world. The human is the link between heaven and earth, objective and subjective reality, and the personal and the social. Thus, justice plays a big role in understanding and practicing Islam. It is an indispensable foundation for Islamic doctrine as well as for theological matters. Justice as the 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, in 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, "Qisa" in different forms of speech 25 times, and "Wazn" in different forms of speech 23 times. Respectively, the first term means justice, the second term means 'giving everyone his portion,' and the third means 'calculating exactly.' The holy Quran relates justice to the following issues:

Mohammad Jafar Imamzadi, Lughat dar Taṣbib Namusheh (Qom: Imam Ali bin Abi Talib, 1387).
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; 16:70). 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-Sunnah 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." In this context, filled with the concept of justice, it makes sense that Muslims have to beg God constantly in their daily praying to help them in practicing justice.  

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-Adliyah Wa-l Ghayrahun or "people of justice and the others." People of justice include Muazzizah, from a Sunni context, and Shia. Others mostly manifest in Ashaer and can be traced to Ahi 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.  

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. The true problem is related to human reason and free will. Mu'takal-him 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 opposition side, there is no way to distinguish between the true and false and right and wrong.

3 al-Usud al-Khamsah (Safat: Kuwait University, 1998), p. 69.
4 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 Muttabhari, Adil-e Haq (www.motahhari.ir), p. 51.

RVP - The Council for Research in Values and Philosophy

Justice and Responsibility: Cultural and Philosophical Foundations
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 Hukm wa Qubl-i Aqli wa Zhati or "rational and inherent goodness and badness," and God's wisdom that leads finally to the meaning of Ta'wil or Oneness of God.6

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. 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-Taqadim or al-Qazawa wa al-Qadiri.

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 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 (57:23), it has to be an absolute idea because if God's laws are permanent they have to be 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 meta-physical 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 concept, 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 philosophic king, in four different forms.14

---

6 Mutahhari, All-e-Ilahi, p. 23. It seems that this is the origin of Sunni term. See Salih bin Mahdi al-Muqbeli, al-Alam al-Shamili fi Islamic wa al-Haq ala al-Abac wa al-Mashayykh (Egypt: 1328), p. 300, Sunnah in Arabic means tradition, and Sunni. It was referring to the "others" who were following tradition and narration, ahl al-Sunnat wa al-Hadath because these 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, Mutazila called themselves the people of justice and Oneness, Ahd al-Ahd wa al-Imtiyad and equaled Ahd al-Sunnat wa al-Jama'a to ahd al-Hadith wa al-Musahhabat "the people of narration and anthropomorphism" (Qadihi Abdul-Jabbar, Fasl al-Iltizam wa Taqyiq al-Musahhabat (Tunis: al-Dar al-Tunisiyyah Ill-Nashr: 1974), pp. 185-187). Also, there are differences between Shi'a and Mutazila, 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 Mutahhari, All-e-Ilahi, pp. 28-29.


8 For in detail discussion about rational and inherent goodness and badness in Islamic theology look at following book in Persian: Husn wa Qubl-e Aqli ya Payh-a e Akhlaq-e Jawwad (the rational goodness and badness of the foundations for permanent ethics), written by Jafar Subhani Tabrizi (Qum: Imam Sadiq, 1382).


11 There is in detail information about Muslims' imprescriptibility from Plato's ideas: Hassan Pathi, "Allatun, Solayyadeh Bahceh-e Husn wa Qubl-e Aqli," in Hikmati va Fasaqoni (Tehran: Allama University of Tehran, Department of Philosophy, February 2006), Vol. 1, No. 4, pp. 5-15.

The last is balancing and harmony. In Farabi’s idea, the Utopia or al-Madinah al-Fazilah is a balanced community that contrasts the ignorant city or al-Madinah al-Jahiliyah 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. 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. 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. 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. 1661), Sayed Muhammad Baqir al-Sadr (1935-1980), Ayatollah Khomeini (1902-1989), and Mahdi Haeri Yazdi.

Muslim philosophers, in their ontology, 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 further in the transcendent wisdom of Mulla Sadra through a profound ontology. Accordingly, God’s justice equals giving and grasping 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, 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.

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 speculative 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 "Thsran." 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" 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. 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.


"Mutahhari, Adī, Hadi., pp. 58-60.
There is a clear Quranic verse saying God ordered people to practice justice and benevolence (1:39). I will discuss this subject in the last section of paper using a quotation of Imam All. 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.
For example see Sayed Muhammad Hussain Tahatabati, al-Mizan. Also, this Rumi’s poem tries 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 ud-din Rumi (Tehran: Booheh, 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-Hoopq (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 objectives that were forgotten among Muslims and al-Sharia, and the latter, in the Shia denomination, renewed Ihya Ulum al-Din through writing al-Mohijat 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 makes 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 Ghazzali22 and Mulla Muhammad Mahdi Narraqi23 (1716-1795) and his son Mulla Ahmad Narraqi (1777-1829). At the advanced apex of this exploration, Ahmad Narraqi expanded the implications of a just state (Malakat-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.24 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.25

Lawful Justice

The Quranic focus on justice is also connected with three major elements in the Islamic context: secular law; Fiqh;26 - 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

---

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 (Krayahat Futra: Indonesia [no date] Vol. 3, pp. 48-49).
24 Mahdi Narraqi, Jame al-Seadat (Beirut: al-Alami [no date]), Vol. 1, pp. 64, 120 &121.
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.
27 Regarding Islamic laws we must have a clear idea of terms: Fiqh, Ithabaq, 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” (478: 23 & 65 & 98; 7:179; 8: 65; 9: 81 & 87 & 122 & 127; 119: 174 & 46: 18:57 & 93; 20:28; 48:15; 59:13 & 63 & 67). 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 (689-767), the founder of the Sunni Hanafi 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 (835-944); al-Maturidi, Abu al-Mansur Muhammad, Sharh al-Fiqh al-Akbar; reviewed and republished by Abdullah Ibn Ibrahim Ansari, Council for Military Encyclopedia: Hyderabad; 1964. However, nowadays Fiqh refers more to the minor one or deep contemplation on Islamic laws meaning “profound deduction of Islamic practices from related sources.”
28 Justice and Responsibility: Cultural and Philosophical Foundations
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 examine 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 transcen-
dental 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), Mustahhab (prefer to do, but not neces-
sary), 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-Sharha, 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 Usul al-Fiqh (the prin-
ciples 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 asso-
ciated 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 (Fiqhi) 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
of opinion) and the school of Ahl al-Hadith (the people of the prophet’s nar-
rative); 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 under-
stand through Ijithad or the “human struggle for a method to deduce the
divine order about new issues.” These methods and their validity is dis-
cussed 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 schol-
sars 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
Ijihad. These sources contain the Quran, the infallible tradition, consensus,
and reason. The last source leads them to “the principle of rational inde-
pendence.” 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 opposi-
tion to Scripturalism that approaches religious obligations with the limita-
tions 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
this concept, we can consider the following achievements. In this context, it

28 See my paper titled Ta’lilah and Salafism: a historical and theological exploration, on website
(http://www.opendemocracy.net/sayed-hassan-akhlaiq/taliban-and-salafism-historical-and-
theological-exploration).
29 Mustahabi, Ad-d-e-Ihah, 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 a 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 com-
mited big sin in regards to faith, caused huge civil war among the first Muslims (the battle of
Khawarif or Nahrawan in 658) and created the most intellectual Islamic denomination

RVP – The Council for Research in Values and Philosophy

Justice and Responsibility: Cultural and Philosophical Foundations
manifests the following seven characteristics for just action: righteousness, 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-predication.” 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 root, 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.”

These new Muslim Faqih 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.

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.

Social Justice

Islamic socio-political thought is not developed as much as Islamic theology, philosophy, and ethics in considering the idea of justice. Social justice, in this context, is closer to ‘proportionalism’ 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. The Quran clearly states that God created people in different positions with diversity of levels (43:32; 17:21) that can be understood as a sign of God (3:22). 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.

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, as "putting everything at their place" as "applying the

---

16 Muqtasiri, Adil-i Ilahi, pp. 56-57; Mutahhari, Islam wa Niyyat-He-e Zaman, 1: 184-185.
17 The following verse of the Quran is very thoughtfulness: "Is it they who arrogate your Lord’s mercy? We have apportioned among them their livelihood in the life of the world, and raised some of them above others in rank that some of them may take others in subsection; and the mercy of your Lord is better than (the wealth) that they amass."
20 ibid., 2:77-80.
Islamic laws through religious Caliphate, and as "Fiqh justice" or avoiding major sins and having the just state. 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, he approaches negatively the application of justice among people through secular governments. Unfortunately the period of the true Islamic caliphate ended 30 years after the Prophet Muhammad changed to monarchy. Thus, Ibn Khaldun leaves us without any clear direction about the implications for applying social justice in our time.

**Political Justice**

Islam, because of its secular elements and the Prophets' 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 institution 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 advanced ideas and update experiments both in methods and contents. Imam of Shia, explicitly accepted the pledge of people to become caliph, because grain (to grow) and created living beings, if people had not come to me and of Allah with the learned to the effect that they should not acquiesce in the all. If I caliphate on its own shoulders, and would have given the last bite. Then you would have found that my view this world of yours is not better than the sneezing of a goat. Thus, sometimes, the religious government or theocracy is justified through applying justice, as the main aim of governance, 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" (Ashara) supported via despotic regimes among Muslims who nourished dictatorial cultures. This ideology through different forms among Sunni and Shia society changed the critical approach toward power that was common anxiety power. Analytically, the characteristics of politics based on Ashara tendency 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 in the unquestionable grace of God to some people. (2) lack of power the understanding. When there is no room for true cause and affect (the principle of Ashara), people do not care for the surrounding circumstances originates from a clear causality that was denied by Ashara. (2) lack of rule of law: if there is not knowable regulations and human-based power we will not understand past events and prepare.

---

44 Ali ibn Abi Talib (600-661), the forth caliph of the prophet and first Imam he felt himself responsible for justice, saying: "Behold, by Him who split the supporters had not exhausted the argument, and if there had been no pledge of the oppressor and the hunger of the oppressed, I would have cast one the same treatment as to the first one. Then you would have found that in my view this world of yours is not better than the sneezing of a goat." Thus, sometimes, the religious government or theocracy is justified through applying justice, as the main aim of governance, instead of safety, secure property, and welfare, although it includes all of them.

Therefore, the inspiring point is that the application of justice is recognized among the main aims of Islamic government and it is flexible enough to advanced ideas and update experiments both in methods and contents. Imam of Shia, explicitly accepted the pledge of people to become caliph, because grain (to grow) and created living beings, if people had not come to me and of Allah with the learned to the effect that they should not acquiesce in the all. If I caliphate on its own shoulders, and would have given the last bite. Then you would have found that my view this world of yours is not better than the sneezing of a goat. Thus, sometimes, the religious government or theocracy is justified through applying justice, as the main aim of governance, 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" (Ashara) supported via despotic regimes among Muslims who nourished dictatorial cultures. This ideology through different forms among Sunni and Shia society changed the critical approach toward power that was common anxiety power. Analytically, the characteristics of politics based on Ashara tendency 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 in the unquestionable grace of God to some people. (2) lack of power the understanding. When there is no room for true cause and affect (the principle of Ashara), people do not care for the surrounding circumstances originates from a clear causality that was denied by Ashara. (2) lack of rule of law: if there is not knowable regulations and human-based power we will not understand past events and prepare.
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. 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) Khalifat (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-Alfahani (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

---

49 Although Shia prefer to use the Quranic term of Wilayat (2:257; 3:68; 4:45; 5:55 & 56; 8:48; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni use the Arabic word Khalifat/Caliphate meaning literary "succession." The Quran used 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.
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-politico 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. 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 (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-Alghani (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 efforts: “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, Musaddariye in فاليس بن نسيم بن سعد (لبن) (Arabic: 1387), pp. 262-270.
49 Although Shi'a prefer to use the Quranic term of Wilayat (2:257; 16:8; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired thocery. majority of Muslims Sunni use the Arabic word Khilafat/Caliphate—meaning literary “succession.” The Quran used 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; 37:25) 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 enjoyment are properly 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. 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 explicitly says, I did it to provide an opportunity to deal with others (4:13) as a trial of 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-politico-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 Qiwam (foundation) for a community; but it is not allowed to 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, noted 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

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-politico 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. 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 (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-Alghani (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 whoever does good works" (18:30) and "do you not see that God has subjected to your (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; 37:25) 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 encouraged 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. 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 explicitly says, I did it to provide an opportunity to deal with others (4:13) 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-politico-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 Qiwam (foundation) for a community; but it is not allowed to 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, noted in Arabic word "given" that refers to God's giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, sea 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

---

49 Although Shia prefer to use the Quranic term of Wilayat (2:257; 3:6; 4:45; 5:56 & 56; 8:49; 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 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.

---

Ismail 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. 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\(^4\) (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 woke through activities of reformers, such as, al-Alghani (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 efforts: “we do not waste the wage of whosoever does good works” (18:30) and “do you not see that God has subjected to your

---


\(^{4}\) Although Shi'a prefer to use the Quranic term of Wilayat (2:257; 3:68; 4:45; 5:55 & 56; 6:46; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni use the Arabic word Khilafat/Caliphate – meaning literary "succession." The Quran used 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.
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. Besides, in the light of the new MutualiZism, 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) Khilafat48 (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-Algani (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

---

49 Although Shi’a 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 use the Arabic word Khilafat/Caliphate – meaning literary “succession.” The Quran used 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.
if they have a certain amount of wealth to support the needs of the poor, 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 "fitrah." 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, "khums" (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 (6:141) or social (25:67) interests, as signs of friendship with Satan (6:141; 17:26-27). (e) Qaz al-Rasumah, 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 Ribah (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; 5:99), 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, 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 Faris, p. 580.
52 There are several Islamic points that encourage people to remove poverty because it fails religiousness, misleads rationality, and misleads social relationship (Imam Ali; Nahj, saying No 319, Muntazeri, Islam Din-e Faris, 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, charity, 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 Asreb, Tesfieh Root, Sure 104.

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 Qasr – 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." 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." In regard to humans, they have to know God's rule, natural law and human nature and take responsibility to solve their own problems. 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 socialist and communist movements among Muslim cultures,

5 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." Ct. Muhammad ibn Yaqub al-Kulayni, Usul al-Kafi, Vol. 1. Chapter on Knowing Imam and referring to Ibn Hanbal, Hadith No.7.
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 Muttahhari (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, Muttahhari 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. 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. 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 Adiyya; 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. 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. 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; 17:21). 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 & 2:78) through using an Arabic word "Urfl - 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 costum: it is the Islamic source of law, the frame for al-Sharia leads al-Sharia to flexibility, is prior to Nas (the first text of al-Sharia), conditions and determines al-Sharia's general rules. This system considers the deduction and the argument based on common sense, as it is said that Urfl means the ongoing style or general established approach among people to do or avoid an action or a speech. Concerning justice, a new Ijtihad by Ayatullah Yusuf Sanei is trying to make an argument by adding one more verse of the Quran, "and we did not send any messenger

---

1. 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.
2. Regarding the Arabic root of word, Muslim conveys mostly interpret Urfl to "well-known goodness." It is said that Ghazzali was the first one to define Urfl in Islamic jurisprudence saying that "common habits and Urfl established rationality in the souls and "nice hearts accept them" (see Qabil, Qeewed-e A'dati wa Naifi-e Zalim, pp. 148-152).
3. Al jabbar Gulbaghi Maslulah, Dar Ansadi har Urfl (Qum: Dafare-e Tablighat, 1378).
4. Qobil, Qeewed-e A'dati, 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 conflict. 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 extremal interpretations, from opposite poles have been rationalism. Islamic Scripturalism is found in a variety of forms, including Salafism present among Sunni, Akhrbari, and Shi'a. 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. In this approach, the first enlarged and enriched the principles of justice through the objectives of al-Sharia, and the latter, favored Iqah (love) and intuition that elicits different readings. This same story is repeated nowadays by equating justice with outcomes and direct textual laws and rejecting the 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 modern form in Shi'a that does not consider time and space implications. They 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 Iqah. Practicing Islam in the global village is a matter of serious contemplation, the Islamic doctrine of justice requires new institutions of Ijtihad. These three points can lay firm foundations for the desired Ijtihad: first, the Islamic doctrine of Iqah (errorlessness) that recognizes the possibility of error in Islamic verdicts through the process of Ijtihad. The first represents a base for expanding this idea on the main principles of faith, rather than limiting them to particular practices. A second point that the updated Ijtihad must never constantly to Islamic spirit and goals. Third, the institution cannot be sustained 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 understood by a grand national assembly. This means enriching the Islamic concept of justice in theory and practice and calls for cooperation of various perspectives in humanities and theology. However, keeping the Islamic idea of justice active and inspiring necessities using but not just grafting on the loss 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 there is no doubt about the important obstacles on both sides, both seem caught in prisons that were already built with anti-capitalism, that there are no economic factors. To both sides experience dichotomous approaches under Orientalism, and such doctrine challenges. This approach often prohibits Western society is still to view Islam through a Christian lens or from a previous these blocks, and examine each other's experiences, not only as one way to 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. According to 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 “Soor” saying: “Justice puts everything in its face, and generosity distributes them in all directions. Justice is a general

---

38) Gohil, Goheli-Adoles, p. 177-205.
39) I mean widely all Shi'a schools that limit to revealed theology and canon laws. Historically, Akhrbari refers to a Shi'a school of thought who rejects the use of reasoning in deriving religious laws limiting to the holy texts including the Quran and al-Kutab. The sultanate of Akhrbar is Kharbar (report) equals the holy report or al-Hadith.
40) This well-known poem of Rumi is completely clear in criticising the rational approach: “The leg of the polygamy is wood; a wooden leg is very inferior.” Rumi, The Masnavi of Jalal ad-din Rumi, 1:1218.

456 Savad Hasin • Akhbar - Heisam

Islamic Justice and Islamic Civilization 457

Justice and Responsibility: Cultural Text Philosophical Foundations
rule and generosity is a special attribute. 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


GHAZALI, Muhammad [no date]. Ihya Ulum Al-Din (Revival of Religious Knowledge), introduced by Badawi Tahahan. Indonesia: Keryastat Futra.

---