

*The Authentic Thinking and Interpretation of the
Attribute of Justice in Islam in the Light of Muslim Sources.*

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Abstract

This short paper seeks to discuss the understanding of the Islamic thinking and interpretation of justice derived from Muslim sources written in the English language. The Islamic understanding of justice is examined and understood as represented by some of the Muslim scholars in the light of the guidance of revelation and therefore it is in the realm of interpretation of the sacred scripture. After a general introduction, the paper starts with and introduces a synopsis of Islamic intellectual and religious tradition. Then the paper attempts to deal with the issue of the definition of the term 'justice' from the perspective of the sources written in English but basing their definitions on Qur'anic Arabic words. This definitional treatment clarifies what the term symbolizes, embodies, and conveys in Islam. The research discourse proceeds to determine and delineate the Islamic understanding of justice from the Muslim sources written in English. The paper infers from the refined synthesis of the thoughts, notions, and insights manifested in the sources on how justice is understood, conceived and perceived: justice is interpreted in Islam as an attribute and a reality whose essence and knowledge is eternal but can be attained and manifested through the human agency. The research paper then concludes.

Introduction

Justice is universal. The seeking of justice defines one of the major preoccupations of the history of humankind. The understanding and the practice of seeking to establish justice has been present for eons among humankind since creation. As long as human beings have existed on earth, there were always attempts to create rules and laws in order to try to establish, safeguard, and dispense justice in one way or another. Justice transcends human races and languages. That is the reason in virtually all languages, there is a word for it, and one would even venture to assert that all the present estimated seven thousand languages of the world have a word for it. The notion of justice is ubiquitous. This implies that the essence and source of justice is outside human history and the human being's role is that of an agency to represent and manifest its transcending eternal and metaphysical reality. The inquiry at the centre of this research paper, therefore, is to delve into the meaning and understanding of justice as contemplated in Islam through the discourse of selected Muslim thinkers who have written in the English language.

The Islamic *Weltanschauung* regards the visible universe and humankind as a creation of the Almighty God and another creation is the reality of the invisible and unseen universe of angels and the Hereafter. Abdel Haleem (2011) discusses some of the prominent themes found in the Qur'an and notes that the principles and details of religion are meant to be seen within the framework of the interdependence of this life and the afterlife and this defines the Muslims' conception of life and the universe and have a bearing on their actions in this life. The belief and certitude of a Muslim is made manifest through thought, practice, and action that involves different types and forms of supplications and invocations defined by this worldview. This worldview also defines and manifests in the Islamic discourse on the subject of justice in Islam. The reality of Justice encompasses these two realities of creation.

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In this paper, sometimes an initial capital letter in the word “justice” indicates that the term means and refers to this encompassing metaphysical reality of justice. This spelling convention is used to indicate and suggest that some terms may contain a higher category of thought from the usual understanding of words as they are, for example the word “Truth” and “truth”, and this spelling aspect is also used in the discerning thinking and analysis of Sabet (2008) when he wants to differentiate between the inherent levels of meaning that the term represents in the mind, for instance, when he discusses the ideological and conceptual constraints underpinning the human rights discourse and points out the need for “the necessary step of *re-conceptualizing* human rights as only a facet of the more comprehensive Islamic understanding of *Justice*. Justice incorporates the multidimensional aspects of rights, duties, obligations, responsibilities, fairness, and dignity embedded in Islamic values” (Sabet 2008: 242; emphasis is in the original). And he also states elsewhere in the book: “Islamic thought after all, does incorporate a broad and well developed system of entitlements and Justice which include preservation of *religion, life, reason, progeny, property and honor*” (Sabet 2008: 222; emphasis in the original). Sabet is intellectually astute and discerning enough to understand the inherent and intrinsic implications and the versatile capacity of the term; a discernment that comes out throughout the book in his analysis of different topics on Islamic thought and social theory. Doi (1984: 3) also comments: “Justice is a comprehensive term, and may include all the virtues of good behaviour.” Thus the latter author’s thought emphasizing moral consciousness and judgement.

Although English as a language emerges from a different civilization milieu from that of Islam whose primary language of discourse is Arabic, a number of Muslim scholars and writers have written through the language about Islam and some have touched on the subject of justice in

their writings. This short paper attempts to integrate some of their insights into what may be considered as an endeavour towards a wholesome intellectual vision of understanding their thoughts on the concept and attribute of justice in Islam realised through the English language.

The Islamic Religious and Intellectual Tradition

Justice is one of the most distinguishing and quintessential attributes of Islam. Justice forms one of the foundations that define Islam and the seeking of its interpretation and understanding has always exercised the finest intellects of the experts of Islamic jurisprudence throughout the history of Islam. These illustrious predecessors have left their great knowledge for posterity and scholars and people of learning have expanded and explained further their great knowledge on religion. Their legacy is manifest all over the consciousness and identity of the Muslim Ummah. They wrote in the Arabic language and Islamic scholarship has thrived through the language for centuries since revelation of the Glorious Qur'an as observed by Abdel Haleem (2015) who states that the Quran, which was revealed in Arabic, has had a profound and lasting effect on the theology, language, and culture of the Arab and non-Arab Islamic peoples in their various countries. In the introduction to his English translation of the Qur'an, Abdel Haleem (2004: ix) aptly points out: "The Qur'an was the starting point for all the Islamic sciences ... is the basis of Islamic law and theology ..."

The reality and meaning of justice has defined the history and character of Islam in such a fundamental way that one way to understand Islam is through an understanding of how justice is a major part of its identity. The jurisprudential interpretation of justice in Islam is firmly within the understood meanings of the religious texts. Indeed, as Doi

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observes: “There are a number of Qur’anic injunctions commanding Muslims to do justice (Doi 1984: 2).

The Qur’an is the centre of the Islamic universe and is profoundly the source of Islamic religious and intellectual tradition. In his thoroughly well-researched seminal work, Al-Azami (2008) gives an illuminating, well-reasoned and concise account of the history of the text of the Qur’an. He provides great insights throughout the book about the authenticity and integrity of the Qur’anic text as revelation. He discusses how the pious companions of the Prophet took great care to make sure that the Holy Qur’an remain pure and preserved in written form just like the original speech that was revealed to the Prophet through the Arch-Angel Gabriel. They memorized the verses of the Holy Qur’an and meticulously wrote them down. The Qur’an was written down in its entirety during the Prophet’s lifetime but had not been compiled into a book. The present structure of the Qur’an in terms of its suras (chapters) and verses was established during the time of the Prophet; later it was eventually compiled into one book. The companions used a very careful method of establishing proofs before writing down the verses of the Qur’an and in this way they preserved both the purity of revelation and its Arabic form. The careful and painstaking method ranged from the minutest phonemic and morphemic details to the syntactic and semantic structures. A-Azami (2008) goes even further to illustrate with examples of folios and fragments of the surviving manuscripts found in different libraries of the world to prove the authenticity of the present text as the same originating from the formative period of Islam.

The significance of Al-Azami’s work is on two levels. First, he demonstrates thoroughly that the Qur’an has never been altered in any way since its revelation over 1400 years ago; in other words there are no interpolations from human minds and hands into the sacred text. Two, the book is written in English which implies many people who cannot access

important sources of the history of the revelation and compilation that are in the Arabic language can gain this knowledge through English. The argument in Al-Azami's book buttresses the exposition of this paper because it provides an extremely excellent intellectual background to the Islamic religious and intellectual tradition of Islam through the English language and therefore is one of the most valuable sources of ideational support for this study which focuses on the authentic thinking, interpretation and understanding of justice in Islam.

Sabet (2008: 187) writes: "When one talks about Islam, one is referring to the universe and cosmology of revelation as uniquely represented by primary texts and scriptures." And Nasr (2015), in the introduction of another English translation of the Holy Qur'an, reflects this aspect with the following words:

To return to the central subjects and themes mentioned in the Quran, it is important to emphasize that the Quran is the fundamental source of Islamic Law (*al-Shari'ah*) and that, although historically the Prophet has been called, like Moses, a legislator, the ultimate legislator is considered in Islam to be God Himself, who is often called *al-Shari'*, "the Legislator." A few hundred Quranic verses deal in a concrete manner with law, while others deal with principles upon which revealed laws are based. In fact, for Muslims the Islamic *al-Shari'ah*, or Divine Law, is the concrete embodiment of the Divine Will as elaborated in the Quran for the followers of Islam; and from the Islamic point of view the scriptures of all divinely revealed religions, each of which possesses its own *shari'ah* (see 5:48), have the same function in those religions. For Muslims, who accept the Quran as the Word of God, therefore, following the Divine Law is basic and foundational for the practice of their religion (Nasr 2015: xxvi).

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The above serves as a very brief introduction to the religious and intellectual tradition of Islam and gives an overarching context for this paper.

Definitions

According to the two modern authorities of the Arabic language Badawi & Abdel Haleem (2008:605) the term and word that symbolize and convey the concept of justice in Islam is the Arabic word *عدالة* which comes from the Arabic root *ع د ل* ‘-d-l having the meaning or defined as “one side of a camel litter; to be equal to, justice, to be straight, to be upright, to be temperate, the happy medium, to be of impeccable character; to change one’s mind, value.” And they add that “of this root, two forms occur in the Qur’an: ‘*adala* 14 times and ‘*adl* 14 times.”

Part of their brief explanation includes the following:

‘adala: I [v. intrans.] 1 to act equitably, to judge justly (42: 15) *and I am commanded to decide justly between you* 2 to offer as an equivalent, to compensate (6: 70) *whatever compensation it might offer, will not be accepted from it* 3 to deviate, to turn away (27: 60) *is there another god beside God?, (no!) but they are people who deviate [from the obvious truth] (or, a people who deem [others] as equal [with God])*

II [v. trans.] 1 to make straight, to put upright, to cause to be well-proportioned (82: 7) *the One who created you, shaped you and well-proportioned you* 2 to consider, or set up, as equal to (6: 1) *yet those who disbelieve set up equals to their Lord!*

According to al-Attas (1999: 3), Muslim lexicologists have been extraordinarily aware of the scientific character of the Arabic language, and the Arabs, al-Attas considers, according to the best of his knowledge, were perhaps the first people we know in the history of mankind to

seriously compile lexicons pertaining to their language. For an uninterrupted period of over 1000 years, from the time of Ibn ‘Abbas down to about 200 years to our present time ... learned Muslims have laboured and produced voluminous lexicons, some extending to more than 20 volumes, and some intended to extend to more than 60 volumes, in order to preserve purity and authoritative meaning in Arabic. Ibn ‘Abbas himself was the first to effect the evaluation of the method of determining authentic and authoritative meaning, which he initiated in the process of interpretation of the Holy Qur’an.

In his book translated into English by Trans.Allam Thoraya Mahdi published in 1995, a Shafi’i jurist and administrator al-Mawardy (364-450 A.H) offers an insight into the relationship between words and ideas by stating that ideas reached are embodied in words that express them and that every part of speech that is used is a combination of sounds that are heard, and a meaning that is to be understood. That is to say a word is speech to be understood by hearing and the meaning underlying it is to be understood by the mind.

Al-Attas (1999) also refers to the fact that in accordance with Islamic tradition definition is of two kinds: one kind is that of a precise or concise specification of the distinctive characteristic of a thing; and another kind is that of a description of the nature of a thing. This distinction reveals that there are things that can be defined specifically to their precise, distinctive characteristic and for this category he gives the example of the definition of man; and there are things which cannot be so defined but can be defined only by describing its nature. He asserts that knowledge comes under this latter category. He continues to say that there are many definitions describing the nature of knowledge, but what is of relevance to his book is the epistemological definition, and adds it is important to understand what the Islamic epistemological context involves and implies. The illustrious Islamic scholar and philosopher

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states: “Perhaps its greatest implication lies in its effect upon our vision of reality and truth and our methodology of research, our intellectual scope, practical application in planning for what is called “development”, which all bear upon our understanding of education” (al-Attas 1999: 16). This study infers from this epistemological definition and context of Islam that it also implies that an important Islamic concept that is symbolized and conveyed by the term *عدالة* (justice) in Islam has the semantic capacity to illuminate the intellect for it to attain to that unifying vision of reality and truth. This inference is founded on the principle that authentic thinking and interpretation of knowledge invariably implies the right vision of reality and truth.

The transformation of Arabic by Islam and the transformation Arabic went through from the latter’s encounter with Islam as explicated by al-Attas (1999) and Abdel Haleem (2015). The transformation of Arabic by Islam meant drastic change to the semantic capacities of the Arabic words which produced Islamic terms that carry and convey the Islamic sciences and gnosis. The meanings of the Islamic terms expressing the sciences and gnosis of Islam manifest their eternal and primordial essence.

And now to turn the definition of “justice” in the English language to determine from Anglosphere sources the meaning conception of justice from the Anglocentric perspective.

***The Concise Oxford Dictionary of Current English* defines the word ‘justice’:**

1. Just conduct
2. Fairness
3. The exercise of authority in the maintenance of right
4. Judicial proceedings

The Concise Oxford Dictionary of Current English defines the word ‘just’:

1. Acting or done in accordance with what is morally right or fair

The Oxford English Dictionary defines the word justice as having these senses: 1. the fair treatment of people 2. the quality of being fair or reasonable. Justice is the ideal, morally correct state of things and persons. The term comes originally from the Latin *jus* meaning “right” or “law.”

Mellinkoff (1963: 15) mentions that “a vast section of the language of the law stems from French sources” and gives examples that include the word *justice* and in another place adds that “more than half had come into written English with a legal meaning by the Middle of the fourteenth century. But most of these with meanings that have remained fairly constant are some of the least technical of the law’s vocabulary” (Mellinkoff 1963: 109) and provides among other the words *justice* as an example. So English borrowed from French but the etymon of the word is Latin.

While still on issue of definition, Hart (2012: 13-4) also makes expresses an interesting thought when writes that: “Definition is primarily a matter of drawing lines or distinguishing between one kind of thing and another, which language marks off by a separate word.” And follows that thought by stating that the “need for such a drawing of lines is often felt by those who are perfectly at home with the day-to-day use of the word in question, but cannot state or explain the distinctions which, they sense, divide one kind of thing from another.”

The paper thus deals with the issue of the definition of the term ‘justice’ from the perspective of the two languages that are at the centre of the two civilizations epistemologies: Arabic and English. This definitional treatment clarifies what the term symbolizes, embodies, and

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conveys in both these languages that are the carriers of their respective civilization universes.

THE ISLAMIC UNDERSTANDING OF THE ATTRIBUTE OF JUSTICE

The first primary source of the interpretation and understanding of justice are the references in the Noble Qur'an. The Noble Qur'an guides to the nascence and foundation of the authentic interpretation of the attribute and reality of justice and indeed is the source for the whole science and sapience of jurisprudence of Islam. One of the Most Beautiful Names of the Almighty God revealed in the text of the Glorious Qur'an is: The Most Just- *Al-Adl* العدل The Embodiment of True Justice. That is perhaps the reason Majid Khadduri in the preface of his English translation of Imam Al-Shafi'i's *Al-Risala* states: "In Islamic legal theory the law preceded society and is considered eternal as God. Tradition has it that God revealed [H]imself through a divine law, communicated to men by His Prophets,...sent down to the nearest Heaven to be available for revelation by Angel Gabriel... For the law was not only founded on religion and sanctioned by God, but in it the whole spirit of faith may be said to be epitomized" (Khadduri, Preface 1987: v).

Doi (1984: 85) observes that: "The Shari'ah ... is derived from a high divine source, embodying the Creator's (*Khaliq*) will and Justice. The main task of the Prophet was to correctly interpret the Divine Will and spread justice (*'Adl*), and to establish peace between man and man, and man and his Creator."

Many erudite experts and scholars of the science of the exegesis of the Qur'an throughout the history of Islam have written volumes on the Divine Book throughout the fifteen centuries of its existence as revelation to humankind and have interpreted the verses that mention justice (عدالة). Doi (1984: 25-31) after discussing the birth of the science

of *Tafsir* during the Prophet's time, goes ahead to provide a list of the most famous and renowned of the experts of Qur'anic exegesis and the titles of their books. Justice, Doi (1984) asserts, is one of the attributes of the Almighty God "and to stand firm for justice is to be a witness to" the Almighty God, the Creator of the Universes (Doi 1984: 5) and he quotes verse Al-Qur'an 4:135 in both the original Qur'anic Arabic and gives an English translated version corresponding to the derived rendering from the English translations of Ali (1989), Abdel Haleem, (2004) and Nasr (2015).

One of the main ways justice can be maintained is through witness testimony. Witnesses play an important role in maintaining justice when they testify to the truth of what they know and have seen and witnessed. This is where the qualities and attributes of a person bearing witness is extremely important in the process of ensuring justice is upheld. On the issue of the qualifications of a witness, in the introduction to his translation of Imam al-Shafi'i's treatise (al-Shafi'i 1987) Majid Khadduri explains that the term 'adl is used either in the general sense of justice, which implies conformity with the law, or as the necessary qualification for a witness. He continues to relate that although no precise definition is given by Shafi'i, the term 'adala, the quality of 'adl, is described by al-Mawardi, a Shafi'i jurist, as a state of moral and religious perfection. Thus the term 'adl, Khadduri states, signifies probity or justness of character and this is the sense in which it is frequently used in the *al-Risala*. The witness must be 'adl (just in character), and the minimum requirement is that he must display justness at the time when his testimony is given. It is possible, Shafi'i argues, that the witness may not be 'adl at another time. The testimony of one witness of just character must be supported by another witness of just character, and the justness of character of each witness must be confirmed by another person of just character. This explanation by Khadduri is very important and offers an

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invaluable insight into the thought at the centre of this study. This paper explores the thesis that justice is an attributive reality whose locus within this life is the human being whose state has the capacity to establish justice. Another thing that is understood is that of accountability in this life and the Hereafter therefore justice is understood and realised on both the temporal and the eternal.

And indeed Khadduri's observations are born out in al-Mawardi's book translated by Assadullah Yate (p.99; the translated book does not contain the year of publication) al-Mawardi says of a witness that he must be of just character, a quality requisite in all kinds of authority. Justice consists in being true in speech, manifest in his fulfilment of a trust, free of all forbidden acts, careful to guard himself against wrong actions, free of all doubt, equitable both when content and when angry, chivalrous and vigorous both in his *Deen* and his worldly affairs. When such qualities are perfected in him, this quality of justice-by which his testimony is permitted and his judicial authority is acceptable- may be said to be present. If, however, he is lacking in any of these qualities, his testimony is not accepted, his words are not accepted and his decisions are not executed. Therefore, these qualities and attributes are emphasized in order for justice to be established, safeguarded, and dispensed. Doi (1984: 4-5) adds that "Justice must be done equally to all and sundry, even if it to be done against one's self, or one's parent or relatives ... Justice is [God's] attribute and to stand firm for justice is to be a witness to [God], even if it is detrimental to our own interests, as we conceive them, or the interests of those who are near and dear to us" (square brackets inserted).

One of the ways the attribute and reality of justice comes out clearly in Islam through the human agency is the worldview of Islam which sees the human being as the vicegerent of the Almighty God on earth. The human being is the locus of the attribute of justice in the visible universe.

Doi (1984: 8) writes: “A man as Khalifat-[of God] (vicegerent of God) on earth must be treated as an end in himself and never merely as a means since he is the cream of Creation and hence the central theme of the Qur’an.” Sabet (2008: 194) expresses a closely similar thought in an elaborate way:

In the Islamic universe, vicegerency entitles mankind to *representation*, and is the underlying cause behind man being created, as an act of divinity ... The legal implications of this principle allow members of the covenant, if not to speak *for* God- the prerogative of Prophets- then to speak *in* [H]is name. Mankind’s role and purpose on earth is derivative from this permanent *covenant* as conditioned by divine revelation. When a people rupture the necessary connection between Shari’ah and the purpose of their existence ... the covenant is broken and their right to representation/vicegerency is no more.

And in another section of his book (Sabet 2008: 222) he adds in Islam:

Man” is *relatively autonomous*, for only in this case can there be belief in afterlife reward and punishment based on freedom of choice, on the one hand, and predestination or belief in Divine will and command, on the other. While man is honored and dignified ... and the receiver of His divine revelation, he is by no means an end.

The above brief discussion on the authentic thinking, interpretation, and understanding of the attribute of justice from Muslim thinkers and scholars offers this study the crucial insights that support the thought that informs the thesis of this short research paper on an extremely important subject of justice.

Conclusion

From the sources consulted above and the contemplation of the attribute of justice as seen in Islam, this study has attempted to deal with the thinking and interpretation of justice in Islam by referring to the thoughts and insights manifested by Muslim authors who have touched on this subject in their works. The paper discussed this subject through first providing a very brief context of the Islamic religious and intellectual tradition in order to locate the paper within the larger framework of the universe of Islam. Then the study looked at the definition of the term “justice” both as understood in Arabic through English and also in the English language. The paper then discussed the Islamic understanding of justice using insights from Muslim sources which have either been translated into English or have been written in English. From these insights, the study concludes that justice cannot only be understood at the level of concept only, important as that level may be, but needs to be understood as an attribute also in order to have a full, complete, and wholesome understanding of the reality of Justice.

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