

## **Sociopolitical Justice in Three Jurisprudential, Philosophical and Sociological Approaches**

**Document Type:** Research Article

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Received: 2014/09/18

Accepted: 2014/12/22

### **Abstract**

Justice has been reflected upon by various religious and nonreligious thinkers since ancient times. In Islam, discussions of justice among theologians started in different sects with a discussion of divine justice and gradually expanded to reach discussions of social and political justice. While examining the various aspects of sociopolitical justice in Islam, this article makes an attempt to follow this concept in three jurisprudential, philosophical and sociological approaches among contemporary Muslim thinkers. In this respect, the views of three thinkers, who paid attention to this concept in their works, is of significance. To this end, the views of Allâmé Mirzâ Hoseyn Nâini will be discussed from the Islamic jurisprudential point of view, those of Ayatollah Morteza Motahari from the philosophical point of view and those of Dr. Ali Shariati from the sociological point of view. This study will also make an attempt to establish landmarks in the discussion of justice, with which the reader can make a comparative study. For this purpose, the philosophical, social and sociological foundations of justice will be emphasized and various aspects of justice (political, social, economic and philosophical justice) will be identified and introduced accordingly.

### **Keywords:**

Social justice, political justice, economic justice, equality, Nâini, Motahari, Shariati

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## **Introduction**

Justice has been a major concern to humankind and a basic topic of discussion among political thinkers and philosophers of all religious and secular schools of thought. Western classical political thought began with such philosophers as Plato, who wrote his *Republic* in the form of a debate on the topic of "justice".<sup>1</sup> Having gone through the Dark Ages, the Renaissance and the Enlightenment, Western political thought continued its course with such philosophers as Augustine, Aquinas, Hobbs, Locke and Rousseau,<sup>2</sup> each of whom considered justice within a legal or political context, until it took a new form by entering the 20<sup>th</sup> century. In early 20<sup>th</sup> century, Marx set forth socioeconomic justice with his socialist ideas and, in the conflict between equality and freedom, he gave preference to equality. The theory of economic justice inclined towards distributive justice and reached a utopia that would bear neither private property nor the state (Marx, 1973, p.228). In fact, Marx thus wanted to attack the capitalist system. In late 20<sup>th</sup> century, John Rawls wrote *A Theory of Justice* with a liberalist approach and in defense and for the reforming of the capitalist system, while attempting, by explaining the principles of justice, to reconcile justice and freedom (Vâezi, 2005, pp.36-58). He thus showed that justice can still be freshly examined and, as a topic, will not age through time.

Justice has also had a special status in Islam and among Islamic thinkers and philosophers, so much so that it has been said, "The skies and the earth have been established on justice that justice with is It ."<sup>3</sup> "people's worldly and otherworldly lives are completed,"<sup>4</sup> hence God having ordered people to do justice and good.<sup>5</sup>

On the importance of justice in religions, it would suffice to say that God, in the Holy Quran, has defined justice as the purpose of appointing his prophets, "We verily sent Our messengers with clear

proofs, and revealed with them the Scripture and the Balance, that humankind may observe right measure" (57:25). Prophet Mohammad also defines justice as God's scale and balance on the earth, saying, "Justice is God's balance on the earth" (Nuri, 1988, vol. 11, p.317). In his letter to Maalik Ashtar, Imam Ali calls him to treat people justly.

"The best thing that would suit those responsible in society are truly the establishment of justice in the state and expressing friendship and love to the people" (Nahjulbalāghah, 1395 A.H, p.436, Letter 53).

Among various Muslim philosophers, from Sunni Asharites and Mutazelites to well-known Shiite philosophers such as Ibn Sinâ (Avicenna) and Khâjé Nasireddin Tusi, one can find a variety of philosophical, legal and political expressions and interpretations of justice, which is an indication of how much attention they paid to this subject.<sup>6</sup>

Therefore, we can see that justice is a common human concern that has been around throughout history, receiving special attention from various prophets, thinkers and philosophers. Nevertheless, justice is obviously a political concept for which various and even contradictory interpretations can be provided and to which a wide scope can be allocated where even the slavery system is defined as just, as it was in Aristotle's *Politics* (Aristotle, 1970, pp.15-16) or any discrimination among slaves and poor classes with the nobility before the law could be interpreted as contrary to justice. On the one hand, Marxism denied private property and free economic rivalry in the name of justice while, on the other hand, in the liberalist capitalist system, the principle of justice is interpreted as the resultant of admitting private property and free competition among individuals in society. On the contrary, in monotheistic systems, especially in the Islamic political system, justice is not merely a contractual concept among people that can potentially be defined in various, sometimes contradictory ways. It is rather considered as part of the existence and

the divine being, whose attribute of justice prevails all throughout ("The skies and the earth have been established on justice"). Consequently, legislature in Islam is a reflection of being and cannot contradict it. Therefore, justice in Islam is an indicator and scale with which things are measured.

### **1. Concept and Types of Justice in Islam**

The concept of "justice" in Islam is equivalent to truth and spreading what is right as opposed to "injustice", and is closely related in meaning to such words as "equity" and "equality". Islamic jurists, theologians, ethicists, philosophers, law scholars, political ethical writers and rulers both Sunni and Shiite, have dealt with the concept of "justice" and its various types in their own view, having created a variety of jurisprudential, philosophical, legal, ethical, economic, social and political views. Despite these being scattered, however, each has undertaken dealing with a certain part of this great divine and human virtue and shed some light on the reality of this phenomenon. Islamic philosophers have defined justice as an attribute of the Ruler of Being, which should also be mapped onto the human society. If the head of the city comprehends the order prevailing this universe of being and implements the same in society, the society will be run based on justice.

Islamic jurists and ethicists have paid more attention to individual justice than to sociopolitical justice. Ethicists have considered justice as a virtue and a perfection of the personal soul that would cause "disciplining the urges of anger and passion" (Mehrizi, 1997, p.186). Islamic jurists have called it a permanent disposition that would cause fulfillment of compulsory duties and avoidance of prevented deeds (Mehrizi, 1997, p.800) and it has been mentioned in Shiite jurisprudential books as one of the important

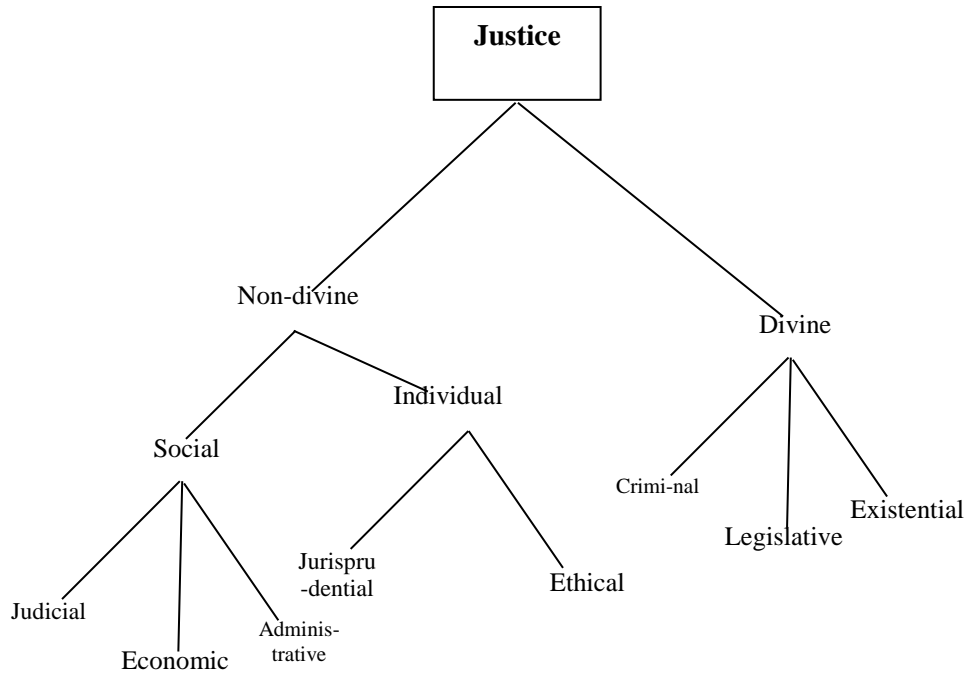
characteristics of Islamic legists, judges, court witnesses and prayer leaders (Modarresi Tabâtabâ'i, BITA, p.434).

According to Islamic theologians, the formation of Islamic theology was indebted to "divine justice in political and social realms, while this was the subject of dispute among Shiites and Mutazelites (also known as Adlites "justice seekers") on the one hand and Asharites (also known as "non-Adlites" "non-justice seekers") on the other hand.<sup>7</sup> Muslim law scholars have defined justice in a socioreligious context as "giving the right to him who is entitled to it" (Akhavân Kâzemi, 2003, p.26), while considering the right to be what Islam has defined for every individual.<sup>8</sup>

Social philosophers such as Ibn Khaldun emphasized the public expedience and social security aspects in the definition of justice (Ibn Khaldun, 1987, pp.71-72). Islamic political ethical writers such as Khâjé Nezâmolk consider justice to be an attribute and characteristic of the ruler so that the people can live under his just rule. He says that justice guarantees the continuation of the king's rule, while accompanying this with a saying from Prophet Mohammad, who says, "A kingdom will survive with disbelief but not with injustice". In view of the variety of views on justice, some Islamic writers have, within a general classifying framework, divided justice into divine and non-divine types.<sup>9</sup> Divine justice is itself divided into three types: existential, legislative and penal. Non-divine justice is divided into individual and social types (Musavi Gorgâni, 1997, pp.270-274).

Individual justice -as the name suggests- relates to the individual, the personal characteristics and the mental dispositions that ethicists and jurists consider necessary in the discussion of purification of the soul, authority, judgment, testimony and imamate. Social justice relates to society and the public convenience of society and consists of rights that society defines for all individuals, such as the right to work,

life and the like, which are classified under three titles of administrative justice, economic justice, and judicial justice. Administrative justice is that the state should not discriminate among individuals and should treat them equally in terms of their rights. Economic justice means that, in transactions that are carried out in society, equality should be established, i.e. two articles of the same value should be exchanged. Judicial justice means that individuals in society should be treated legally equally and the right of the subject of injustice should be fulfilled (Musavi Gorgâni, 1997, pp.270-274). Divisions of justice are summarized in the following diagram:



The point to be mentioned here is that Islamic scholars believe that abstract justice constitutes an essence shared by all the various types of justice, including divine justice, individual justice and social justice, and that there is no difference in essence between God's justice or that of a judge or imam. Justice in all of them has the same meaning. The difference is only in terms of the applications. In other words, justice is not a lexical form shared by all, so that justice by God is something that is not the same as justice in man or in Being. Justice is a shared spiritual insight that has the same meaning throughout all, although it has different manifestations. Therefore, in his interpretation of justice in Islam, Martyr Mohammad-Bâqer Sadr considers it as a living reality and an integral part of Islam -rather than an abstract concept- and thus writes:

"Defining social justice as a foundation in the formation of its economic policy, Islam does not consider social justice as a merely abstract notion which can be open to any interpretation. Neither has it left it to be decided by human societies that have various views on justice and would interpret it depending on their own way of thinking and their understanding of life. Islam has rather been able, within a certain system of policymaking and planning, to manifest this belief in living reality intermingled with the Islamic notion of justice. Therefore, it would not suffice to mention Islam's call to social justice. Rather, the special detailed understanding of justice by Islam has to be mentioned as well" (Sadr, 1979, p.303).

Somewhere else, Martyr Sadr discussed the separate emphasis on divine justice in Shiism as a distinct attribute of God, attributing this to the social importance of this principle. He writes:

"Justice on which social responsibilities in man's general leading role is based is a social aspect of divine justice, to which the prophets called people and which was emphasized in their divine mission. This is the second principle of the religion and is always mentioned after monotheism" (Sadr, 1399 AH, p.20).

## **2. Social justice, political justice, economic justice**

From among the various application of justice, social justice, political justice and economic justice are more closely interrelated, because the jurisdiction of the state and the government is the widest social arena. Although political and economic justice can also be seen within social justice, they can be distinguished from each other due to the fine differences that they have with each other.

Social justice has to do with the implementation of justice in society and the individual rights therein have to be provided by considering the public interests. The way institutions, people and the government act should be according to law and without any



discrimination and individuals should be treated equally. In case of difference in circumstances, individuals will have to be treated in proportion to their capabilities and needs. Therefore, in realizing social justice, the behavior of the rulers and the administrative planners will be taken into consideration along with the behavior of the citizens. Social justice has to do with political and social concepts such as equality, freedom and legitimacy and is in connection with objective sociopolitical institutions such as the government, the state, social groups, distribution of power and sociopolitical participation by the people.

Political justice is related to the realm of power, politics and the people's participation. How the rulers gain legitimacy with the people is relevant to political justice. If the people think that the political ruler is fit for the position, the government is a just one. Otherwise, if the power has been taken by force, the state is oppressive and should not be obeyed. In addition, in practice, a just state is one that removes limitations to provide for equal and free participation of the people in political arenas and which distributes political positions and power according to the aptitude and merits of individuals.

Economic justice consists of productive and distributive justice. Productive justice is a capitalistic view of the economy in the sense that all individuals should be provided with equal economic opportunities in light of which production will be developed and poverty eliminated. This is the same as equality in production. Distributive equality is a socialistic view of the economy and believes that wealth in society should be distributed equally among all individuals. Wealthy and high-income people should pay taxes to be allocated among poor and miserable people who have no power of work or production. Therefore, productive justice is a capitalistic view that seeks to provide equal opportunities and more production to eliminate poverty while distributive justice is a socialistic view that

seeks to remove poverty with equal distribution among individuals in society. However, there is a third view that believes in bringing both the justices together in the economy, which has come to be known as inclusive justice and corresponds to the Islamic view.

The other topic to be set forth here is if political justice has priority over economic justice or if it is the other way round, i.e. it is economic justice that comes first. Some Shiite Muslim experts believe that, in Islam, political justice has priority over economic justice, believing that, if the political rulers are not properly chosen in society and, instead of beneficent, just and legitimate persons, non-beneficent individuals take over the government, it means that political justice has not been realized and, when political justice is not realized, economic justice cannot be realized either. Therefore, they believe that political justice is the prelude to economic justice. Firstly, a competent person should rule politically so that poverty will be eliminated. Perhaps this is why justice has been of a special importance to Shiites since early Islam and the legitimacy of the state has been intermingled with justice and, accordingly, the rule of Imam Ali has been considered as just and that of the others as unjust, because, according to Shiite belief, justice would reasonably require that the one who is better merited than the others should take the reign of power after Prophet Mohammad. If it happens otherwise, justice has not been fulfilled. As to the importance of political justice in Shiism, a contemporary writer writes:

"If justice is seen as the rule of the right and admitting the leadership of 'the merited one', then inattention to this, whether intentional or unintentional, would constitute an unjust act. According to Shiites, Imam Ali was the most merited of the people after the Prophet and justice required that these merits be recognized and taken into consideration. Admitting this virtue would come into effect and

be interpreted in line with giving excellence to society and safeguarding the divine blessings" (Qâderi, 1999, pp.45-46).

Historically, some theoreticians believe that political justice in Shiism is the axis of the rightfulness of the state and creation of order and security in society, while, with Sunnis, justice is in marginal to security and order, i.e. if order and security require that justice should be ignored, protecting the state is preferable to maintaining justice. Qâderi writes in this respect: "One can tolerantly say that, in Sunnism, justice is overshadowed by security and order while in Shiism, security and order are fulfilled in reality only under a just state and the state can be run only by an Imam" (Qâderi, 1999, p.45).

After finding out about the concept of justice in Islam and its types and knowing its political, social and economic aspects while determining its limits, now the notion of sociopolitical justice in contemporary Iranian political thought will be followed, by studying three jurisprudential, philosophical and sociological approaches and by examining the views of three contemporary thinkers, i.e. Ayaollah Nâini, Ayatollah Motahari and Dr. Shariati based on their works and writings.

### **3. The jurisprudential approach: Ayatollah Mirzâ Hoseyn Nâini**

A jurisprudential outlook on social and political justice has since old times been applied in Shiite jurisprudence and, independently in both cases. One is a necessary characteristic for the judge, the legist, prayer leader and witnesses and the other is a jurisprudential rule that has come to be known as "the rule of justice and equity", which was used in cases of mixture of property in which case the elements could not be separated, for which the proportions were considered (Mehrizi, 1997, p.189).

Whether justice as a jurisprudential rule can serve as a criterion and scale for the jurispudent to infer sharia judgment based on which

to evaluate his jurisprudential and fatwa interpretations is an issue that Shiite jurists have been considering. As to justice being a rule, Ayatollah Motahari writes: "The principle of justice is an Islamic scale and one has to see what can be matched onto it. Justice is in the hierarchy of causes of decisions rather than of effects. It is not so what religion says is just. Rather, what justice is, is expressed by religion" (Motahari, 1409 AH, p.14).

Although Ayatollah Motahari extends the history of the discussion of justice among Shiites to include discussions of rational requirements and rational good and badness, which are theological discussions (Motahari, 1409 AH, p.14), whether "justice" as a jurisprudential rule in jurisprudential literature is a discussion on which there is no consensus. Although this has been made use of in fatwas and arguments in jurisprudential books (Motahari, 1409 AH, p.14), Motahari believes that Islamic jurists have overlooked this important rule and paid little attention to it. He considers this to be a cause of stagnation of social thought among Shiite jurists in the historical past, and writes:

"Despite its importance in our Islamic jurisprudence, the principle of social justice has been overlooked while some general jurisprudential inferences can be made from such Quranic verses as 'doing good to parents' and 'fulfill your contracts'. Nevertheless, despite the emphasis in the Quran on the issue of social justice, this has caused an intellectual stagnation among our jurists" (Motahari, 1409 AH, p.27).

An observation of the literature on this discussion in Shiite thought would take us further back, reminding the Iranian Constitutional Revolution, on top of which were such great jurists and authorities as *Âkhond Khorâsâni* and *Mirzâ Nâini* and, since presence in the political arena required issuing politico-jurisprudential fatwas, and the Shiite society would follow these,

Mirzâ Shirâzi<sup>10</sup> issued a fatwa during the Tobacco Movement. In the Constitutional Movement, the political circumstances of the time required the Constitutional Movement to be jurisprudentially expressed. This work was done by the great Shiite legist Mirzâ Nâini in the book *Tanbih al-Ummah wa Tanzih al-Millah*, and the great religious emulation sources (*marja' taqlid*) Âkhond Khorâsâni and Tehrâni commended what he had written. (Nâini, 1982, p.1)

In this book, this great legist concluded how Shiite jurists had failed on reflecting on social issues and busied themselves with individual and ritualistic issues such as prayers, fasting, *zakât* and *khoms* religious taxes, overlooking the need to extract the necessary jurisprudential rules on social issues while the others, including the westerners, who did not believe in Islam or its principles, could rationally ponder their political and social issues, extracting principles based on which they could bring their societies towards progress and perfection. In Nâini's belief, it was as if the Westerners had adopted and put into practice such social principles as freedom, justice and elimination of dictatorship from the Islamic sharia, while Muslims themselves, from whom Islam originated, failed to implement such principles. He goes on to remind that it is compulsory for Shiite jurists to work to cover this distance and to return the commodity of inferring social rules, which originated in Islam, to its motherland, which is the Islamic world, so that it could bring about development and progress in Muslim societies. He writes:

"Although, thanks to God and with his permission, we could use the phrase 'Do not violate certainty with doubt'. to arrive at many fine rules, *we failed to consider the requirements and principles of the religion, which was our advantage compared to other religions, and we were enslaved by dictators and considered our problems to be unsolvable, without touching upon such issues* while the others overtook us in their understanding of the requirements and in

liberating themselves from such bondage. The natural origin of such progress and influence was Islamic politics and they could diligently and cleverly make such inferences and achieve such progress. We Muslims retreated to backwardness. Now that we have been a little warned, we have to learn the rules and principles of our religion ashamedly from others" (Nâini, 1982, pp.60-61).

Nâini considered political justice as the equality of people before the state and believed that the law of equality is one of the main pillars of Islamic politics and the basis of justice and the spirit of all laws which, along with the principle of freedom, is the second principle of the Islamic state that one has to be loyal to in the constitutional system.

"The law of equality is the highest of the laws adopted from Islamic politics and the basis of justice and the spirit of all laws. The strictness of the Divine Legislator in consolidating this second basis is the happiness of the Islamic nation (ummah)" (Nâini, 1982, p.69).

Therefore, he thinks of justice in state as being their equality in all affairs that commonly relate to all people while deeming this principle as the condition for the continuation of the state, believing that it is the principle of justice in governing that guarantees its continuity and prevents a revolution, in the same way that the principle of freedom prevents emergence of a dictatorship and prevents injustice to the people.

"In the same way that the guardianship of the kingdom and its being redeemed from a dictatorship brings things back to the first principle, which is freedom of the nation from enslavement by the dictators, the just nature of the state prevents revolution, and this is but equality of all members of the nation with each other and with the guardian in all matters" (Nâini, 1982, p.68).

He then defines the principle of equality in society, which is the basis of justice, as follows: "The truth is that (equality) in sharia

means that every rule should be based under a title as a law and all practical cases should be treated equally and without any discrimination. Personal considerations and additions should be ruled out and no one should be given the chance to set or remove exceptions or overlook or pardon anyone, in which condition all ways of violation and bribing and arbitrary rule will be blocked" (Nâini, 1982, p.69).

He goes on to mention the applications for equality of all walks of life and that no one should be given priority over the others: "All primary entitlements such as security for the person, property, housing and no infringement without a cause and not enquiring into secret matters of people and not imprisoning and not exiling and not preventing legitimate gatherings and the like, all that is common among members of the public and belongs to no specific sect, should be implemented" (Nâini, 1982, p.69).

However, he believes that in special cases relating to the rules of every type, the employer and the violator and the thief and the Protected People [the recognized religious minorities] should all be subject to the same indiscriminate rules, while it will remain the judge's choice to decide differently for each group depending on its characteristics.

"In special entitlements, there should be no privilege or difference in the specific cases and individuals compared to the majority. For example, no matter if the complainant is poor or rich, illiterate or highly educated, a non-Muslim or a Muslim, in any case the murderer, thief, adulterer, drunkard, briber or bribe-taker should be taken to the court, and no matter who the person is who has usurped public or private property or property of orphans or non-orphans, and the corrupter and the apostate and the like, all shall be equal before the sharia and subject to the sharia judge without any exception, and the respective laws of Muslims or the Protected Minorities will be applied among members of the appropriate religion" (Nâini, 1982, p.69).

Nâini thus intends to respond to the doubts raised by the opponents of the principle of equality who asked how it was possible to consider equal in Islam the non-Muslims and the Protected Minorities and the Muslims and how this can be given legality and taken into consideration in the Constitution. An example of such doubts, which were mentioned in the writings of the anti-Constitutionalists is provided here. In his book *Prevention of the Constitutionalism*, Sheikh Fazlollâh Nuri thus criticizes the principle of equality as set forth by the Constitutionalists:

"Oh brother, reflect on the rules of Islam, and on how much it distinguished between issues of those bound to do their rituals and in transactions and commerce and political matters and among adults and non-adults and majors and minors and the sane and the insane and the healthy and the unhealthy and one acting on own will or one under duress and the one with consent or the one with reservations and the principal and the attorney and the master and the slave and the free man and the father and the son, and the wife and husband, and the rich and poor, and the scholar and the ignorant, and the certain and the skeptic, and the follower and the legist, and the layman and the expert, and the Muslim and the non-Muslim, and the Protected Minority and the adversary non-Muslim, and the infidel and the apostate and the national and innate apostate and the like, including whatever that is hidden even to the skillful jurisprudent" (Zargarinezhâd, 1995, p.160).

Or in the book *Tadhkirat al-Ghafîl*, he provides this definition: "Then, according to Islam, one should see whoever that is equal in divine law should be considered equal by us as well, and whatever type that is considered different, we have to treat them differently accordingly, so that we will not be trapped by worldly or religious corruptions" (Zargarinezhâd, 1995, pp.177-178).

While rejecting this doubt, Nâini suggests that equality in the constitution is in general matters rather than in specific matters



disputed by the opponents, who, he believes, intend to create fallacies. He goes on to say that his understanding of equality is what all nations of the world admit while no one has accepted equality in specific affairs.

"This is the truth of equality, which is the essence of justice and the spirit of all political laws. The Constitution is the expression of the spirit of this policies and the essence of justice. This is the necessary meaning not the fallacy offered by the opponents, and this is clearly understood in the same way in all religions and by people who do not speak the same language. Therefore, necessarily, equality is the equal application of the general titles on all persons, which is not to be ruled with arbitrary wishes. All nations mean this -by the law of equality- or else this would destroy their other laws" (Nâini, 1982, p.70).

Nâini believes that those who created such a doubt themselves knew that equality is not meant in specific affairs and judgments on individuals and that it is equality in common and general matters. However, in order to gain support from the dictatorship and to prevent the implementation of justice and freedom, they made it dubious. He writes: "However, as all the matter and the true purpose [of anti-Constitutionalists] is to avoid equality with the members of the nation and to free the oppressors from this responsibility and to protect the existing rule, this principle and the basis of justice were presented in an ugly manner among all walks of life. This was a case in which "then [they] used to change it, after they had understood it, knowingly?" (Quran 2:75) and "having hearts wherewith they understand not" (7:179)" (Nâini, 1982, p.70).

Nevertheless, Nâini made a distinction between general and common affairs that were provided in the Constitution and the sharia affairs that have to be dealt with by the sharia legislator, thus responding to the fallacy of the opponents in a clear manner and by mentioning specific cases:

"The principle of preparing the Constitution is only for controlling the behavior of those in office and delimiting their domination and determining their duties and defining the typical duties while the detailed laws were either policies that were defined customarily in order to protect the system or religious matters that were to be determined in religious reference books and in fatwas by legists for matters of the public, those relating to prayers, transactions, marriages, other types of contract, unilateral obligations, inheritance, retaliation, blood money and the like, and these had to be followed by the degree of piety of Muslims and would be outside the domain of the government. This would not interfere with the duties of the religious state or with the implementation of the divine punishments on Muslims or non-Muslims or innate apostates or admitted apostates and the like as determined by the legist's binding orders. Equality has to be applied to the penal law except that reference should be made in such cases to the legist while the issued judgments, whatever they might be, will have to be implemented" (Nâini, 1982, pp.70-71).

In proving his statement and this interpretation of equality, Nâini mentions numerous examples from early Islam and the way the Prophet and Imam Ali treated the people, which indicates how they treated all people, be they Muslims, Jews or Christians, equally and deems them as true examples of Islamic justice. He divides equality in Islam into three parts of "equality in rights", "equality in judgments" and "equality in punishments", mentioned examples for each from the Prophet's practice and that of the Infallible Imams. (Nâini, 1982, pp.28-36)

As a whole, Nâini considers the continuity of the state to be dependent upon justice and equality, believing that no government will remain based on injustice and that it is the divine tradition that injustice and the unjust will be eliminated. He even invokes stories narrated by the Prophet and the Infallible Imams in which the heavens

and the earth are said to be established based on divine justice that flows in nature.

#### **4. The philosophical approach: Ayatollah Morteżâ Motahari**

Plato is perhaps the first person to enter justice into philosophical discussions. He defines three attributes for man: passion, anger and reason, for the proper functioning of which a fourth attribute, i.e. justice, is necessary. He believes that justness is a necessary characteristic for the leaders of the society, because, in the same way that an individual can achieve justice by having a prominent feature of reason and rationality, a society can achieve salvation by having a well-informed and just leader. This is why he very much emphasized that philosophers should lead the society. After Plato, many people such as Aristotle, Aquinas and Augustine stated many things about philosophical justice, which later formed the theoretical theme for the work of Islamic philosophers such as Abu Nasr Fârâbi, Moskuyé Râzi, Abolhasan Âmeri and Avicenna (ibn Sinâ) while in modern western thought Hobbs, Locke and Marx adopted liberalist and socialist features. Modern Islamic philosophers attempted to criticize the liberalist and socialist ideas of justice while clarifying the Islamic stance on justice. Ayatollah Motahari is one of those who defined justice in his works through theological and philosophical eyes. By setting forth this discussion, he meant to rationally explain the religion and separate the Islamic outlook on justice from the liberalist and socialist analyses, which the Iranian society had widely been attacked by. As an Islamic jurist and a philosopher well aware of his time, Ayatollah Motahari considered his duty to be a proper presentation of religion by familiarizing the people with religious teachings. This is why he set out to deal with such important concepts as justice from different points of view, including the divine and social views.<sup>11</sup>

He emphasized the concept of natural rights, which define certain rights for man such as the right to think, to express, to own and to be equal to others, and this philosopher of natural rights, and similarly to the other prior Islamic philosophers, defined justice as "giving one whatever they are entitled to", i.e. anyone should be able to fulfill all his rights. According to him, there is a right in the world of reality that can form the foundation of justice. Therefore, what he considers just is expressed by religion rather than what religion states is just, because justice is a balance by itself. (Motahari, 1409 AH, p.14)

By invoking Quranic verses Hadid:25 and Anbia': 46, Ayatollah Motahari defines the aim of Prophethood as being justice in its social sense while providing the philosophical meaning for the basis of the Resurrection.<sup>12</sup> In response to the question whether Islamic theologians paid a great deal of attention to justice and whether this created many discussions and controversies among Islamic jurists, theologians and philosophers, he believed that the Quran was the main source of this much attention to the problem of justice.

"We think that the root cause of scientific and practical aspects of justice should be sought in the Islamic society and, primarily, in the Quran itself. The Quran sowed the seed of the idea of justice in the hearts and watered it and created intellectual, philosophical, practical as well as social concern for it in the souls. It is the Quran that set forth the problem of justice and injustice in its different faces, such as existential justice, legislative justice, moral justice, social justice" (Motahari, 1993, p.35).

By stating that collective justice and its derivatives are mentioned sixteen times in the Quran (Motahari, 1993, p.37), he believes that justice in Islam is a basis and foundation, and this can well be understood from the Quran.

"In the Quran, everything from monotheism to the Resurrection, from Prophethood to Imamate and leadership, and from individual ideals to social goals, are all based on the axis of justice. Justice in the Quran, along with monotheism, the element of the Resurrection, the purpose of Prophethood, the philosophy of leadership and Imamate, are criteria for individual perfection and the balance for the health of the society" (Motahari, 1993, p.37).

Ayatollah Motahari believes that justice that is mentioned in the Quran has a special role in each domain. For example, where it is used in the case of monotheism and the Resurrection, it means existential justice and constitutes a worldview while, where it relates to Prophethood and legislation, it is legislative justice and is a legal "scale and balance" and, similarly to reason, is one of the sources of jurisprudence and inference along with the Book and the tradition. In politics, where it has to do with imamate and leadership of the society, justice means "merits and competence" of the leader of the state. When the discussion is that of ethics, justice is a "human ideal" and, ultimately, when there is talk of social justice, it is a "responsibility" (Motahari, 1993, p.37).

He thus goes on to answer his question on the importance of justice in Islam:

"How can an issue in the Quran, which is so important as to become a worldview as well as a standard to find out laws with and be a criterion of merits of leadership and a human ideal and a social responsibility, be overlooked by Muslims despite the great deal of attention and sensitivity that the Quran has for it. This is why we believe that we should be looking for another reason before tiring our mind, because the word 'justice' is noticed everywhere since the beginning of intellectual and practical movements by Muslims. The main reason for the sensitivity of Muslims to this matter and the reason why it entered theology, Islamic jurisprudence as well as

Islamic social domains was doubtless the Quran" (Motahari, 1993, pp.37-38).

While admitting the already mentioned classifications by the other Islamic scholars, Ayatollah Motahari first divides justice into "divine justice" and "human justice" (Motahari, 1993, p.45) and, by virtue of the Quran, further classifies them into four forms of "existential justice", "legislative justice", "moral justice", and "social justice" (Motahari, 1993, p.35). While elaborating on social justice, he first deals with what things he thinks would not be part of social justice and, to this end, refuses to accept the two definitions of social justice. One is defining it as equilibrium and balance in society and, the other, is defining it as equality in the sense of no difference among people. He thus defines justice in the sense of equality in society:

"A society that wants to remain has to be balanced, i.e. everything in it should exist in a necessary amount. A balanced society is in need of many jobs, i.e. economic, political, cultural and judicial and educational work. Such work has to be distributed among individuals and a necessary number of people should be appointed to the jobs. In terms of social justice, what is necessary is that the amount of needs should be taken into consideration and, proportionately to the needs, the budget and power should be consumed" (Motahari, 1993, pp.54-55).

He refuses this definition because individual expedience is sacrificed before the collective expedience, and believes that the individual in society has certain rights that have to be respected. He is basically of the opinion that this interpretation of justice is not against injustice. It is, rather, "disproportionate" and, therefore, irrelevant to social justice (Motahari, 1993, p.55).

Another definition of social justice is equality of people with each other and lack of discrimination, i.e. there should not be any

difference between people. Ayatollah Motahari rejects this definition of social justice as well and equals it with injustice, writing:

"If this means that justice requires merits to be ignored and everything and everybody be looked at in the same way, such justice would be nothing but pure injustice. If equal grant is justice, equal denial will be justice as well" (Motahari, 1993, p.56).

He believes at the same time that, if justice means equality among people, equality in merits should be equally distributed. This sense of justice is proper and this type of equality is a necessary element of justice and exactly the same thing that has been taken into consideration in a definition that he provides of justice. He thus defines social justice:

"[Justice is] considering the rights of individuals and granting every entitled person their right while injustice is violating the rights of others. The true meaning of human social justice is justice provided for in human laws, which has to be respected by the people. This justice relies on two things: rights and priorities - i.e. individuals in relation to each other and compared to each other" (Motahari, 1993, p.56).

This definition reveals Ayatollah Motahari's philosophical outlook on the discussion of social justice. While making use of the theologians' discussion of innate and intellectual good and badness of deeds, he believes that "Justice by itself is a truth and God, because he is wise and just, makes His designs in accordance with the criterion and scale of justice" (Motahari, 1993, p.19). Therefore, God's command is subject to good and badness and the real expedience of objects in accordance with the Creation. Consequently, goodness of justice and badness of injustice are a certain truth that is in accordance with a right that exists in reality and per se while, in connection with society and social relations, one should give everyone what they are entitled to by taking justice into consideration.

Ayatollah Motahari's answer to the question how one is entitled to such a right in a way that its fulfillment will constitute justice and non-fulfillment, injustice, is that it is related to natural rights, which are rooted in the Creation. He writes:

"In our opinion, natural and innate rights appeared because the Creation is clearly directed to lead creatures towards perfections for which they are internally apt. Every natural aptitude is the basis for a natural right and is considered a natural document to this end. For example, a human child has the right to study and go to school but a sheep's child is not entitled to such a right. Why? Because a human child is talented and apt to be educated but a sheep's child is not" (Motahari, 1978, p.145).

According to Ayatollah Motahari's definition of social justice, justice should be observed in human law and laws should be indiscriminately applied to all in accordance with their merits. Laws are based on a set of rights and priorities, which is in accordance with the Creation. In the Creation, other than rights, there is a priority for man. For instance, a child born to a mother has a right and priority over the mother's milk. In society, when someone produces a product, they will have a priority over it. Apart from this, Martyr Motahari believes that, because of man's innate characteristics, a certain type of arbitrary thought, which is dictating in nature and is marked with "musts", accompanies man and is placed in human laws. This is why it is said that, in order for individuals in society to achieve happiness, the rights and priorities should be taken into account, and this is but human justice as approved by every individual's conscience and is the opposite of injustice. (Motahari, 1993, p.63). He goes on to conclude:

"Justice and injustice in this sense are characteristics of human being due, on the one hand, to the principle of priorities and, on the other hand, man's innate characteristic, which makes him employ a



series of arbitrary thoughts and devise 'musts' and 'must-nots' and abstract 'goodness and badness.'" (Motahari, 1993, p.63)

According to Ayatollah Motahari, socialist and liberalist understandings of social justice, the former being based on the priority of the community and ignoring the individual's rights and the latter based on individualism and ignoring the rights of the community, are rejected by Islam. (Motahari, 1993, p.63) Islam attaches importance both to the individual as well as society, i.e. the interaction of individuals and society will create a new living reality that consists of both. (Motahari, 1999, pp.24-29) Ultimately, he believes that in Islam, besides paying attention to individual as well as social rights, emphasis on spirituality has made Islam distinct from the other human schools of thought:

"The main difference between the school of Islam and the other schools of thought from this point of view [i.e. justice] is that Islam defines spirituality as the basis ... Islam's sensitivity regarding social justice and its combination with Islamic spirituality is in unique and not seen in any other school of thought" (Motahari, 1989, p.153).

In summing up the view of Ayatollah Motahari regarding justice, it should be said that, on the basis of "natural rights" and with a philosophical outlook, he considered justice as a natural innate right for humankind, which is attained in light of putting the individual and the society in the center and in a relationship with faith and spirituality. By terming it "defining rights based on merits", he reveals that he is on Aristotle's path in this respect.

### **5. The sociological approach: Dr. Shariati**

Other than jurisprudential and philosophical approaches, "sociopolitical justice" can be looked at from the sociological point of view, which is popular with political and social thinkers. This would make it a more concrete and tangible approach compared to the other

two approaches and will make analyses more comprehensible to those interested in discussions of social justice. One of those interested in this approach because of his sociological studies was Dr. Ali Shariati, whose main concern and the core of whose sociological thoughts was "justice". This can be repeatedly seen in its various aspects in his works. In other words, it is the center of gravity of Shariati's thought.

Shariati refused to accept purely philosophical or jurisprudential approaches to the problem of social justice, believing that it has not been an abstract philosophical or theological discussion that has kept the minds of Muslim thinkers busy but, rather, it has been a social problem, the social aspect of which far exceeds in importance its philosophical and theological aspects. He thus believed that social justice has been taken out of its right path, which is the same as the society, and been trapped by philosophical and theological discussions.

"The discussion of justice ... is not an abstract metaphysical philosophical discussion. It is rather a social problem that should be taken out of teaching and discussion classes of scholars and philosophers and put in society and within the social system so as to move on its historic path in order for us to find out what it does and what it will tell" (Shariati, 1991, p.32).

By virtue of the presence of justice in the Creation, he believes that the human community should be accordingly inspired so as to work towards the establishment of justice. He writes:

"The presumption is that the social system is based on justice. Why? It is so because the Creation is based on justice. Therefore, any attempt that I make to establish justice in my society is of the type that I will make for having a natural life in my life and to coordinate the system of my life with the Creation and with nature" (Shariati, 1991-A, p.118)

While borrowing various Marxist concepts and terminology such as class, equality, infrastructure and superstructure, Shariati provides a definition of social justice the superstructure of which is monotheism and the superstructure, justice.

"Justice consists of emphasizing the principle of class equality and equality of human rights based on a system whose infrastructure is monotheism and superstructure, universal justice" (Shariati, 1983, pp.234-235).

In the same way that concepts such as class, equality, infrastructure and superstructure are sociological concepts that Shariati tries to use in order to express the justice he has in mind, he also like Marx defines class as a group of individuals who have a similar life, form of work and income (Shariati, BITA, p.35) and infrastructure as the fixed bases of society that are caused by that infrastructure (Shariati, 1400 AH, p.142)

He presumes monotheism as the infrastructure and the basis of the social system as the source of movement and development. It is a worldview that requires denying conflicts that prevent humankind's progress and exaltation, whether such conflicts are, in his words, legal, social class, political, racial, tribal, earthy, by blood, hereditary, innate or economic (Shariati, BITA, pp.48-50). Justice, which he analyzes more based on economics, he sets as the superstructure of this social system.

Such an equality-seeking interpretation of justice has put justice at the center of Dr. Shariati's thought and made him love the individual personality of Imam Ali, Abudhar Ghaffāri (a close companion of Prophet Mohammad). He even named his first book *Abudhar Ghaffāri* after Abudhar.<sup>13</sup> The fiery objections of Abudhar against Uthman, who warned him against collection of property and building construction and constantly reminded of him of the Quranic verse *kanz* have been recorded in history. These objections as if pounded

Uthman on the head constantly and ultimately resulted in Abudhar's exile.<sup>14</sup>

While emphasizing equality before law and political equality, Shariati gave a special role to economic equality in the paradigm of justice, which is why he opposed the capitalist system and considered economic equality to be the great need of Islamic countries and the Third World.

"Justice in the sense of class equality means denial of exploitation of individuals by individuals and classes by classes, it denies economic, legal, social, ... conflicts. It is the great need of Islamic countries in the world and in the Third World" (Shariati, 1983, p.235).

He makes a distinction between the two concepts of justice and equity in Islam. He attributes equity to economic infrastructure in society while relating justice to legal superstructure in the legal form of social relations based on individual and social rights. To him, "equity" is the real share of everyone from the material and intellectual resources of society in return for the role that they have in society while justice means payment to everyone in accordance to what they are entitled to. He writes:

"Justice means that everyone [is entitled] to their legal right, the way it is dealt with in society and equity means that everyone [is entitled] to their right share, the way society has to do it. Justice may not be accompanied by equity- although justice without infrastructure is false and temporary and depends on individuals- however, when there is equity, justice is unlikely not to exist, because when the infrastructure is rightly provided, the superstructure will be in place as well" (Shariati, 1991, p.39).

The other tangible point in Shariati's sociological accounts of social justice is the discussion that he sets forth on racial equality. In his view, one of the obvious manifestations of social justice is lack of racial superiority and discrimination, as different races have claimed

superiority over the others in various historical eras. Inspired by the Quranic verse "Lo! the noblest of you, in the sight of Allah, is the best in conduct" (49:13); He believes that there is no superiority in Islam based on race, tribe or color and the only standard to judge people's superiority is their conduct and faith in God. He goes on to conclude that it is this equality in race and color of skin in Islam that has attracted many nations to Islam and basically claims that it is because of this same racial equality in Islam that Iranians and Romans converted to Islam. This is a manifest example of the implementation of justice in Islam.

Therefore, in his opinion, these nations, including Iran, approached Islam because of its equality-based outlook and then delved into its ideological, philosophical and jurisprudential teachings.

"Why did Iranians and Romans convert to Islam? It was because of justice and imamate, because they needed justice and the rule of the truth, which they sought in Islam. After conversion, they adopted the philosophical, ideological and metaphysical principles of Islam. It is the same reason for which today blacks in the west convert to Islam because of racist torture and racial differences. Islam defends racial equality. After they convert to Islam, they accept its monotheism and prophethood" (Shariati, 1991, p.25).

Consequently, with a sociological approach inspired by Marxist views, Dr. Shariati sought social justice as opposed to "economic and racial equality" within society based on a monotheistic worldview.

## **Conclusion**

Sociopolitical justice is one of the concepts that has received attention from the human community and by thinkers in various political schools of thoughts as well as divine prophets throughout history. Everyone has elaborated on this human need from their own point of view. In the meanwhile, Muslim thinkers have considered justice in

their theological discussions, resulting in the formation of such approaches as Asharism and Mutazelism, which were labeled with "justice-oriented" and "non-justice-oriented", who indirectly looked at political as well as social justice. Because of the great deal of attention to justice, Shiism has come to be known as justice-oriented. Shiite jurists considered justice while engaging in various discussions of imamate and determinism. However, it did not turn out to become a jurisprudential rule. In the contemporary era, and more specifically since the Iranian Constitutionalist Revolution, Shiite scholars have once more looked at the sociopolitical concepts of Islam due to the requirements in the political community, while seeking to extract jurisprudential rules regarding sociopolitical problems. From among such attempts, the work of Ayatollah Nâini in *Tanbih al-Ummah and Tanzih al-Millah* in the description of these social principles is to be praised. Continuing the theological tradition of Islam, Ayatollah Motahari looked at social justice from the philosophical point of view. Dr. Shariati, who approached social issues sociologically, dealt with social justice as a sociologist. Although his analyses were left-oriented, and this constitutes a defect in his work, an economically equality-seeking approach to society is one of the characteristics of Shariati's thought, which distinguished him from the others, and was studied here as the third approach.

## NOTES

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1. Plato begins his book with the question what justice or right is. In his view, justice is an ideal that can be achieved only by philosophers and wise people and not by experimental scientists. According to him, social and political justice means putting every person where they belong based on their merits. (Plato, 1969, p.236).
  2. For further Medieval studies of justice, Cf. Held. 1990, p.66; also on the contractual theory of justice in the Enlightenment era by thinkers such as Rousseau, Hobbs, and Locke, Cf. Âlam, 1994. pp.196-202.

3. Some have said that this saying is from Prophet Mohammad but others such as Imam Mohammad Ghazzâli in his book *Ihya' ul-Ulum* do not consider it as a religious saying. (Cf. Halabi, 1996, p.132).
4. This is from Obeydollâh Zâkânî, 8th-cen. AH satirical poet, who in pragmatic philosophy was a follower of Khâjé Tusi (Cf. Halabi. 1996, p.132).
5. This refers to the Quran (16: 90 "Lo! Allah enjoineth justice and kindness")
6. For further study, Cf. Akhavân Kâzemi. 2003.
7. The ethicists have adopted their definition of justice from the book *Jâmi' al-Sa'ādât* by Mollâ Mohammad-Mehdi Narâqi, which is a book of ethics in Shiism. (Narâqi, BITA, vol. 1)
8. In his book *Divien Justice*, Ayatollah Motahari has provided a theological and philosophical explanation of divine justice, believing that Shiism and Mutazelism believe that some deeds such as rewarding good people is justice in its essence and God will do things based on justice and will never do injustice, because injustice is innately an ugly thing to do and God will not do such a thing. On the contrary, Asharites believe that nothing is justice or injustice in its essence and whatever God does is justice rather than God doing things according to justice. God's acts are the scale of justice. If God punishes the believers and rewards the unbelievers, it will be pure justice on his part. To study this further (Cf. Motahari 1993).
9. Some contemporary law scholars believe that Islamic thinkers such as Sheikh Tusi in *Al-Mabsut* or Allâmé Tabâtabâi in his Quranic exegesis *Al-Mizân*, while defining justice as "giving every entitled person what they have a right to and putting things where they belong to", have been under such Greek ideas as those of Plato. (Kâtuziân, 1997, p.36).
10. It refers to the well-known political fatwa by Mirzâ Shirâzi in boycotting tobacco, which said, "Today, using tobacco amounts to fighting against the Imam Mahdi" (Esfahâni-Karbalâyi, 2003, p.139).
11. With such books as "Divine Justice", "Islam and the Requirements of the Time", "Twenty Passages", and "Ten Passages", which deal with important social discussions, is attempting to eliminate the public mind and the Iranian Muslim society on its religious and cultural heritage so as to avoid being deceived by the appearance of the West.
12. According to Ayatollah Motahari, it is the Quran that says, "We verily sent Our messengers with clear proofs, and revealed with them the Scripture and the Balance, that mankind may observe right measure..." (57: 25), where justice in the social sense is expressed as the purpose of prophethood. Also the Quran says, "And We set a just balance for the Day of Resurrection so that no soul is wronged in aught. Though it be of the weight of a grain of mustard seed, We bring it. And We suffice for reckoners" (21:47).
13. Young Shariati, advised by his father, Mohammad-Taqi Shariati, translated and got published the book *Abudhar Ghaffâri* by the Arab Egyptian writer Abdolhamid Judah al-Sihâr. Shariati's interest in Abudhar as the symbol of

fighting inequality remained the same throughout his life and always kept mentioning him in his works.

14. Verses 34 and 35 of the surah al-Tawba is about people who collect wealth and refuse to spend any of it on God's path, whom God promises a painful torture. Abudhar kept repeating these verses to Uthman and accused him of betraying Muslims in their properties.

"... They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings (O Muhammad) of a painful doom, On the day when it will (all) be heated in the fire of hell, and their foreheads and their flanks and their backs will be branded therewith (and it will be said unto them): Here is that which ye hoarded for yourselves. Now taste of what ye used to hoard" (9:34-35).

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