

FOREWORD

The Islamic concept of justice, like all other facets of Islam's world view, has two separate vectors that delimit its properties. The first points to itself, that is to its own inherent qualities, boundaries and definitions. Here, the yardstick of understanding is human, including at times the human understanding of the divine commands. It expresses itself as justice understood in terms of philosophy, theology, sociology, economics, and institutions of state and society. As the idea is played out on the canvas of history, it is affected by both intrinsic and extrinsic factors. Necessarily therefore, it becomes subject to change and evolution. Certain core notions of it appear to be permanent, but even these subtly change with time and place. An example of this is the idea that justice is correlated to the degree and extent to which one abides with divinely sanctioned commands in societies with an overtly religious culture. In the western world, these have metamorphosed in time from justice as the appropriate observance and fealty to duties, to one where justice becomes in part a matter of acknowledging rights. An inversion takes place, and rights assume the place of duties. This is now an almost universal phenomenon, undermining traditional concepts of justice and replacing them by a desacralized understanding.

The other vector of Islam's concept of justice points to the Absolute, to the One whence all manifestations of existence flow. This is an altogether different field of understanding. It requires different tools of cognition. It demands that an effort be made to understand the will of the Creator, through the limited powers of human knowledge. As part of this process, the individual has to look within himself or herself for the signs of the Divine, to the outer worlds and to the text of the Quran, as the bedrocks of the human being's encounter with the traces of the Absolute. " We shall show them Our Signs on the horizons and within themselves until it becomes clear to them that it is the Truth."¹ the Quran proclaims. Furthermore, another dimension needs to be understood, namely

¹ The Quran: Sura 41, Aya 53

that of the intermediary space that connects and negotiates the sacred world of signs and meanings and the relative world in which humans dwell. This other dimension is the Quranic realm of the 'barzakh', the interstice, the world of revelation and prophecy. In consequence, the conventional understanding of justice becomes unmoored from the here and now, and from a purely humanist dimension. It follows an altogether different trajectory. This trajectory requires the cultivation of several strands of knowledge and experience: of the revealed Law, reason, the prophetic practice and example, the path of the illumined ones, and one's own inner experience of the idea of justice. All of these combine to form an approximation of our understanding of the will of the Creator, and imperfect though it may be, it is essential for the realisation of the counterpoint to the entirely time and space-bound dimension.

The key to all of these apparently contradictory routes is the principle of balance. In a world whose inner dimensions are ordered by divine decree and whose outer forms seem to obey only natural and human laws, Islam demands an effort to accommodate both, inside a unified field of understanding. Meaning and form; essence and attribute; contemplation and action. Thus, justice based on an entirely human construct renders the idea barren of a sacred component and disconnects it from the wellsprings of faith. Alternatively, justice devoid of a connection with the realm of time and space, denies the possibility of manifestation and self-disclosure of the One, making it, in effect, impossible to understand and relate to.

The outer language of the Quran is expressed in a highly particular form of Arabic. It is designed to be understood by the Arabs of 7th century Arabia but also to act as the springboard to its easy adoption by other linguistic and ethnic groups. Its inner linguistic form, however, is a universal spiritual language, meant to transcend cultures and societies and ethnicities. The word justice in the Quranic Arabic is rendered as '*Adl*'. The word itself has a multiplicity of meaning. In its common usage, it can mean 'even', 'to determine with evenness', 'to be equal to', 'to attribute value'. It is also the opposite of inequity and unfairness. In the Quran, however, the word is used with further

shades of meanings. There are five basic usages of the word in the Quran. The first implies an offering or recompense.² The second implies expiation or amend.³ The third implies fairness, the opposite of inequity.⁴ The fourth implies to set aright.⁵ Lastly, it implies equalising.⁶

Relating all these different usages to their origin in the One, it appears most appropriate to use the term '*Adl*' as implying to make even; or in other words to tilt towards making whole or manifesting it. In this sense, '*Adl*' is a form of predisposition by the Absolute towards bringing being into existence. From immutable essences in the mind of the Creator existence is titled into manifestation. The tilting towards making whole is therefore a divine attribute of the first order of creation. Justice in the world is a form of making things whole, which in turn is the core of uprightness (*istiqama*). Both of these are mechanisms by which we can recognise and acknowledge the power of the Absolute in times when we as individuals or societies or nations are called upon to judge matters.

However, before we are called upon to act justly, we also must understand the cascade of the attributes of the Divine that impinge directly on the manner and outcome of the decision. These are arranged hierarchically in an appropriate mixing and interlocking of attributes. Thus Knowledge leads to Wisdom; Will leads to Power which leads to its application as Force. All of these co-mingle to produce '*Adl*', justice, and its enforcement through Power. In the universe of symbols and meanings, the scale of Islam is the Scale of the Law, aligned with Reason, the example of the Prophet and the illumined ones, and the Text. Each one elaborates, modifies, amplifies and moderates the others. In the knowledge of God, all is equal. But as the immutable essence are manifested into existence, then existence is ordered by rankings, each on which partakes in differing degrees in

² Quran 2:48 ("...Nor shall any *compensation* be taken from it, nor shall they be helped")

³ Quran 5:95 ("...Or the *expiation* is the feeding of the poor or the equivalent of it in fasting.")

⁴ Quran 4:58 ("...And when you judge between people judge with *justice*.")

⁵ Quran 82:7 ("...Who created you, then made you complete, then made you *even*")

⁶ Quran 6:1 ("...Yet those who disbelieve set up *equals* with their Lord.")

God's bounty or *fadhl*. Inequality in means and provision, at one level is only a reflection of the differing quanta of *fadhl* or mercy that God dispenses to existence, including human beings. At another level though, the text admonishes the hoarding of riches and the massive discrepancies in material wealth between individuals and nations. We all share in God's bounty of being tilted into existence; but the discrepancies in living circumstances is a product of *zulm*, the opposite of justice; or in effect the absence of justice. Tolerating oppressive inequalities, or *zulm*, on account of *tafdhil*, or being awarded a higher measure by God, is not an acceptable outcome for the just person.

The establishment of justice also requires a scale or *mizan*. The scale of the Law is the weighting of the two pans, and the presence of an indicator and a lever. In the Quran, God had given humankind the power of the scale and with it an admonishment to weigh justly. The scale of the Sharia is one measure of the scale but not the only one. The scale **as a whole** is a scale of *Qist*, or the Just Scale. So justice is not the outcome of weighing of fact and judgements, nor is it the following of precedent nor the automatic outcome of transgressing the boundaries of the Sharia. It is an inherent quality of the scale itself. Justice is achieved by humankind holding up the scale at all times. Everything is put in its appropriate place. Justice in turn is enhanced by Wisdom, which is to act in ways that are appropriate. Wisdom that takes precedence over rankings and hierarchy. Anyone who acts wisely and is driven by the Just Scale exhibits the correct courtesy or '*adab*' towards the Creator. In regular steps, the just person progresses to the rank of *Wali* or Friend of God.

The inner dimensions of the idea of justice in Islam echoes throughout the new work of Askari and Mirakhor. It infuses their profound dissection of the notion of justice as an element of just governance. They set out to demonstrate how Islam's concept of justice underlies any serious debate on inequalities, poverty reduction, fair governance and institutional arrangements. Critically,

they establish that justice within an Islamic world view is best served in the context of autonomous units that are basically self-governing. In this regard, they depart radically from the conventional discourse that sets justice within the framework of the large, centralised state. For example, Rawls's theory of distributive justice requires essentially the intrusive and controlling power of the state to effect the outcome in the direction that is sought. A corollary therefore of the just state in Islam is in fact the just community and the just individual, self-correcting and bound by internally consistent sets of rules, principles and values. The role of the state becomes one of referee and supervisor, rather than initiator and executor. Needless to say this is a far cry from the modern state in the Islamic lands, which combine the worst aspects of the domineering state with dysfunction and abysmal governance. What they also imply is that the idea of the state in Islam has to be radically rethought if it is to be able to reflect the imperative of providing a canopy of just rule for, rather than over, society. This is an altogether admirable work of synthesis as well as an exploration into an area of immense significance that has exercised Muslim minds over the centuries.

Ali Allawi

Former Minister of Finance and Minister of Defence of Iraq and author of three recent books: *The Crisis of Islamic Civilization*, *The Occupation of Iraq*, and *Faisal of Iraq*

Baghdad, March 7, 2019