

Concept of Justice in Western and Islamic philosophy

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Abstract

Justice is one of the pressing issues in the contemporary philosophies around the world. There are many descriptions and explanations of justice through its various principles like right, desert, needs etc. Any explanation of justice through any single domain supersedes the other. Thus there are no conclusive definitions till date that can incorporate all sub-domains of justice in the western philosophies. The philosophers and scholars define it according to their socio-political environment, which is subjected to change with place and time. The only definition that only appears to be applicable everywhere is 'justice is the *sum cuique*' i.e. to each his due. The concept of justice in the Islamic philosophies has stood rock solid in defining the justice and its various prospects. It is the essence of the Quran which has stressed on the application of justice in all walks of life. It remains to be seen that how far this concept is universally accepted and applied in the practical sphere so that the nations can place the premier ideas in their driving seats to seek the actual progress of the nations and the globe as a whole. The paper seeks to analyze the concept of justice by juxtaposing the thoughts of western philosophers to the Islamic teachings. Employing the secondary source, the paper seeks to search a universal definition of the concept in theory and application.

Keywords

Justice, *Sum Cuique*, Western Philosophers, Islamic teachings.

Introduction

No doubt there is wide range of explanations of the concept in the west but all these elucidations either have limited their discussions to its principles like right, desert, need etc. or have clubbed these things in order to attempt to reach to any conclusive arguments. But till date no attempt has been successful in presenting a universal definition as every explanation provided by the philosophers and scholars around the world were either situational/timely or focusing on a part of the broader concept of justice. 'There are some distinctions about justice which should be kept in mind before we apply them to particular cases' like rights, desert, and need etc. Thus, the paper attempts to discuss the various definitions of the concept in western philosophy and compare it with that presented in the Islamic philosophy.

Justice through the Western Philosophers

History witnesses that the western philosophers across different epochs of time have explained the concept according to the existential conditions and the lived experiences. These definitions and explanations have been useful only in those particular times and the required surroundings. The explanations thus haven't ever been successful in giving a candid definition so far. There were some leading philosophers who have discussed and debated the concept with their contemporaries in the field.

Hospers mentions it as 'justice has to do with the treatment of persons by other persons. The lion is not being unjust to the antelope in killing it. The lion is not a moral agent, and no right or wrong, no justice or injustice, is involved' (Hospers, 2015). An interesting discussion came to the limelight on defining the concept of 'justice' between Thrasymachus on one end and Aristotle, Plato and especially Socrates on the other. While 'Plato associated justice with the virtue of the soul' (Jatava, 2006), Aristotle elucidates it with what is lawful and fair in equitable distributions and the correction of what is inequitable but Thrasymachus had a different outlook on it when he said, "Justice is the interest of the strong" (Jatava, 2006). He explains that justice is what is being asked for, portrayed and projected as a justice. It is his/their discretion as to how they love to define it. Thus, accordingly justice would be what they call justice as, no matter how injustice and inequalities it perpetuates. He says that 'men revile injustice, not because they hate to do it but because they fear to suffer it' (Jatava, 2006). Socrates, the teacher of Plato, vehemently opposed the viewpoints of Thrasymachus, arguing that no science either prescribes or seeks the advantage of the stronger, but the advantage of the weaker over which it rules. The government provides and prescribes what is beneficial for the subject, seeking the advantage of the weaker rather than the stronger. Aristotle complements this argument by stating that, "Justice is a virtue implying a relation to others, for it promotes the interest of another, whether he be a ruler or simply a fellow citizen" (Jatava, 2006, p. 29) (Ginsberg, 1992). Thus, there is marked difference, even in this one epoch of time between the contemporary philosophers.

Thus, with changing time and space, every new explanation will come to replace and thus refute the earlier one. However, the paper will focus only on some famous literary figures the history has ever produced like Hume, Marx, and Spencer etc. The selections were subjected to selecting one from each of the successive centuries after the birth of David Hume.

1. David Hume- the Scottish philosopher. (1711-1776)

For the purpose of clarification if we discuss the David Hume (1711-1776), the eighteenth century Scottish philosopher, who to has discussed the concept with a paramount significance. He says that, “the rules of justice are conventions where material goods (wealth, land, possessions, etc.) are ascribed to particular individuals; and the virtue of justice consists in respecting this ascription, by refraining from appropriating the rights of others, and ensuring that wrongly appropriated goods are returned to their owners” (Boucher & Kelly, 1988:26). Hume tries to make us understand that since the set of rules are acknowledged by each and every individual, now on those very goods, it is only the right of those respective individuals while others respecting this very right of the owners is justice. Yes, there may be instances where the ownership may be doubtful and hence captured by the power then it is possession not the right (just).

Thus, according to the statements made by Hume on justice, he has focused on the ascriptive outlook of the people’s properties and wealth that they have amassed weather by hard work of by their ascriptive eligibility. The people in return ought to respect that outlook by all means. However, if they feel that any property is wrongly apportioned then it needs to be relooked upon and thus the property should be returned to its actual owner. The property discussed can be of any nature, as long as it is deemed to be property.

2. Karl Marx (1818-1883)

The great German Karl Marx (1818-1883), one of the renowned nineteenth century economist, sociologist and philosopher has been one of the pioneers of seeking justice to all those oppressed sections of the society. He believed in bringing revolutions so that the current mass of regime which has amassed inappropriately the results of the workers hard work. According to Marx, society is ridden with class contradictions. He recognizes the existence of bourgeoisie class (haves) and proletariats class (have-nots). For him, justice means economic justice in the manner that the people must be valued for their work they carry on under the feudal or capitalistic tenures.

The exploitation, caused by the generation of wealth by the capitalists when the rights of the labourers are ignored, makes the relations bitter between them. When the exploitation or for that matter the injustices aren’t replaced by the justice, and according to him they won’t be replaced either due to the corrosive outlook possessed by the people atop. Thus, they organize for themselves to fight for the injustice they are met with and in the terms of Marx, they become ‘class for itself’, (Sterba, 1980:193) aiming to replace the exploitative bourgeoisie system with their own. Hence Marx says

that the transformation is the end result of the class struggle. When the makeover takes place then there is no need of the state. Marx has not talked directly about justice but has highlighted the inequality in terms of the economy and the resultant state authorities. The polarization of the society which was growing in the society was the cause of concern for Marx and believed the revolution at the right time will overthrow the unjust authorities. Differentiating the history in different epochs of exploitation, Marx at last predicted the arrival of egalitarian society-the dream of Marx. Hence, according to Marx, mitigating the injustice is justice only when it is done by replacing the oppressive and tyrannical people controlling the modes of production.

3. Herbert Spencer (1820-1903)

Similarly, in the later part of the nineteenth century, after the epoch of Marx, Herbert Spencer (1820-1903), the English Philosopher identifies Justice with a distribution according to desert (Miller, 1976), desert here being interpreted as 'achievement' and not as an 'effort'. The fundamental principle of Justice Spencer expresses simply as: 'each individual ought to receive the benefits and the evils of his own nature and consequent conduct'. When we act and especially when we produce, we naturally create certain benefits, depending on our efforts, skills, and capacities and these benefits ought to be secured to us. This is more evident of him being critical to the socialists who would give equal returns to labourers of different capacity. There by the term 'desert', that is a person must be having that much wealth and property that he has actually worked for. It will thereby be injustice if a person deserves less and he is paid more and vice-versa. For example, if a person is guaranteed that he will be paid according to the quality and quantity of his work, then at the end of the day, justice demands that he has to be paid likewise. It would be injustice if he is paid more than he has actually worked for or less than his quality and quantity of job asks for. Thus, Spencer has highlighted the term 'desert' as a means of allocating justice to all.

4. John Rawls (1921-2002)

An American Philosopher, in his magnum opus 'A Theory of Justice' published in 1971 has presented and explained the comprehensive theory of justice. His concept of social justice is considered as very influential, though it has not been upheld as the universal definition.

Rawls has focused on two important principles of justice:

- 1) Each person has equal right to the most extensive system of personal liberty compatible with a system of total liberty for all.

- 2) Social and economic inequality are to be arranged so that they are both:
 - a) To the greatest benefit to the least advantaged in society (so that the least well off people are made as well off as possible, which could mean giving an unequal/greater amount to the people least well off)
 - b) Attached to positions open to all under conditions of fair equality of opportunity (so that everyone in society has a reasonable chance of obtaining the positions in society that make decisions about inequalities) (John, 2013:83)

He proposes the following general conception of justice “all social primary goods - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any or all of these values is to the advantage of the least favoured” (John, 2013:303). Among the principles we can say that Rawls has highlighted the equal liberty and the demand for fair equality of opportunity i.e. justice will accrue through the mitigating the differences between the unequal masses.

Thus, here again, no doubt an important and profound analysis has been presented in the book, but it is again yet to be seen that people do come up and speak against any lacuna, the previous commentary has made. Even here it was followed by the noble laureate AmartyaSen, who in his book ‘An Idea of Justice’ (Sen, 2009) has somewhere not agreed to the earlier presentations and explanations of justice. Thereby, we can conclude from these sections, that the prominent figures associated with the explanations of justice have so far collectively failed to put forth a description of the notion of justice that can be applicable irrespective of time and space.

Justice in Islam

Islam, since its advent has been focusing on the justice, equality and brotherhood as few of its basic principles. The word ‘Islam’ itself means a procession and submission towards peace. The history is full of narratives in the lives of prophets who have time and again stressed sternly on the application of justice. Islam says that one of the fundamental qualities a believer must belief on, is that the God is just. He won’t put anyone in the testing times unless there is something beneficial for his life or afterlife. It claims to be having the complete way of life. It even has measures for the social, political and economic sectors of life. Socially, it stresses on equality and brotherhood, whereas politically, it aims to maintain peace in all the subjects. It has its own rules on how to act when you in battlefield. It has created spaces for all the groups of people irrespective of their race, regions, status. It embraces

all equally based on the universal brotherhood. The explanation of justice in all the sub-spheres of life as advised by the Islamic guidelines is beyond the scope of this paper.

It has laid certain taxes and tariffs on the believers based on their quality of wealth so as take along-with the economically inferior groups of the people. Thus, a complete way has been designed as is also presented in the holy Quran. There is even no gradation on the basis of caste, colour, creed, race, region etc., however, there is gradation on the basis of piety. It upholds justice as is also mentioned clearly in Quran, that,

“The “Believers! Be upholders of justice, and bearers of witness to truth for the sake of Allah, even though it may either be against yourselves or against your parents and kinsmen, or the rich or the poor: for Allah is more concerned with their well-being than you are. Do not, then, follow your own desires lest you keep away from justice. If you twist or turn away from (the truth), know that Allah is well aware of all that you do” (Al –Quran 4:135)

The verse is enough to ascertain the importance of Justice in Islamic philosophy. It strictly refrains from any practice of injustice carried out by any individual. It even asks the followers that no matter, at what epoch one belongs to, no matter who is convicted to violation or injustice, the parents, the kins, rich, poor, all must be treated alike. There is no acquittal for anyone on these grounds. Even on the Day of Judgment, as Islam preaches, people will be reborn from their graves and they will be presented the rewards of their doings on the world. It again has laid no nepotism of nearness, even to the kiths and kins of prophets on that day. All are alike and rewards and punishments will follow according to their piety and virtue.

Thus many exegeses have been put forth for the verse and unlike the western philosophers, these exegeses don't differ by the extent as it differs in their explanation of the concept.

Justice in Quran and Western Philosophers

The elucidations and interpretation of justice in the western philosophies and in the religious texts of world's second largest religion Islam although have some resemblance but it is to be seen that Islam has preached the same code of conduct irrespective of the time and space. The explanations do not vary as one crosses the seas or hops over the mountains. But in case of the western philosophies, the different centuries have been dominated by different eminent and learned scholars but every epoch has recorded different explanations and even there have been different explanations within a single epoch. We can see that as Hume explained 'justice' in terms of right in seventeenth century, which was Marx, explained in terms of redistribution of wealth by Marx in the following century. The nineteenth century recorded Spencer explaining 'justice' in terms of desert and the twentieth century

witnessed the theory of Rawls, wherein he has explained justice on fairness and differential principle. Thus, it is clear that all the interpretations are influenced by the existential conditions that at time are instrumental in deciding the taste of a philosopher. Those very explanations may or may not be applied to other places where the nature, composition, culture and politics are entirely different. But in case of Islam, every single elucidation has the scope of application anywhere in the world. Islam begins with the peace and submission to the supreme creator, Allah, thereby leaving all the scopes of inflicting the injury and any means of oppression since the followers believe that the supreme force is ALLAH, the creator of all. One can assay that ‘justice must be done and seen to be done and not just debated’(Puniyani, 2014)

Hence, the apparent victory of the concept of justice as explained by the Quran over the interpretations of the western philosophers is that the verse 135 of Sura-Al-Nisa (Chapter The Women) has been posted on the wall right in front of the main entrance of Harvard Law School, which in itself is the oldest operating law school in the United States.

Conclusion

To conclude the above discussion, it is evident, that the western philosophers have never agreed to any conclusive definition of the concept of ‘justice’. There are different explanations, where in every explanation show variation to the preceding and succeeding presentation of the concept. On the contrary, Islam has invoked a single and permanent order asking its believers not to keep away from justice, no matter who so ever is in the fray. Thus, it has explained the concept at every juncture of life and in every sphere, by giving a distinct way of life.

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