

## Outlining Social Justice From Comparative Perspective\*

### Man and Society

Ever since men began living in society, thinkers and philosophers aimed at defining the goal for human beings to attain in order to lead a good life. An individual, according to Plato, is insufficient by himself. Such insufficiency can be overcome only when he joins with others to meet mutual needs. Society is thus a relationship of mutual co-operation and exchange (Aristotle, Al-Farabi). In this relationship, everybody expects that 'justice' should be done to ensure one's due. Therefore, justice is the supreme value of society.<sup>1</sup> A societal condition is said to be a just or good or happy one, where everybody is ensured of his due.<sup>2</sup> On the other hand, an unjust or unhappy society is that where a sense of injustice - or 'feeling of deprivation' exists.<sup>3</sup> Thus justice is a guarantee for happiness and injustice becomes the cause of unhappiness. Justice and happiness are, therefore, inextricably interwoven. A good life or happiness, the universal quest of mankind, can only be achieved, said Aristotle, in a society that is based on justice.

To ensure justice in society, the necessary political institution that has evolved in the course of time, is the government.<sup>4</sup> Therefore, "justice is the end of government", wrote the American Founding Fathers while framing the constitution of independent America.<sup>5</sup> Almighty Allah, the Creator and Lord of the universe,

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has also ordained mankind to establish justice in society. The Holy *Qur'an* states: "Say! O Children of Adam! . . . My Lord hath commanded Justice" (7:29); and "Allah commands justice and welfare to mankind" (16:90). In the contemporary world, justice seems to have again become a universal slogan. The "New World Order" demand of the NAM (Non-Aligned Movement) countries, the 'New Economic Order', the 'New Political Science' and the "New Public Administration" movements of recent times, are all directed towards establishing justice in society. But the problem is, although the thinkers and philosophers hold identical views regarding the desirability of establishing justice in society, they differ greatly in determining the exact meaning and definition of the concept. This paper makes a critical survey of the major theories of justice formulated by Western scholars and attempts to outline a comprehensive framework of social justice from an Islamic perspective. The major theories are: 1) the positivistic approach to justice; 2) the idealistic approach to justice; 3) the utilitarian approach to justice; and 4) the contractual theory of justice.

### A Critical Survey of the Major Theories of Justice

#### 1) The Positivistic Approach to Justice

The Positivist School of jurisprudence accepts "law" as the standard of justice. One of the most ancient governmental functions is the settling of disputes between the members of a society. And the most permanent method developed to fulfil this task, is judicial. Hence the lawyers and judges associated with the judiciary, prefer to define justice as the "rule of law", which, according to Carl J. Friedrichs purports "to ensure that all persons are put in a position to get what they are entitled to under the law".<sup>6</sup> This definition suffers from the limitation that it has not given due consideration to the basis or justification of the law. The South

African black majority were discriminated against by the white minority according to the policy of *Apartheid* sanctioned by law, which itself was unjust from the moral point of view. In other words, morality also provides an important justification to all deliberate human actions and social institutions. Moreover, the role or participation of people in the formulation of law has not been acknowledged in this approach.

## 2. The Idealistic Approach to Justice

The Idealistic conception of justice provides a standard of distribution. It determines the share of different individuals in the distribution aspect of the society. Plato (427-347 BC), one of the forerunners of this approach, considered justice as a value concept. According to Plato, justice means “giving to every man his due”.<sup>7</sup> Such a definition of justice has no juristic connotation. So it has got nothing to do with judicial procedures.<sup>8</sup> The essence of the Platonic conception of justice is that man’s due is naturally ordained. Three basic forces, as Plato contends, motivate men in society. These are the forces of desire or appetite, forces of spirit or courage, and forces of reason or wisdom. According to these innate potentialities of men, Plato divided the entire society into three distinct classes viz., 1) the ruling class of philosopher-kings having the quality of reasons ; 2) the soldier-guardians having the quality of courage ; and 3) the class of producers having appetite as the dominating impulse. Plato’s conception of justice is achieved when each class of the society performs its specific duties for which it is best fitted by nature without interfering with the duties of others.<sup>9</sup> Social justice is achieved when all classes perform their duties in union. In this way, harmony and peace prevail in the society.

But Plato’s threefold categorisation of man’s instinct and capacities has been criticised on the ground that it is too simplistic.

The attributes, aptitudes and capacities of men cannot be so neatly differentiated as Plato conceived. Moreover, Plato’s arbitrary assignment of men to one or another of the three classes, also destroys individual freedom. By denying the individual right to choose his career, Plato is said to have scorned democratic values.

Aristotle (384-322 BC), a great disciple of Plato on the other hand, introduced ‘contribution’ as the basis of distribution. According to Aristotle, justice means ensuring everybody his reward (i.e., money, honour, job and distinction etc.) in proportion to his contribution to society.<sup>10</sup> Since men do not contribute equally, the receipt of reward will also be distributed unequally. This is what Aristotle called his principle of ‘distributive justice’. This principle says that it is unjust to treat “unequals” equally and “equals” unequally. Aristotle further says that ‘corrective justice’ comes into operation when the standard created by ‘distributive justice’ is undermined. It restores proportional equality by a remedial method.

Aristotle’s concept of justice has been criticised on the grounds that it did not take into consideration the condition of those unfortunates in society (i.e., old, sick and disabled etc.) who cannot or are not in a position to contribute. “In a good (or just) society”, says Rashdall, “justice demands that a lame man, however unworthy he is or however little he is able to do for the common good, should be provided with an artificial leg”.<sup>11</sup> So, there are other considerations in justice than the mere contribution to increasing social goods.

## 3) The Utilitarian Approach to Justice

The positivists and the idealists seem to view justice as an end in itself. But the utilitarians treat justice as a means. The utilitarian view of justice emphasises maximisation of satisfaction for the society as a whole. It is an aggregative theory. It tells us to perform such actions as will produce the greatest sum of happiness

for all. Jeremy Bentham, Adam Smith, David Hume and John Stuart Mill are the pioneers of this theory known as utilitarianism.<sup>12</sup>

The core principle of utilitarianism is that a public policy will be in the public interest provided the policy increases the net balance of social satisfaction summed over all the individuals belonging to society. In other words, if a public policy makes everybody or the whole society slightly better off, even if some individuals are left slightly worse off in other ways as a result of that policy, then the policy is just.<sup>13</sup>

The main criticism against the utilitarian approach is that the distributive character of justice which encompasses that each individual should receive his due cannot be accommodated into this theory. It holds that the greatest happiness is to be achieved for the greatest number, not the same happiness for each and every member of the society. Although it seems that utilitarianism is generally beneficial to society, it cannot explain why in particular cases the distinctive claims of justice should be weighted separately from considerations of utility.<sup>14</sup> Moreover, “an utilitarian public policy in an unequal society cannot be just”, says Nicholas Henry, “because it reduces the welfare of the least well-off people in the society, even if it is for the net benefit of the whole society”.<sup>15</sup>

#### 4) The Contractual Theory of Justice

As an alternative to the traditional theories of justice, specially to remedy the deficiencies of utilitarianism, John Rawls developed a contractual theory of justice by using the notion of fairness as a basis for his analysis.<sup>16</sup> He sums up his dissatisfaction with utilitarianism in the following words:

“If, then, we believe that as a matter of principle each member of society has an inviolability founded on justice which even the welfare of everyone else

cannot override, and that a loss of freedom for some is not made right by a greater sum of satisfactions enjoyed by many, we shall have to look for another account of the principles of justice’.<sup>17</sup>

The aim of Rawls is to elucidate a natural situation in which all would agree to a set of principles of justice that would make the life of all in the society peaceful and advantageous. His theory depicts a hypothetical social structure where the basic rights and liberties of all are upheld in an equal manner and at the same time, the natural inequalities of men are regulated in such a manner that would benefit all, especially the least advantaged people in the society. The twin principles of justice as enunciated by John Rawls are as follows:

- 1) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
- 2) Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged ; and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.<sup>18</sup>

Certain rights and liberties like political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly, liberty of conscience and freedom of thought; right to hold personal property ; and equal protection of law etc. are quite necessary for the natural growth of human personality and to further one’s rational plan of life. The first principle of justice enunciated by John Rawls, therefore, says that everybody in the society should be provided with equal rights and liberties which must be compatible with that of others. The first part of his second principle of justice popularly known as the ‘difference principle’

deals with the basic structure of the society. It admits inequalities of men with respect to natural endowments. Some are gifted with more talents and capabilities and some are less advantaged. Some inherit greater wealth and status, though all are equal in respect of the basic liberties and human worth. These are the facts of nature. Such discrepancies in natural gifts cannot be removed altogether, but can be regulated for the benefit of all. Justice therefore, lies not in eliminating inequalities, but in regulating the inequalities to the benefit of the least advantaged people. In other words, the ‘difference principle’ of John Rawls indicates that a just society is to be judged by the way it deals with its worst-off people. In the second part of the second principle, Rawls does not confine offices and positions of command to any naturally privileged group. He keeps these opportunities open to all under fair equality of opportunity.

In this way, the two principles of justice are combined to the establishment of a just society. The Rawlsian theory in fact, occupies a middle position between capitalism (inequalities in wealth and power devoid of a rational plan) and socialism (inequalities reduced to an equal share for all). It advocates equal liberty and social opportunity for all but accepts natural inequalities and guides them for the upliftment of the less endowed with a rational plan. Society and social institutions corresponding to such principles of justice are treated as just, otherwise they are unjust.

### **Criticism of Rawls’ Theory of Justice**

John Rawls seems a little pragmatic in formulating his two principles of justice. His theory contains a fairly specific conception of social justice which could be used to evaluate social policies of the government in modern welfare states. In his first principle, Rawls sketches an institutional framework which he believes will realise ‘background justice’. This principle of ‘equal

liberty’ is relevant to legal and political justice. The distribution of wealth and other related matters fall within the purview of his second principle. The ‘difference principle’ (2.a) of Rawls is the most original part of his theory of justice. The idea that inequalities should only be permitted when they benefit the least advantaged members of the society has a strong intuitive appeal.

However, the critical objection to Rawls’ principles of justice (2.a & 2.b) as put forward by David Miller is that they are not distributive principles in the same sense as the ordinary principles of justice.<sup>19</sup> They do not specify any property of the individuals which will determine their share of society’s goods. The ‘difference principle’ (2.a) simply states that goods should be distributed in whatever way that creates most benefit for the least advantaged members of the society. Some even regarded it as a criterion of ‘justified inequality’.<sup>20</sup> The principle of fair ‘equality of opportunity’ (2.b) is distributive in form, since it demands that positions and offices should be allotted on the basis of ability and skill (rather than on the basis of birth or influence). But the principle states nothing about the levels of reward which may be attached to different positions and offices. Thus there is nothing in these two principles which directly prescribes how wealth and other goods should be distributed among persons.<sup>21</sup> In this respect, the contractual theory of justice resembles utilitarianism. But unlike utilitarianism, Rawls’ theory is not strictly aggregative in nature, because it does not allow the few to be deprived to obtain a greater balance of happiness for the many. In short, the “contractual theory of justice”, says David Miller, “appears to be less a radical alternative to utilitarianism than a modification of the utilitarian theory differing from the theory chiefly in demanding the maximum benefit for one particular group in society—the worst-off, instead of the maximum benefit for society at large”<sup>22</sup>

Finally, although the ‘difference principle’ of John Rawls has a

strong intuitive appeal, what is the motivation by which the naturally gifted people will sacrifice for improving the conditions of the least advantaged ones in the society? The Rawlsian theory does not provide any answer to this question. However, despite all these criticisms, it must be admitted that Rawls has presented before us a variation on a well-established theme of social concern.

### Characteristics of Social Justice Drawn from the Major Theories and Their Limitations

It appears from the above discussion that none of the systematic theories of justice examined here, is found satisfactory. They however, provide a framework of social actions which has the following characteristics:

- 1) Justice means giving everybody his due ;
- 2) One's due would be determined by the amount of contribution he makes to the society;
- 3) Justice demands a situation where everybody is provided with equal liberty and social opportunity ; and
- 4) In a just society, natural inequalities of men are to be regulated for the benefit of the least advantaged ones.

The above framework of justice however suffers from the following limitations:

- 1) If justice means giving everybody his due based on his contribution, then what would be the condition of those unfortunates in the society (i.e. sick, old, disabled, etc.) who cannot or are not in a position to contribute? The dominant theories do not provide any answer to this question.
- 2) In an unequal society where distribution is made on the

basis of one's contribution, there remains a possibility of concentration of wealth into a few hands who control productive assets like land, capital, etc; and

- 3) Finally, what would motivate the better-off people in the society to sacrifice for the betterment of the least advantaged?

Taking into consideration these limitations of the dominant theories, an attempt has been made in the latter part of this paper to provide a broader framework of social justice from Islamic perspective.

### Social Justice in Islam

Islam is the combination of a belief in Allah as the Creator and Sustainer of the universe, and a code of life based on total submission to His will. The will of Allah has been expressed in the Holy *Qur'an* which has ably been demonstrated through the life and works of the final Messenger Muhammad-bin-Abdullah (517-623 AD). Thus the *Qur'an*, the will/message of Allah together with the *Sunnah*, formed the basic code or guidelines for the whole of mankind in their drive towards a just and welfare society. In the Holy *Qur'an*, Allah says that He has created mankind to be His *Khalifa* (Vicegerent) on this earth (35:39). What is the specific mission of man on this planet? The *Qur'an* categorically states that as the vicegerent of Allah, it is the responsibility of man, to establish 'Justice' in society. Allah says:

*"O David! We did indeed make thee a vicegerent on earth; so judge thou between men in truth (and justice) ; Nor follow thou the lusts (of thy heart), for they will mislead thee from the path of God ; for those who wander astray from the path of God, is a penalty grievous, for that they forget the Day of Account (38:26) ;*

*“O ye Children of Adam! . . . Say: My Lord hath commanded justice (7:27-29) ;*

*“Allah commands justice and welfare to mankind” (16:90); and*

*“Allah doth command you to render back your trust to those to whom they are due; and when ye judge between man and man that ye judge with justice” (4:58).*

It has been recorded that Allah has from time to time sent His Messengers with Scriptures (the criterion of right and wrong) so that mankind may observe justice in the society (*Al-Qur’an*, 57:25). Islam further teaches that as the Vicegerents of the sovereign Lord, mankind will have to account to Him for all their deeds in the final ‘Day of Judgement’, on the basis of which they will be rewarded or punished in the life hereafter (*Al-Qur’an*, 2:85, 281).

Therefore, justice in Islam is not merely a moral value. It is a religious virtue/obligation and an essential principle of social management. According to the Holy *Qur’an*, the Prophet Muhammad (*SM*) was especially commissioned by Allah to establish justice in society (besides inviting people towards the way of Allah) (42:15). In order to fulfil this mission, Muhammad (*SM*) was found to have organised the Jews, the Christians, the Idolators and the Muslims of Medina into an *Ummah* (Nation) through a written charter, which is known in the history as the first constitutional government in the world.<sup>23</sup> Under that charter (*Charter of Medina*) all sorts of religious freedom and citizen rights were ensured for the different communities living in Medina on an equal footing, and Prophet Muhammad (*SM*) was made the chief justice for arbitration.<sup>24</sup> W. Montgomery Watt writes: “In the agreements of Muhammad’s lifetime, it had been explicitly stated that each ‘protected minority’ was free to practice its religion, and this freedom

continued. The Christians retained their Churches and the Jews their Synagogues”<sup>25</sup> The author further states that: “... Islamic states have on the whole had an excellent record in respect of the treatment of non-Muslim minorities—it was a matter of honour for them to treat them well.”<sup>26</sup>

The fundamental principle that guided the social formation of Medina was ‘equality’ of men. The Prophet Muhammad (*SM*) categorically denied any ascriptive criterion for classifying the society and admonished his citizen that “all people are the same as the teeth of a comb, they came from Adam, and Adam is created from dust ; there is no privilege for an Arab over a non-Arab, nor a white over a black ...”. This social principle of Islam has got its clear expression in the following verse the Holy *Qur’an* where Allah says: “*O mankind! We created you from a single (pair) of a male and a female ; and made you into nations and tribes, that ye may know each other. Verily the most honoured of you in the sight of Allah is (he who is) the most Righteous of you*” (49:13). And to guide mankind in the way to righteousness, Allah has revealed the Holy *Qur’an* which in His words is: “*The guidance and glad tidings for those who believe*” (2:97, 2, also see 38:29; and 10:57). This revelation of God sent through the Prophet was not meant for one race or set of people. It was meant for all mankind. Allah declares that: “*We have not sent thee (Muhammad) but as a universal (Messenger) to men, giving them glad tidings and warning them (against sin), but most men understand not*” (34:28). The plural but integrated society of Medina under the Prophet, ultimately developed into a full-fledged state<sup>27</sup> in the modern sense, where the principles of liberty, equality and social justice found their fullest manifestation under an Islamic system of government and administration.<sup>28</sup>

In a society where the rights and liberties of individuals are ensured on an equal footing, Islam declares that man’s due or

reward is determined by the amount of contribution he makes to the common good. In the Holy *Qur'an*, Allah has categorically stated:

“*And withhold not things justly due to man*”  
(26:183) ; and

“*Man can have nothing but what he strives for*”  
(53:39).

This principle is more or less akin to Aristotle’s theory of ‘distributive justice’. The Islamic concept of justice in the distribution of income and wealth does not require equal reward for everyone irrespective of his contribution to society. Same as Aristotle, Islam also tolerates some inequalities of income because of the fact that all men are not equal in their character, inherent ability and service to society. Therefore, distributive justice in the Islamic society allows such differentials in earnings as are in keeping with the differences in the value of the contribution made or services rendered to society.

Side-by-side, Islam also advocates the creation of honourable living for those unfortunates in the society (i.e., disabled, sick, old, orphans, destitutes, etc.) who are unable to participate in productive activities. As the head of Medina state, the Prophet (*SM*) clearly declared: “He who leaves behind his dependents, they are our (State) responsibility,” and “that government (State) is the support of him who has no-support” (*Abu Dawood*). That is why, the term *adle* has been combined in the Holy *Qur'an* with *ihsan* when Allah says:

“*Allah commands adle and ihsan to mankind*”  
(16:90).

*Adle* means justice and *ihsan* is something beyond justice. It means giving or doing something beneficial for others in compassion.<sup>29</sup> The Prophet (*SM*) further said that: “Every child of Adam

has got a right over three things— a piece of bread to meet his hunger, a piece of cloth to cover his/her body and a house to live in” (*Tirmizi*)

These three things are essential to meet the physiological needs of individuals. Then comes the need for education for intellectual development of man. That is why, learning has been made compulsory in Islam for each male and female (*Ibne Mazah*). So, the primary responsibility of the social institution (government) in Islam, is to fulfil these basic needs of the citizens for their physical growth and intellectual development so that they can contribute effectively to society or societal development.

To meet such a huge expenditure on social security/welfare programmes, Islam has made provisions to raise funds through taxing the affluents in society. Allah says: “*And in their wealth and possessions (was remembered) the right of the (needy)*” (51:19; 70:24-25). Besides *zakat*, well-off people in society have been encouraged in Islam to sacrifice a little for their fellows, needy relatives and poor neighbours through *sadaqah* (unfixed alms to be offered occasionally) and various other types of transfer payments as religious virtue/obligation.<sup>30</sup> That is why, Islam urges the people to nurture the Godly qualities of mutual love and co-operation, sympathy and affection, etc. among themselves. Similar to John Rawls’ ‘difference principle’, Islam considers the natural inequalities of men as natural advantages. To establish justice in society, Islam advocates the need for a rational plan to regulate these natural advantages for the benefit of the whole society, specially the less advantaged ones. In the Holy *Qur'an* Allah says:

“*It is We Who portion out between them their livelihood in the life of this world. And We raise some of them above others in ranks (power, status or riches), so that some may command work from others*” (43:32) ; and

*“It is He Who hath made you (His) vicegerents, inheritors of the earth, He hath raised you in ranks, some above others ; that he may try you in the gifts He hath given you” (6:165).*

Talcott Parsons identified four necessary characteristics of social action. These are: a goal ; a system of motivation ; a situation ; and normative regulations.<sup>31</sup> Parsons also described a cultural system comprising values and beliefs which affect the behaviour of the individuals in society. Here the goal set by Islam, is the establishment of a just and welfare society (16:90) ; the well-off people have been motivated to sacrifice a little from their possessions for the poor and needy for which they have been assured reward in this world and the life hereafter (51:19) ; a participatory political system (42:38), an honest leadership devoted to Islam (36:21), and the individuals valuing both spiritual and economic outcomes comprise the situation (2:201) ; and the *Qur’an*, and the *Sunnah* constitute the normative regulations and cultural basis (4:105 ; 59:7). Islam provides motivation to mankind as reflected in the following verse of the Holy *Qur’an* where Allah says:

*Ukhrizat linnaas*, which means, ‘I have raised you for the welfare of mankind’ (3:110). In different places in the Holy *Qur’an*, He has encouraged mankind to *amalus saleh* or virtuous deeds. Allah says:

*“Those who have faith (in Allah) and do righteous deeds, they are the best of creatures, their reward is with Allah: Gardens of Eternity beneath which rivers flow, they will dwell therein for ever” (98:7-8 ; also see 22:14, 23) ;*

*“Those who believe (in the Qur’an), and those who follow the Jewish (scriptures), and the Christians and the Sabians, any who believe in God and the Last Day, and work righteousness, shall have their reward with*

*their Lord: On them shall be no fear, not shall they grieve” (2:62) ;*

*“Whoever does a righteous deed, whether men or women, and has faith, We will give him/her a good life ; and We shall reward them according to the best of their actions” (16:97) ; and*

*“It is not righteousness that you turn your faces towards East or West; but it is righteousness to believe in Allah and the Last Day and the Angels, and the Book, and the Messengers ; to spend of your substance out of love of Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves ; to be steadfast in prayer, and practice regular charity ; to fulfil the contracts which you have made ; and to be firm and patient ; in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing” (2:177).*

These verses of the Holy *Qur’an* and an endless list of the Prophetic *Sunnah* (Traditions) inspire mankind to do virtuous deeds which go towards establishing a just and welfare society in this world as well as earning adequate rewards in the life hereafter..

Another important characteristic of social justice in Islam is that Islam prohibits concentration of wealth in a few hands and advocates necessary measures to minimise the cleavage between the advantaged and the least advantaged in society. In a system of distributing rewards based on contribution, there remains a possibility of concentration of wealth in the hands of the naturally gifted few who control productive assets like capital and land. This is the most important criticism raised against modern capitalism. Dudley Seers, one of the most widely quoted development theorists of the contemporary world, says: “It is truism that poverty



will be eliminated (from the society) much more rapidly if any given rate of economic growth is accompanied by a declining concentration of incomes".<sup>32</sup> Here the fundamental teaching of Islam is that everything on this earth and the sky belongs to Allah (*Al-Qur'an*, 2:284 ; 32:26). Allah, therefore, desires that as His Vicegerents on earth, people utilise and share their possessions along with others in society according to divine guidance. This Islamic economic policy has been explained in the *Qur'an* in the most unequivocal terms: "So that wealth may not circulate solely among the rich from among you" (59:7). So, resources of the country are to be equitably distributed within the whole society for improving its total health. Islam also prescribes various taxes and transfer payments in order to redistribute resources from the rich to the poor.<sup>33</sup>

Here the fundamental difference between the major Western theories and Islam is that the Western theorists started with an unequal society and then advocated some adjustments towards egalitarianism. On the other hand, Islam started with an egalitarian base and then suggested innumerable checks on inequality or excessive concentration of wealth. In Islam, state intervention is a must, whereas state intervention is minimum in the Western approach. The Holy *Qur'an* describes how almost all of the Prophets of Islam beginning from Noah to Abraham, from Moses to Jesus Christ and finally, Muhammad (*SM*) have initially organised the *mustadafun* (downtrodden people) of society in establishing a just and egalitarian society. But they had to face initial resistance provided by the contemporary *mutraf* (rich) and *mala* (power holders) commonly called *mustagbarin* (34:34) Islam, therefore, provides an elaborate programme to safeguard the disadvantaged from the oppression and exploitation by those who hold worldly power and wealth.

One fundamental question often raised in society is, who from

among the people should be entrusted to formulate and implement necessary social policies and programmes? Here comes the question of politics and government. According to Islam, there cannot be any distinction between man and man because all are the children of Adam. Prophet Muhammad (*SM*) emphatically declared that anybody in the society (Who is obedient to Allah and having the necessary qualities of 'honesty', 'integrity' and 'commitment to justice'), even the black domestic servant, has got an equal right to participate in governing the society, and the people have been advised to remain obedient to the leader as long as he is guided by the agreed principles (*Bukhari, Muslim*).

In this way, Islam has synchronised individual rights with the collective welfare of the community in establishing a just and welfare society. Justice in Islam, is, therefore a comprehensive programme where the rights as well as obligations of the people in matters of formulation and implementation of social policies and in the production and distribution of resources/social goods have been recognised on the basis of human equality. It is a "package programme"? consisting of the following interrelated and mutually supportive activities:

- 1) Provision of fundamental rights and liberties for all based on human equality ;
- 2) Ensuring everybody his due or reward based on contribution ;
- 3) Economic and social security for the poor and disabled ;
- 4) Fulfillment of basic needs (such as food, clothing, shelter, education, etc.) of the individuals ;
- 5) Redistribution of resources in order to eliminate poverty and minimise the gap between the rich and the poor ; and
- 6) Equal opportunity for all to participate in government.

Social justice in Islam is neither a hypothetical situation nor it is confined to mere ideals. Rendering of justice is considered in Islam as *ibadah*—a form of prayer. The above mentioned characteristics of justice found their fullest manifestation in the plural society of Medina founded by the Prophet Muhammad during the 7th century AD and ruled by his first four successors under an Islamic system of social management.

From the above survey of the major Western theories and Islam, certain general features of social justice and the mechanism of their implementation may be drawn, and these have been presented in the following table.

**Table 1**

**Social Justice: Major Features and Mechanism of Implementation**

Theories	Major Features	Mechanism of Implementation
The Positivistic Approach	Rule of Law	Parliament, Acts, Organisations.
The Idealistic Approach	Giving every man his due	Ideal State: Education and the rule of the Philosopher kings.
The Utilitarian Approach	Maximising satisfaction	Public policies for improving the lot of the majority.
The Contractual Approach	Regulation of natural inequalities to benefit the least advantaged	Public policies tilted towards the betterment of the lot of the disadvantaged
Islamic Approach	Minimising natural inequalities by religious prescriptions*	Making <i>zakat</i> compulsory and <i>sadaqah</i> optional.

\* Analysis shows that this feature of social justice incorporates within its fold John Rawls' 'difference principle', and Islamic principles of 'fulfillments of basic needs of the individuals'; 'economic and social security for the poor and disabled' and 'redistribution of resources in order to eliminate poverty and minimise the gap between the rich and the poor'. For further details, see David Miller, *Social Justice* (Oxford: Clarendon Press, 1976), pp. 40-57, 336-344.

The above table further shows that what Islam had prescribed almost fourteen hundred years ago, has almost been re-emphasised/reiterated by contemporary researchers in explaining the concept of social justice. However, one significant difference that lies between the two approaches is that the Western theories are secular in nature. Effectiveness in Western theories is driven by egoistic motives or economic considerations. While an Islamic society is required to look beyond such considerations, and actively work for altruistic pleasure as a measure of spiritual advancement. Here economic considerations are guided by moral and ethical standards found in the *Qur'an* and the *Sunnah* that lead to an individual's spiritual growth.

The normative approach of the dominant theories is based on intuitive appeal only. On the other hand, the normative approach of Islam is based on spiritual belief and motivation—the belief that Allah, the Creator and Lord of the universe has commanded mankind (as His Vicegerents) to observe justice in society for which individuals shall have to account to Him in the 'Day of judgement'. Islam further motivates that on the basis of the evaluation of one's actions, he/she will be rewarded or punished both in this life and the life hereafter.

Another important question which is often raised is regarding the treatment of non-Muslims in the provision of social justice in Islam. As an answer to this, it would be sufficient to say that social justice as prescribed by Islam is not merely confined to Muslims only. These are meant for all mankind. In the Holy *Qur'an*, Allah has always addressed His Vicegerents as "O! Children of Adam", "O! Mankind", "O! Believers", etc., and the Prophet has been adjoined as the *Rahmatullil a'lamin*, which means: "We sent thee not, but as mercy for all creatures" (21:107). This has ably been demonstrated in the plural society of Madina founded by him. Montgomery Watt in his book *The Majesty That Was*

*ISLAM* (1974) has given eloquent illustration to the above truth.<sup>34</sup>

Finally, there are certain pre-conditions to Islamic prescriptions of social justice to success such as: a) a conducive social climate where individuals value both spiritual and material goods ; b) a participatory political system ; and c) an honest leadership devoted to Islam.

### **Endnotes**

- <sup>1</sup> Dibak ar Sahoo ; *The Concept of Justice: A Critical Study* (Delhi: Atlantic Publishers and Distributors, 1988), p. 116.
- <sup>2</sup> M Judd Harmon ; *Political Thought: From Plato to the Present* (New York: McGraw Hill Book Company, 1946), p. 34.
- <sup>3</sup> Ernest Barker ; *The Political Thought of Plato and Aristotle* (New York: Russel and Russel Inc. 1959), p. 487.
- <sup>4</sup> M Judd Harmon ; *op. cit.*, pp. 55-56.
- <sup>5</sup> *The Federalist* , quoted By Carl J Friedrich ; *Constitutional Government and Democracy: Theory and Practice in Europe and America*, Fourth Edition (New Delhi: Oxford and IBH Publishing Co., 1968), p.102.
- <sup>6</sup> Carl I Friedrich ; *Ibid.*, p.103.
- <sup>7</sup> M Judd Harmon ; *op. cit.*, pp. 55-56.
- <sup>8</sup> *Ibid.*, p. 34.
- <sup>9</sup> *Ibid.*, p. 35.
- <sup>10</sup> *The Politics of Aristotle*, Ernest Barker translated (London: Oxford University Press, 1961). pp.120-121.
- <sup>11</sup> Rashdall; “Theory of Good and Evil”, quoted by William Lillie, *An Introduction to Ethics* (London: Methuen & Co. Let, 1966), p. 286.
- <sup>12</sup> See for example: Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, H Burns and H. L. A. Hart eds. (London: Athlone, 1970) ; Adam Smith, *The Wealth*

*of Nations*, Edwin Cannan ed. (New York: Modern library, 1937) ; David Hume, *Theory of Politics*, Frederick Watkins ed. (Edinburgh: Nelson, 1951), and John Stuart Mill, *Essays on Politics and Culture*, Gertrude Himmelfarb ed. (New York: Doubleday, 1962).

- <sup>13</sup> Nicholas Henry, *Public Administration and Public Affairs*, Second Edition (Englewood Cliffs N.J.: Prentice-Hall Inc., 1980), p. 142.
- <sup>14</sup> David Miller, *Social Justice* (Oxford: Clarendon Press, 1976), p. 39.9.
- <sup>15</sup> Nicholas Henry; *op. cit.*, p.142.
- <sup>16</sup> John Rawls ; “Justice as Fairness’, *The Journal of Philosophy*, Vol. 54 (October 1957), pp. 653-462.
- <sup>17</sup> ‘Distributive Justice’, in P. Laslett and W. G. Runciman (ed) ; *Philosophy, Politics and Society*, 3rd Ser, (Oxford, 1967), p. 59.
- <sup>18</sup> This is a slightly simplified version of the principles as set out in John Rawls, *A Theory of Justice* (Oxford: Oxford University Press. 1912), pp. 302-3.
- <sup>19</sup> David Miller; *op. cit.*, p. 41.
- <sup>20</sup> *Ibid.*, p. 49.
- <sup>21</sup> *Ibid.*, p. 43.
- <sup>22</sup> *Ibid.*, p. 50.
- <sup>23</sup> M. Hamidullah, *The First Written Constitution in the World*, Third Edition (Lahore: S H Mohammad Ashraf, 1981).
- <sup>24</sup> *Ibid.*; for further details, see W. Montgomery Watt, *The Majesty That Was ISLAM* (London: Sidgwick and Jackson Ltd., 1974), pp. 44-56 ; Muhammad Hamidullah, *Introduction to Islam* (Singapore: Muslim Youth Assembly and Pustaka Nasional Pte. Ltd., 1981), pp. 93-94.
- <sup>25</sup> W. Montgomery Wart. *op. cit.*, p. 48.

- <sup>26</sup> *Ibid.*, p. 47.
- <sup>27</sup> Reuben Levy, *The Social Structure of Islam* (London: Cambridge University Press, 1979), p. 275.
- <sup>28</sup> For details, see W. Montgomery Watt ; *op. cit.*, pp. 44-56 ; Muhammad Hamidullah, *op. cit.* pp. 93-94.
- <sup>29</sup> Hazrat Ali (RTA), *Nahjul Balagah*: 223.
- <sup>30</sup> For discussion on the different types of taxes and transfer payments, see the author's *Social Justice in Bangladesh: An Islamic Perspective* (Chittagong : Liberty Forum. 1991), pp. 28-29.
- <sup>31</sup> Talcott Parsons, *The Structure of Social Action* (New York: McGraw-Hill, 1937), quoted by Mark Abrahams, *Sociological Theory: An Introduction to Concepts, Issues and Research* (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1981), p. 47.
- <sup>32</sup> Dudley Seers, "The Meaning of Development", in David Lehman (ed.), *Development Theory : Four Critical Studies* (London: Frank Class and Company Ltd., 1979), p. 11.
- <sup>33</sup> See author's *Social Justice in Bangladesh*, pp. 28-29.
- <sup>34</sup> W. Montgomery Watt ; *op. cit.*, pp. 51, 47, 48.