

THE SIGNIFICANCE OF JUSTICE IN POLITICS AND GOVERNMENT: A QUR'ANIC PERSPECTIVE

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ABSTRACT

This paper revolves around the emphasis and practice of upholding justice (al-adalah) as an important characteristic of the state in Islam. The administration of justice should be impartial with no regard to one's social status, financial assets, class, race, political affiliation or religious beliefs. The demand for providing justice at every level of society features very prominently in the Qur'an and the Sunnah. The believers (al-Mu'minin) as the Khalifah of Allah are required to discharge one's responsibilities (amanah) in cognizance with the teachings of Islam. We live today in an unjust world order which has shattered humanity - which is a product of certain factors which over time have produced vicious cycles that constantly keep humanity in a state of turmoil. Hence, this paper attempts to discuss the role of government in the Muslim world – a government which feels strongly about the legitimacy of Qur'anic justice and endeavors to protect the dignity and welfare of its people. The role of government is emphasized because without political power, it will not be possible to put into place the values and principles of justice contained in the Qur'an and the Sunnah. A government which wants to implement true values and principles will create space in society for individuals and groups seeking to "enjoin what is right and forbid what is wrong". The ummah of today is confronted by a global Western system which is not only prejudiced towards Muslims but whose interests and orientations are inimical to Islamic notions of human dignity and social justice. The Muslim reaction towards such a phenomenon may in fact be a cry for justice. It is the world defined by the West which challenges Islam and Muslims today.

Field of Research: Justice, Islam, Muslim, Government, Politics

Introduction

Islam is not only for the Muslims. It is an all satisfying religion and a code of life for all mankind for all times to come. It is the charter for peace and security for the entire world. It provides felicity and happiness to everybody. Islam denounces injustice and evil.¹ It commends use of power as necessary to eliminating the same so that oppression is removed and the oppressed live in peace. And, Allah s.w.t. does not belong to only Muslims. He is the sustainer of all mankind. He takes care of all mankind, always, and for all their needs. Hence, the Qur'an was not revealed by Allah s.w.t. only for the Muslims but instead for all mankind for all times. In this paper, I would attempt to discuss the emphasis and practice of justice (*al-adalah*)² as an important characteristic of the state in Islam. Justice³ is one of the

¹ Neither in the Qur'an nor in the Traditions are there measures to indicate what the constituent elements of justice are or how justice can be realized on Earth.

² For an individual to be '*adl*' (just) is, as the term implies, to be balanced, to engage in acts that are framed by an awareness, born of the pursuit of reason over passion, of the harm that may be done to the ties that bind individuals to one another and all believers into a single community. It is, therefore, possible to see in the Qur'an and Muhammad s.a.w's own actions an implicit theory of justice that informs later interpretations and applications. See John L. Esposito (Editor in Chief). 1995. *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, New York: Oxford University Press.p. 388.

³ It has been argued that if the Christian worldview is predominantly cast in terms of love, then the Islamic one is suffused by a discourse of justice.

fundamental principles of Islamic ideology.⁴ The administration of justice should be impartial with no regard to one's social status, financial assets, class, race, political affiliation, or religious beliefs. Islam has accorded to justice a position so eminent in its legislation. There are many verses of the Holy Qur'an⁵ which urge and enjoin justice in a general, universal order encompassing all human affairs. As an example, in the Holy Qur'an, there are at least five concepts which underscore Islam's commitment to economic justice.⁶ The Holy Qur'an orders Muslims to decide any case on the basis of equity, impartiality and uprightness of testimony. Therefore, the entire Muslim community is held responsible for justice.⁷ The believers (*al-Mu'minin*) are required to practice and enforce justice even against themselves.⁸ Hence, it is obvious to us that the demand for providing justice at every level of society features very prominently in the Qur'an. At every level, be it personal or public, in dealing with friends or foes, Muslims and non-Muslims, both in words and deeds, the Muslims are urged to be fair and just. In Islam – because for it religion encompasses life in its entirety – all virtue is religious; it has to do with the freedom of the rational soul, which freedom means the power to do justice to oneself; and this in turn refers to exercise of its rule and supremacy and guidance and maintenance over the animal soul and body. The power to do justice to itself alludes to its constant domination and fulfillment of the Covenant it has sealed with God.

Justice in Islam is not a concept referring to a state of affairs which can operate only within a two-person-relation situation, such as: between one man and another; or between the society and the state; or between the ruler and the ruled; or between the king and his subjects.⁹ So the concept of justice in Islam does not only refer to relational situations of harmony and equilibrium existing between one person and another, or between the society and the state, or between the ruler and the ruled, or between the king and his subjects, but far more profoundly and fundamentally it refers in a primary way to the harmonious and rightly-balanced relationship existing between the man and his self, and in a secondary way only to such as exists between him and another or others, between him and his fellow men and

⁴ Religion, it is apparent, has the potential, through its perspective in life and its purpose and the transcendent values it embodies, to help check self-centredness and greed and ensure the triumph of justice and peace. See Chandra Muzaffar. 2011. *Exploring Religion in our Time*. Pulau Pinang: Penerbit Universiti Sains Malaysia. p.84.

⁵ Central to the prophetic conception of justice are three features: relationships among men and toward God are reciprocal in nature, and justice exists where there this reciprocity guides all interaction; justice is both a process and a result of equating otherwise dissimilar entities; and because relationships are highly contextual, justice is to be grasped through its multifarious enactments rather than as a single abstract principle. See John L. Esposito (Editor in Chief), *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, p.388.

⁶ Its prohibition of *riba* designed to eliminate exploitation and to curb excessive accumulation of wealth; the prescription of *zakat* which seeks to ensure that the surplus, after one's needs have been met, is made available for the common good; the institution of *waqf* which encourages the bequeathal of wealth for the public weal; the principle of *farai'd* which emphasizes the distribution of inheritance within the family, taking into account varying responsibilities; and the practice of *sedekah* which considers acts of charity as a blessing. At the same time, the Qur'an and the Sunnah recognize the right of ownership of property, provide for inheritance, value entrepreneurship, and embrace markets. In fact, huge markets emerged in the Muslim world in the past that catered for the free exchange of goods and services guided by lucid ethical principles. *Ibid.*, p.92.

⁷ Just individuals are those to whom power appropriately devolves, because they have regulated their ties with others according to balanced, reciprocal obligations. These reciprocal obligations reduce social chaos and facilitate ever-greater networks of indebtedness among those who develop their God-given reason to understand the divine word and the mundane world alike. See John L. Esposito (Editor in Chief), *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, p.388.

⁸ Lukman Thaib, *The Islamic Polity and Leadership*, Delta Publishing Sdn. Bhd., PJ, Selangor, 1995, p.84.

⁹ The concept of justice means a harmonious situation or state of affairs whereby everything is in its right and proper place – such as the cosmos; for similarly, a state of equilibrium, whether it refers to things or living beings. With respect to man, we say that justice means basically a condition and situation whereby he is in his right and proper place. "Place" here refers not only to his total situation in relation to others, but also to his conditions in relation to his self. See Syed Muhammad Naquib Al-Attas. 1992. *Islam: The Concept of Religion and the Foundation of Ethics and Morality*. Kuala Lumpur: Dewan Bahasa dan Pustaka, Kementerian Pendidikan Malaysia. p.26

ruler and king and state and society.¹⁰ Professor Syed Naguib Al-Attas asks the question whether “can one be unjust to one’s self?” and he answers in the affirmative, and mentions further that justice and injustice *begins* and *ends* with the self. The Holy Qur’an repeatedly stresses the point that man, when he does wrong, is being unjust (*zalim*) to himself, and that injustice (*zulm*) is a condition wrought by man upon his self.¹¹ To understand this, Professor Syed Naguib Al-Attas reiterates that we have to refer once again to the soul’s Covenant with God and to the belief that man has a dual nature in respect of his two souls and body. The real man can only in fact be his rational soul. If in his existence as a human being he allows his animal or carnal soul to get the better of him and consequently commits acts prohibited by God and displeasing to Him, or if he denies belief in God altogether, then he has thereby repudiated his own affirmation of God’s Lordship which he as rational soul has covenanted with God. He does violence to his own Covenant, his individual contract with God.¹² It is important to understand why the belief in the resurrection of bodies is fundamental in Islam, for the soul reconstituted with its former body will not be able to deny what its body had done, for its very eyes, tongue, hands and feet or limbs – the organs of ethical and moral conduct – will testify against its acts of injustice to itself. Hence, it is clear from what we say about injustice that justice implies *knowledge* of the right and proper place for a thing or a being to be; of right as against wrong; of the mean or limit; of spiritual gain as against loss; of truth as against falsehood. This is why knowledge occupies a most important position in Islam, where in the Holy Qur’an alone, we find more than eight hundred references to knowledge. And even in the case of knowledge, man has to do justice to it, i.e. to know its limit of usefulness and not to exceed or fall short of it; to know its various orders of priority in relation to its usefulness to one’s self; to know where to stop and to know what can be gained and what cannot, what is true knowledge and what is learned guess and theory.

Justice is an integral part of the faith and upholding the principle of justice is not confined to the courtroom environment or to a set of formal injunctions but commands a high priority in the order of Islamic moral and spiritual values.¹³ The holy Qur’an abounds with references to justice. Its importance is emphasized in a whole variety of human situations. A singular significance of justice in Islam is provided by that well-known Qur’anic call, “*Be just; that is next to piety.*” To find out what is actually meant by justice, one has to probe the verses in which the term appears. From these verses, it seems that the Qur’an is concerned with different types of justice, including adjudicative justice, retributive justice, distributive justice and divine justice. Calls to ‘judge fairly’ would fall within the first category; punishments for certain kinds of wrongdoing would come within the second category; the practice of zakat and rules of inheritance would belong to the third category; and God’s judgement in the Hereafter would qualify for the fourth category. The Qur’an not only gives us an indication of what justice is: it also emphasizes repeatedly our responsibility as human beings to strive relentlessly for justice. Upholding justice¹⁴ is undoubtedly one of the human being’s primary duties. It is a duty that he must

¹⁰ Ibid.

¹¹ See *Surah al-Nisa’* (4): 123; *Yunus* (10):44

¹² Just as in the case of one who violates his own contract brings calamity upon himself, in the same way he who does wrong or evil, who disobeys or denies God, violates the contract his soul has made with God, thereby being unjust to his soul. He has also thereby lied against his own self (soul).

¹³ The elements of Islamic justice were the source of contention among moral and political theorists from the outset of Islam. During his lifetime the Prophet governed in direct accord with divine precept. After his death disagreement centered on which line possessed the capacity to rule justly and which procedures for rule should hold sway. For Sunnis political justice lay in acknowledging legitimate authority through *ijma’* (community consensus); for the Shi’i it lay in the spirit perpetuation of the line of legitimate succession. For the Sunni the ruler’s legitimacy was in theory hedged by the need for *shura* (consultation). The Sunni Ummayyad dynasty, however, combined the doctrine of an elected Caliph with the idea that the responsible believer is the one who does not fail to obey the legitimate successor to the Prophet. Others, known as Qadiriyyah, believed that each man is responsible for his own acts and that political justice lies not in compulsory obedience but in holding even the caliph responsible for his unjust acts. See John L. Esposito (Editor in Chief), *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, p. 388.

¹⁴ Upholding justice is a part of *amanah*, which is in fact one of the defining attributes of Islam. Fulfilling one’s *amanah* to Allah s.w.t., to one’s fellow human beings and to one’s natural environment is a person’s supreme duty. It is to fulfill this

perform as the bearer of God's trust, as the vicegerent of God, the Khalifah of Allah. It is through realization of the values and principles, the precepts and practices which constitute this message that the human being will fulfill his trusteeship as Khalifah of Allah. It is by bringing the Qur'anic truth into fruition that justice will triumph. The power and potential to achieve this rests with all human beings especially those who have accepted the Qur'anic truth. Every human being can, in order to bring about justice, "enjoin what is right and forbid what is wrong", "*amrma'rufnahimunkar*"¹⁵ But to discharge one's responsibilities as a Khalifah of Allah determined to enjoin what is right and forbid what is wrong, one has to know the Qur'an and the Sunnah. ¹⁶ The type of Islamisation undertaken by many Muslim states convinces us that there should be a serious attempt to develop a better understanding of Islam and the Qur'an within the *ummah*.

The Unjust World Order

The first basic fact of our times is that we live in an unjust world. This great imbalance in the circumstances in which our shattered humanity lives today is not a product of unalterable fate nor preordained by any divine writ; it is the result of a certain political and economic order imposed upon humanity. This imposition, which has taken shape during the twentieth century, is the second obvious fact of our times. This great injustice against humanity has been committed by a few states and then "sanctified" through a number of "international" organisations established for that purpose. This process of first imposing an unjust political and economic order on other peoples and then consecrating it through so-called international institutions, treaties, and, in certain cases, through brute force is the third obvious reality of our times. There must come an awakening of youth especially, throughout the world and these people must dismantle the edifices of injustice and create, instead, a new international order that would measure all humanity with a single yardstick. We sincerely hope and pray that this will materialize in due course. The strife and suffering of humanity has never been so pronounced as it is today. This is a basic fact of our age. This terrible order is a product of certain factors which, over time have produced vicious cycles that constantly keep humanity in a state of turmoil. This imposed suffering is, above all, a product of greed and a hunger for power and dominance. It is also a result of certain nations living in affluence off the resources of other nations. It seems to us that there is not much of a man or woman of vision in any existing government at present that has the courage to challenge this system of injustice that has caused so much suffering in humanity. Fortunately, however, outside the existing order of governments and states this acquiescence is not complete. There are still some lonely voices who keep reminding humanity of the great possibilities inherent in its creation. In addition, there are those who are actively engaged in fighting the great unjust order of our times. These men and women are sacrificing their lives to bear witness to the sanctity of the human spirit, to the great ideals of truth to which Prophets used to call. These witnesses are the last remaining bearers of light in the darkness rapidly engulfing the human race. It is for this purpose that I chose to highlight in this paper - the role and struggles of the holy Prophet Muhammad s.a.w. and his entrusted companions - towards upholding the principle of justice in accordance with the Qur'anic truth in the total embodiment of an Islamic-

amanah that the human being was created in the first instance. It is on the fulfillment of our *amanah* that we will be judged in the hereafter. Recognition of absolute, transcendent values such as justice, equality, freedom, dignity, compassion and love as the guiding light in one's journey on earth. Chandra Muzaffar, *Exploring Religion in our Time*, p. 85-86.

¹⁵ Enjoining what is right and forbidding what is wrong assumes, as instrument of the state, the form of: (a) the actual establishment of conditions and requirements which preserve and promote human good; and (b) the active obliteration of such conditions as destroy human good. The function of the Islamic State should be the spiritual, moral, intellectual, physical and social preservation and development of the individuals, with a view to the establishment of a righteous society, i.e. a society which is healthy in all respects. See Muhammad Fazl-ur-Rahman Ansari. 2001. *The Qur'anic Foundations and Structure of Muslim Society (Volume II)*. Kuala Lumpur: Islamic Book Trust. p.389.

¹⁶ To know the Qur'an in particular means to gain direct access to it, to read it, to understand it, to absorb it, to internalize its ideas and its ideals, its values and its vision. In Islam there is no intercessor. The relationship with God is direct. The word of God in its final form was made available to the whole of humanity through the last of God's prophets. We may seek the guidance of those who are well-versed in the Qur'an as we try to learn God's Word but the responsibility of understanding and applying it to our lives is our own. Also, the Qur'an itself asks us to shoulder this responsibility. We are challenged to "Read"!

government – which denotes a spiritual, intellectual, cultural and social environment in which the reality of Allah s.w.t. reigns supreme. In such an environment, all human interactions as well as all social and economic transactions are characterized by an ever-present concern for the Hereafter (*al-Akhirah*) which perpetually remains the focus of every believer throughout his or her residence on Earth. However, this Islamic space has been shattered during the last three centuries primarily due to the encounter of Muslim societies with modern Western civilization, which emerged after the European Renaissance through a revolt against God.¹⁷ This is an obvious reality of our times; anyone who encounters the Muslim world immediately realizes that these societies are living in a state of schizophrenia! A vast majority of the fifty-seven Muslim states which emerged on the world scene during the two decades around the middle of the twentieth century are only marginally independent. In real terms, they are an extension of colonial rule in a disguised form; many would simply collapse without the stretchers offered them by their former colonizers and the new colonizer of the world, the United States of America. Some of these states are historical aberrations and nothing justifies their existence except the political, economic, and ideological needs of the Western powers. But, in spite of this global hegemony of the Western Civilization, Islam remains the only living religion that cannot accept the norms of modern Western civilization.

The Role of Government in Justice

If there was a government in the Muslim world committed to reformist Islam, it could take the lead. It should be a government which feels very strongly about the legitimacy of Qur'anic justice and has a good track record of protecting the dignity and welfare of its people. We emphasise the role of government in this because we know that without political power, it will not be possible to put into practice the values and principles of justice contained in the Qur'an.¹⁸ A government which wants to implement these values and principles will create space in society for individuals and groups seeking "to enjoin what is right and forbid what is wrong". In fact, the Qur'an itself expects groups to come together for this purpose.¹⁹ A just Islamic government will go further to ensure that citizens who are fighting for justice have easy access to both the written and electronic media. The media itself should be free of government control and should not be dominated by vested interests of whatever variety.

In consonance with Islamic values, the government must protect and preserve the independence of the Judiciary. It is significant that the inspiration for an independent Judiciary comes from the Qur'anic values about judging in a fair manner without being swayed by passion and prejudice.²⁰ Just as an independent Judiciary is an important cornerstone of an upright and ethical administration, so is the concept of *Shura* (Consultation) fundamental to an Islamic political system. The Qur'an asks the Prophet s.a.w. as the head of the Islamic state of Madinah "to consult them in the conduct of their affairs" and²¹ also notes, "They manage their affairs by mutual consultation". Both these verses suggest

¹⁷ Muzaffar Iqbal. 2008. *Definitive Encounters: Islam, Muslim and the West*. PJ, Selangor: Islamic Book Trust., p.xiv.

¹⁸ Historical experience indicates that it is difficult to sustain the progress of a society if there is a crack in solidarity between the government and the people. Such a crack tends to generate conflict and lack of cooperation and vitiates the climate for development. Since Islam continues to rule the hearts of the people in the Muslim world, and since the pious and competent among the *ulama'* have been commonly regarded as the traditional guardians and interpreters of Islam, a climate of trust between them and the government has proved to be indispensable for the popularity, efficient functioning, and stability of the government. Such solidarity is also indispensable to enable *Fiqh* to develop in step with the changing needs of society. See M. Umer Chapra. 2008. *Muslim Civilisation: The Causes of Decline and the Need for Reform*. United Kingdom: The Islamic Foundation.,p.133.

¹⁹ As an example, the Qur'an through *Surah III: 104* has given real meaning to two of the three basic civil and political rights contained in the Universal Declaration of Human Rights, namely the freedom of expression and the freedom of association.

²⁰ Using those values as guidelines, the fourth Caliph, Ali Ibn Abu Talib exhorted his officials to ensure that the judiciary was "above every kind of executive pressure or influence, fear or favour, intrigue or corruption". See Imam Ali. 1978. *A Selection from Nahful Balagha*. Houston, Texas: Free Islamic Literatures Incorporated.p.15.

²¹ Mahmoud M. Ayoub. 1989. *Islam: Faith and Practice*. Ontario, Canada: The Open Press.p.25.

that people should have a say in shaping their own destiny and the process of decision-making should be democratic.

While the freedom of expression, the right of assembly, an unfettered media, an independent judiciary and Shura are political principles which reinforce the concept of justice in the Qur'an, there is yet another idea in the Holy Book which is relevant to government and yet permeates the whole of Islam, indeed the entirety of creation. As it should be obvious by now, God is at the very heart of the Islamic political system. In the loftiest metaphysical sense, it is God Who rules, Who governs, Who administers. God is the ultimate authority and the final repository of power. What this means in concrete terms is that the power and authority of government is limited by the power and authority of God. No Islamic government – however great its popular support – can introduce legislation which challenges those values, principles and laws that are part of God's revelation. An Islamic government, for instance, cannot legalise gambling or the consumption of liquor or adultery or bribery even if a hundred percent of the electorate want these changes. It is this that makes an Islamic government different from most other forms of government. It is a government which can make laws and devise policies but only within the framework established by God's Word or what is described in Islamic jurisprudence as the Shari'ah.

The recognition of God's authority over men and governments and the whole of creation is what Islam is all about. Islam is an affirmation of God's majesty, His sovereignty, His power and His absolute Oneness in transcendence. This Oneness is transcendence or Tawhid is "the knowledge of Allah as the One and only divine sovereign Lord. Tawhid, as faith and idea, is intimately linked to the quest for justice in politics and society. The Oneness of God is the creative, spiritual foundation for the oneness, the unity of the Muslim *ummah*, and indeed, of the whole of mankind. It is a unity based upon righteousness and piety. Tawhid recognizes that unity of humankind is possible only when there is justice within the human family. Indeed, it is only by striving for justice that Tawhid, a spiritual concept can be transformed into Tawhid, a living social reality. In the quest for a just united society guided by Tawhid, the worship of the One God, leaders have particularly important roles to play. Islamic political thought has always lauded leaders who submit totally to God and, in the process, cultivate the noble attributes of humility, of love for the people, and of compassion blended with a strong commitment to justice. It is only when leaders these qualities and work selflessly for the well-being of ordinary men and women, that justice will prevail and society will be at peace. This was the view of illustrious scholars like al-Farabi, Mawardi, al-Ghazali and Ibn Khaldun.²² The emphasis given by these and other scholars to the role of leaders in the creation of a just social order was influenced no doubt by the example of the noble Prophet Muhammad s.a.w. He offered a leadership model that was without precedent and is without parallel in the whole of human history. In the course of his life, he performed a variety of formal and informal leadership roles.²³

²² The views of some of these thinkers can be found in H.K. Sherwant. 1970. *Studies in Muslim Thought and Administration*. Lahore, Pakistan: Sh. Muhammad Asharaf.

²³ Prophet Muhammad s.a.w. was a herdsman and trader, a missionary and an orator, an organizer and a mobiliser, an administrator and a politician, a judge and a military commander, and certainly both Prophet and Head of State – apart from being a good husband and a good father. This explains why in almost every field of human activity, the Prophet s.a.w. comes across to the *ummah* as a model of exemplary conduct.

The righteous Caliphs like Abu Bakar as-Siddiq, Omar Ibn Khattab, Osman Affan and Ali Ibn Abu Talib²⁴ were also utterly selfless, totally sincere individuals with extraordinary leadership qualities.²⁵ Ali Ibn Abu Talib, for example, in a well-known letter to one of his governors, reminded him that “*God listens to the voice of the oppressed and waylays the oppressor. It is the common man who is the strength of the State and of the Religion. It is he who fights the enemy. So live in close contact with the masses and be mindful of their welfare*”.²⁶ The origins of the institution of the caliphate itself are shown to have resulted from a series of ad-hoc decisions not really distinguished from the recognition of individual rulers. There were also a number of Rulers – after the period of the righteous Caliphs – who also upheld Qur’anic justice and who, in certain respects, were paragons of virtue. The Umayyad Caliph, Umar Ibn Abdul Aziz was one such person. On the whole, these good Rulers subjected themselves to the Shari’ah²⁷ and limited the powers of the State.

Nonetheless, there is evidence to show that now and then, Muslim Rulers transgressed the Shari’ah and the basic tenets of the Qur’an and the Sunnah. These transgressions took place whenever factional feuds developed as a result of succession conflicts. They also tended to occur when Rulers became obsessed with wealth and luxury and began to lead decadent lives.

As we are all well aware, factional feuds have a long history in Islam. Invariably, they are lined to the politics of power and position. In fact, factionalism began soon after the death of the Prophet s.a.w. The followers of Ali, the Prophet’s cousin and son-in-law felt that he should have been the rightful successor to the Prophet s.a.w. and never really accepted the leadership of the first three Caliphs. The intrigues and manipulations which ensued resulted in an open and bloody conflict.²⁸ The followers of Ali became the Shi’a (a party or faction) and have remained a minority within the Muslim family – though they are the inheritors of a glorious tradition of struggle and sacrifice. Shi’a bitterness against the majority who came to be known as the Sunnis reached its zenith when the Umayyad Ruler, Yazid massacred Ali’s son, Husayn, and his small band of followers in the tragic battle of Karbala. The massacre at Karbala created an unbridgeable gulf between the Shiites and the Umayyads and the Sunnis, despite the fact that the Sunnis themselves were horrified by the cruel desecration of al-Bait (the family of the Prophet). The Shiites continued to challenge the Umayyads and eventually defeated them. The rise of the Abbasids, led by a Shiite, however, did not end the Shi’a-Sunni conflict. Although the Shi’a-Sunni divide remains the most serious cleavage within the Ummah – a cleavage which has been reduced somewhat in recent decades – there have also been other splits among Muslim groups at various points in history. Within the three most powerful empires of the latter period – the Safavids in Iran, the Mughals in India and the Ottomans in West Asia, North Africa and Europe – there were occasions when dissension and conflict threatened peace and stability. Sometimes these conflicts resulted in wanton discrimination against the followers of a particular group or sect. At other times, a Ruler might choose to arbitrarily execute supporters of his rival.

While factionalism rooted in succession conflicts sapped, to some extent, the energies of Muslim empires of the past, a greater threat to the integrity of the religion came from the greed and corruption of the ruling class. Very often, it was the love for luxury, the desire for grandeur that drove rulers to

²⁴ Sunni Muslims see the first four successors of the Prophet as caliphs who were “rightly guided” as following the right path”, and refer them by the appellation al-khulafa’ al-rashidin. The usage was adopted from the dominant Sunni tradition by modern writers, and consequently the period between the death of the Prophet and the accession of the Umayyad dynasty in 661 CE is often referred to as that of the Rightly Guided Caliphs. Those caliphs are Abu Bakar (r. 632-634), ‘Umar ibn al-Khattab (634-644), ‘Uthman ibn Affan (644-656), and ‘Ali ibn Abu Talib (656-661). See John L. Esposito (Editor in Chief). 1995. *The Oxford Encyclopedia of the Modern Islamic World Vol.3*. New York: Oxford University Press. p.439.

²⁵ For Sunnis this period, at least up to the middle of ‘Uthman’s caliphate, was a golden age when the caliphs were consciously guided by the practice of the Prophet. Ibid.

²⁶ Islamic Council of Europe 1979. *Concept of Islamic State*, London.p.33.

²⁷ In this regard, the Shari’ah for the most part of the Muslim history, “functioned basically as a protective shield in defence of the rights and liberties of the citizen against arbitrary power”. See Muhammad Hashim Kamali, p.326.

²⁸ Rafiq Zakaria, *The Struggle within Islam*, (Penguin Books, 1988) especially chapter 3 for details. The conflict referred to would be the battles at Kufa (Iraq) and Siffin (Syria) which Caliph Ali was forced into the beginning of his rule.

accumulate wealth through illegal and immoral means. Since institutional controls upon their power were minimal, they could, if they chose to, set aside the moral constraints imposed by the Shari'ah and acquire all the riches in the world with very little regard for ethical values and principles. Here again, the tendency towards venality expressed itself early in Muslim history. From most accounts, Uthman, the third Caliph, lacked the moral rectitude of his two predecessors and his immediate successor. Muawiyya, the founder of the Umayyad Caliphate, was guilty of an opulent lifestyle. He allowed his cronies to acquire huge tracts of land at the expense of the public. Other Umayyad Caliphs used the *Bait al-Mal* (treasury) funds indiscriminately to favour their friends and relatives, manipulated grants of pensions and gave these to undeserving persons, and generally ignored the rules. In the empires that emerged after the Umayyad Caliphate, there were also rulers who succumbed to the glitter of gold.

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If we reflect upon both these diseases of the Muslim empires of the past-factionalism and division on the one hand and corruption and decadence, on the other hand – we would conclude that Muslim politics today are still not healthy. It is undeniably true that the *ummah* is deeply divided and hopelessly disunited. Succession disputes may not be the root cause any more but power is as vital a factor as ever. Often, it is the desire to perpetuate one's power whatever the costs and consequences which causes dissension and conflict. Sometimes, it is the determination of a dissident group to acquire power by whatever means which is the problem. More likely than not, tussles for power are linked to ideology. It is becoming increasingly clear that a "secular state versus Islamic opposition" is looming large on the horizon. And what exacerbates the situation is the active involvement of Western powers, bent on preserving their own interests, in these conflicts. Indeed, they have played a diabolical role for a long while now in keeping the *ummah* divided so that it will remain perpetually weak and at their mercy. In the midst of all these, there are Muslim ruling elites who wallow in vulgar opulence and indulge in crude extravagance – helped no doubt by their oil wealth. Some of them have kept huge segments of their people poor and ignorant while they feed their fantasies with all that money can buy. There is not an iota of justice in these semi-feudal monarchies which are almost always dependent upon Western military and political support for their survival. As Islam spread into new territories and as contact with classical Western thought increased,³¹ Islamic thinkers had to consider the practical applications of

²⁹ Indeed, some of these empires – insofar as rectitude and decadence were concerned – appeared to conform to the pattern of the rise and fall that Ibn Khaldun had observed in his study of society. In the initial stages when an empire is beginning to establish itself, the first few rulers always evince lofty moral values. They are simple, honest and selfless. After the empire expands and grows prosperous, the later Caliphs tend to become materialistic and develop a taste for luxury. Corruption sets in. The moral fibre of the ruling class weakens. Eventually, the empire disintegrates declines and disappears. See Charles Issawi (ed) and Ali Munawar (tr.). 1964. *Filsafat Ibn Khaldun*. Kuala Lumpur: Oxford University Press, especially chapter 6.

³⁰ Notwithstanding its claims for continuity, the model of the caliphate failed to provide specific guidance for a theory of the just sovereign. During the brief period in the eighth century when the Abbasid dynasty favoured them, the Mu'tazilah argued that divine justice is beyond human grasp and that human reason can best approximate divine justice through the exercise of reason and free will. Indeed, they argued, it is by such acts that one gains unity with that inner sense of justice toward which all men are naturally directed. Although the Mu'tazilah emphasis on reason and unity brought them to conflict with more powerful opponents, the terms of the debate were set: to the legalists (including the later systematizer al-Shafi'i {767- 820} men choose to do justice or injustice through their adherence to the law; to al-Ashari (d. 935) men could do justice but could not create its very terms; to al-Tahawi (d. 933) and al-Baqillani (d. 1012) the very uses to which God's created justice are put are themselves creative acts. By contrast, the Shi'i theorists of the Buyid and Fatimid dynasties of the tenth and eleventh centuries argued that, in the absence of an infallibly sinless imam, men may even defend themselves through *taqiyyah* (dissimulation) against an unjust caliph – a practice that Sunnis regarded as little more than personal convenience. To both of these positions Sufi theorists, such as Ibn al-Arabi (2265-1240), contended that justice can be made manifest in this world not by creative acts of reason but only by engagement in ecstatic devotion. See John L. Esposito (Editor in Chief), *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, p. 389.

³¹ The intrusion of Western colonialists, particularly in the nineteenth century, prompted two major strands of thought on the question of justice. Modernists sought to include institutions modeled after those of the West into their political systems, although traditionalists found Western approaches inconsistent with Islam. Jamal al-Din al-Afghani (1838-1897) believed that the injustices of Muslim despots could be rectified by renewing the principle of consultation in the form

justice in law and politics.³² Because justice was seen to pervade all domains of life, Islamic thinkers sought to unify political, legal and social justice. In the face of Mongol invaders and Western crusaders, Ibn Taymiyah (1263-1328) sought to stem the decline of Islam by urging that despotic rulers must give way to a politicized *shari'ah* (the divine law) in which, precedence would be given to family unity over emotion-laden repudiation, and just wars would be limited to defensive actions. From his initial emphasis on society as a fluctuating balance of religion and *asabiyah* (social solidarity), Ibn Khaldun (1332-1406), observing the decadence of fourteenth-century Egypt, increasingly stressed procedural regularities and *ta'zir* (discretionary penalties) as a check on political injustice. Although he and others believed men were inherently unjust, their more secular political approach to issues of justice had to wait until later ages to achieve a more activist orientation.

The struggles over appropriate laws of personal status have profoundly affected views of the nature of Islamic justice: as women became more educated and occupied a greater role in the economy, justice was conceived by many as requiring greater equalization, though not full equality, of men and women. At the same time, the very forces that led to such liberalization contributed to the backlash against it: fundamentalists, from Ayatollah Ruhollah Khomeini in Iran to the Muslim brothers in Egypt, find the relations of men and women one of the domains where Western influence has distorted justice by rendering imbalance among what they see as natural differences.

Similarly, in the criminal law the precepts of divine revelation have been read to imply *hudud* (invariant punishments) for listed offences and *ta'zir* (discretionary punishments) for a broader range of infractions. Some of these penalties, though rarely applied, conflict with international human rights conventions, while others bespeak localized standards of justice – as when, for example, a learned man may be held to a higher standard of behavior than an unlettered one, because his acts are thought to have greater consequences for society. Recent attempts by the ministers of justice of Islamic nations to compose a uniform penal law has yielded a document none is likely to adopt, because each nation adheres to quite different standards of punishment. The very process of drawing up such a document reveals both the commonalities and the discrepancies wrought by different histories and attitudes.

Issues of social justice have also taken very different paths. Although the language of distributive justice is broadly shared, neither modernists nor traditionalists have succeeded in capturing its terms for any universally accepted program. What is seen to be just depends far more on the political and economic circumstances of each country than uniformly adopted beliefs about Islamic justice. In this respect, the intellectual history of the concept of justice replicates much of earlier history, for it is the local amalgam, proffered as distinctly Islamic, that both unites and separated Muslim nations.

of elective assemblies and by the political unity of all Muslims against Western powers. Like his predecessors he combined moral renewal through revitalized virtues with a political program that would ensure fuller community participation. But when al-Afghani's proposals failed to move Muslim tyrants or the populace at large, some, some like his student Muhammad Abduh (1849-1905), looked to Western procedural standards, which they did not regard as incompatible with Islam, for guidance. As a judge and grand *mufti*, Abduh issued *fatwas* allowing, for example, the use of interest through postal bank accounts. He often spoke in terms of revelation and natural law as well as in terms of the compatibility of revelation with evolution and social reformation, but his equivocation and his deep concern with the moral transformation of society signaled precisely the dilemma faced by many indigenous forms of injustice. See John L. Esposito (Editor in Chief), *The Oxford Encyclopedia of the Modern Islamic World*, Volume 2, p. 389.

³² Many of the conflicts between modernists and traditionalists centered on the adoption of new legal codes. The very idea of a code was largely a Western one, but the process of codification forced many Muslims to consider which as indispensable accretions. Moreover, the process of adopting codes offered the opportunity for establishing a system for legal changes. Of central importance was the formulation of the *Mecelle* (Ar., *Majallah*; Civil Code), which was applied throughout Ottoman territories in the 1870s. Together with the short-lived Ottoman constitution of 1876, it marked the trend that culminated in Turkey's unilateral disestablishment of Islam and its wholesale adoption of European codes. By contrast French colonial territories adopted French commercial and criminal law, but these countries retained relatively intact their Islamic family law practices until they achieved national independence. *Ibid*, p. 390.

Another common concern is the nature of economic justice, exemplified by the permissibility of charging interest. *Riba*, which is usually translated as ‘usury’ but more accurately refers to any form of unjust enrichment, was historically avoided by various legal factions. The rise of Islamic banking, however, has resulted in practices that are commensurate with modern economic institutions but are felt to conform to the prohibition on interest. This development is particularly important because it is rare for Islamic conceptions of justice to be embraced in specific institutional enactments.

As fundamentalist regimes have taken power and influenced certain countries such as Iran, Sudan, Pakistan, Algeria, Jordan, several Malaysian states and so forth – the equation of *shari’ah* with justice has been no more fully consummated than at other times in Muslim history. Although formally preeminent, Islamic law is not, in fact, given unalloyed application in any of the Islamic republics. Moreover, justice – in the sense of receiving a fair share of the wealth of the state – has led to an emphasis on delivery of actual services rather than the imposition of formal law alone. Thus the terms of justice have been put into play once again, and the quest for new equivalences, contexts and forms of reciprocal obligation have become embroiled in bureaucratic and party structures.

Conclusion

What the world needs today is a visionary or a guide who, through moral and ethical soundness, can lead mankind to a higher place: a place of justice and reason; a place of human kindness and a place that stress on the importance of piety. This visionary is none other than Prophet Muhammad s.a.w., the Final Messenger, who brought to mankind the Qur’an and Islam. Islam possesses the vitality to conquer the hearts and souls. Arising in a desert land sparsely inhabited by a nomad race previously undistinguished in human annals, Islam triumphed with seemingly miraculous ease. For the first three centuries of its existence, the realm of Islam was the most civilized and progressive portion of the world.³³ As we turn to the worldview and values embodied in religion to provide some answers to our contemporary global challenges, we must remind ourselves that religion can always be abused for nefarious ends. It is happening in our time, perhaps on a bigger scale than before.³⁴

Unlike the past, the *ummah* today is confronted by a global system which is not only prejudiced towards Muslims but whose interests and orientations are inimical to Islamic notions of human dignity and social justice. It is the world as defined by the West which challenges Islam and Muslims today. Western prejudice is deeply embedded in the Western psyche and it continues to manifest itself through a variety of political and non-political events in contemporary society.³⁵

The consequence of this has been reluctance on the part of the West to try to understand some of the underlying causes of Muslim reaction to Western domination and control. That the Muslim reaction may in fact be a cry for justice, a plea for a more equitable relationship with the West is something which has not occurred to most Western political and economic elites and media commentators. As the West renews its faith in its “secular worldview” through what it regards as the triumph of Western democracy, it has less and less tolerance for the religious outlook in life represented by Islam. Moreover, Islam makes no distinction between religion and politics. In this regard, it would be worthwhile to remind ourselves that it was Islam’s proven ability to ensure justice that led to its phenomenal growth from the early seventh century onwards. Within a hundred years of the *Hijrah*, it had spread eastwards to China and westwards to Spain. If politics had, as its overriding principle, the service of humanity and not the tussle for power, it is certain that justice would have triumphed much more in both domestic and international affairs in the last few decades. The struggle for justice in politics is the struggle to

³³ Danial Zainal Abidin. 2007. *Islam: The Misunderstood Religion* (2nd Edition). Kuala Lumpur: PTS Millennia Sdn. Bhd. p. 172.

³⁴ Often, those who distort and defile religion for their own bigoted agendas are not well-versed in their religion. Noted Muslim scholars will tell you that Osama bin Laden, like some of the other al-Qaeda leaders and most of the Taliban top brass have a shallow, superficial understanding of Islam. Chandra Muzaffar, *Exploring Religion in our Time*, p.93.

³⁵ ‘Islamic militancy’, “Islamic terrorism” and “Islamic fundamentalism” are but the latest attempts to derogate and denigrate a community and a religion that Western society has always been uncomfortable with.

translate that principle into policy. Each and everyone of us will have to participate in that struggle in our own way. And on the Day of Judgment each and everyone of us will have to testify on “how we stood forth in justice”.³⁶The Qur’an lays utmost emphasis on justice and true balance. Allah s.w.t. has laid down, for even Himself, very elaborate procedure for dispensing justice on the Judgment Day, to such a degree that every soul shall be satisfied that true justice has been done to him even though he is punished.³⁷Knowledge and understanding of one’s religion is a vital pre-requisite in the struggle to transform religion in order to meet the challenges of the age.

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³⁶ Surah 57:25.

³⁷ Allah s.w.t. has appointed the most trusted scribes to record the details of actions continuously from the beginning to the end of life. The scroll of deeds shall be truly presented to each person. And for authentic evidence, every limb concerning these deeds would acquire a tongue and speak out the truth. Each person would be given due hearing and opportunity for defense. No intercession, influence, recommendations or bribe can help. All these, and more are procedures and rules that justice would not only be done but it would be seen to be done. See Mian Abdul Hameed. 2007. *The Renaissance of the Muslim Ummah*. New Delhi: Adam Publishers & Distributors. p.179.

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