

Al-Ghazâlî

on Justice and Social Justice

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Abstract: As is suggested by its title the main purpose of this study is a presentation, analysis and evaluation of al-Ghazâlî's ideas on justice and social justice. However, in the meantime we shall have an opportunity to shed some light on an aspect of his intellectual legacy that has remained almost unnoticed: prioritization of what is social, or giving priority to what is social in human behaviour, and in its religious, legal and moral evaluation. This can very briefly be summarised as considering *transitive virtues* more valuable or praiseworthy than the *intransitive* ones, and considering *transitive vices* more vicious or blameworthy than the *intransitive* ones. We shall try also to put two of al-Ghazâlî's significant approaches to religion, law and ethics in the perspective of social justice, or *vice versa*. One of these is his remarkable but not duly and properly appreciated approach to *fardh¹ kifâya*. The other is his well-known approach to *Maqâsid al-Shari'a* and *Masâlih*. What is important about them here is that they are going to be treated as references for an idea of social responsibility or collective obligation/duty.

Keywords: Al-Ghazâlî, Justice, Social Justice, Priority of what is Social, Transitive Virtues, Intransitive Virtues, Transitive Vices, Intransitive Vices, *Fardh Kifâya*, *Maqâsid al-Shari'a*, *Masâlih*, Social Responsibility, Collective Obligation, *Zakât*.

Introduction

Abû Hâmid al-Ghazâlî (450-505 A.H. / 1058-1111 A.C.) lived more than nine centuries ago. However, he is still with us as is evidenced by the frequent publication of his works both in their original and translated versions. In this study, we shall try to make an introduction to his thoughts on *justice* in general and *social justice* in particular.

¹ We are aware that this is not an exact transliteration of the corresponding term in Arabic. However, we expect this and other similar cases of shortcomings that are to be seen throughout this text can be tolerated under the constraints of a study that stands at the intersection of Islamic and social studies—in the sense that transliteration is a must for the readers of the former while it is a burden for those of the latter.

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History of *justice*, as a term, concept and an institution, is at least as old as the written history of humanity. Therefore, it does not need much introduction in the present context. However, this is not the case with “social justice”, as it is, in a narrower sense, a modern phenomenon. Hence, it requires at least two additional clarifications when considered in its relation with al-Ghazâlî’s thought.

First, we need to clarify what we mean by the term “social justice” that we are going to look for in al-Ghazâlî’s thought. The section titled “Social Justice and Some Related Concepts” is intended just to address this need.

Second, since “social justice” is a modern phenomenon and as far as we know, it is not even mentioned by al-Ghazâlî or any other writer until his day, then are we going to look for a *modern* phenomenon in an *older* time? The answer to this question cannot be a simple “yes” or “no”. This is because a positive answer will mean that we will be committing anachronism—a situation that we would rather like to avoid. A negative answer, on the other hand, is at least partially untenable in the light of what we have already said about the *modernity* of “social justice”. If so, then it means that we are faced with a complicated situation, and we need to clarify the ground by looking at the issue more closely and in greater detail in order to be able to proceed safely. This is going to be the task of the section titled “The Problem of Methodology.”

Though al-Ghazâlî is a highly systematic thinker and author, the material and data related to justice and social justice in his works are not always focused, orderly and systematic—at times it is even scattered at different places. Therefore, in order not to get lost in this vast and problematic landscape, it will be helpful to have a birds-eye-view of it before venturing a journey in and through it. The section on “Al-Ghazâlî and the Problem of Justice in General: A Conceptual Map” is intended to meet this need.

Matters related to justice in the Ghazâlian framework can be classified, with reference to the *subject*² (or *agent*, actor) of the act of justice, into two major categories: *Divine Justice* and *Human Justice*.

Divine justice refers to God’s justice towards the entire universe or creation including human beings. Al-Ghazâlî’s famous but controversial argument that was later to be named as “Islamic Theodicy”, and the related “problem of evil” can be

2 In this essay the term “subject” is frequently used in its grammatical and philosophical sense as in the *subject-object* relationship. In this sense it means the “doer” or “agent” (*fâ’il* in Arabic) of an act or deed, or the “cognizant” side in an act of knowing or understanding.

considered within the framework of divine justice. His opinions on this matter will be discussed in the section titled “Divine Justice.”

In order to not disturb the organizational balance of the essay “Human Justice” will not be discussed under one single heading in this study; instead, it will be presented as organized under its major subdivisions. Unless specified otherwise, justice will be used in this sense in the present study.

On the other hand, there may be two versions of what we call human justice: *Individual Justice* and *Social Justice*. *Individual justice* refers to the establishment of justice within the individual and may as well be called “moral justice”. A section of this study is spared for this issue under an identical heading. As to *social justice*, it would not be wrong to say that it has four different versions in al-Ghazâlî’s thought depending on whether the *subject* or agent of justice is an *individual*, a *society* or a *state*. A version of social justice, on the other hand, is characterized by *two subjects*.

In cases where the *subject* of the act of justice is an *individual*, there can be two further versions which are distinguished on basis of their *objects* or addressees—in one version the object of justice being *another individual*, and in the other a *society*.

Since the focal point of this study is *social justice*, we shall discuss it under five different titles with a view to keep the relative balance of presentation in order. As an introduction to the rest of the sections to follow we shall start with a section titled “Social Justice (1): The Priority or Prioritization of What is Social”, where it will be argued that a strong concern for the interests of other individuals and the society as a whole is a distinctive characteristic of the religious, legal, moral, political, social and economic thought of al-Ghazâlî. Following it, types of act of social justice where the *subject* is an individual, a society or a state will be discussed respectively. Finally, *zakât*, which is a very special, perhaps unique, version of social justice with its *two subjects*, will be examined.

We hope that the information to be presented in these sections and the accompanying discussions will prove to be a contribution to the related fields, i.e. al-Ghazâlî studies, in particular, and the history of social thought and of social sciences, in general.

Al-Ghazâlî considers justice as a necessary, but not sufficient, norm in human relations. He suggests that justice needs to be complemented with a higher norm and form of relationship: “*ihsân*”. His thoughts on this issue will be discussed in the last section titled “Justice and *Ihsân*.”

Social Justice and Some Related Concepts

As a term and to some extent as a concept, “social justice” is part of the legacy of 19th century. It is interesting to note that this century is itself known as the century of the social problem(s).

Industrial Revolution deeply shook up and seriously upset West European societies starting from the last quarter of the 18th century, and a state of social unrest embarrassed these societies throughout the 19th century. Especially the pressing problems of the newly emerging class of industrial workers became a source of real trouble and worry for the societies involved in the process of industrialization—to an extent that even the survival of these societies became a matter of serious concern.

Naturally this development prompted an intensive and extensive search for solutions. Broadly speaking efforts at solution(s) could be classified into two categories:

1. On one hand, there were *radicals* who attributed the problem to the inherent structures of capitalism, and therefore believed that the solution lied outside the system. They argued that the capitalist system has to be abandoned and replaced with an alternative one. *Socialists* in general, Marxists in particular, belonged to this category. Among them were those who believed that such a change in the system could and/or should be realized in a peaceful manner, and those who believed that it could only be achieved through a revolution, e.g. a “Proletariat Revolution.”
2. On the other hand, there were *reformists* who believed that the problem was not with the intrinsic/inherent structures of the capitalist system itself, but related to some unwelcome developments accidental to it. They, therefore, believed that a solution, or solutions, could very well be found within the system through revisions, modifications and corrections to it. Thus, both the pressing problems could be resolved and the capitalist system could also be salvaged. Proponents of what was known as “social policy” and “social justice” can be considered to fall within this camp.

Numerous concepts and institutions involving the epithet “social”, such as “Social Darwinism” and “social security”, are the legacy of 19th century. Indeed, many of the so-called social sciences, including Sociology, came into being in that period. However, since the concept and institution of “social justice” is our main concern in this study, we shall focus on and go ahead with it from now onwards.

We learn from the related literature that “Social Justice” as a term was introduced in 1840s, but that as a concept and a practice it dates back to older times. However, theoretical and practical studies on it intensified mostly in the second half of the 19th and in the first half of the 20th century. For instance, the first book that had this term in its title was published in 1900.³ Studies just referred to were mostly conducted by clergymen and political, social and moral philosophers (Miller, 1999, pp. 2-4).

It seems that the historical *context* of the modern idea of social justice was 19th century, and its social and geographical *contexts* coincided with the countries and societies that experienced industrial revolution. The main *source* of the idea, on the other hand, seems to be the grave social problems faced within the contexts just mentioned as well as the challenge of socialist movements as an alternative solution. Its *intellectual frame of reference* was and still is liberal social philosophy, and its *objective* again was and still is to develop a more just and fair market economy by removing the unjust features of the capitalist system, and improving it mainly through state intervention.

David Miller mentions a common characteristic of studies on social justice published in early 20th century: conceptualization of the society as an organism. According to this approach development and wellbeing of a part of social organism requires the cooperation of all other parts, and social justice requires regulations that enable each member of the society to fully contribute to social wellbeing (Miller 1999, p. 4). This is interesting as it is well known that this approach has various origins in much older times. And it seems that much of what we are inclined to consider fresh and novel may not be quite so. In the present case, the problem in a narrower sense looks new, but the theoretical frame of reference for its solution is not.

The idea (and ideal) of social justice, although now quite removed from the concrete circumstances of its historical context, is still in strong demand today for enduring reasons, old and new. However, it should be noted that almost every issue related to social justice is controversial, including its very name. Some call it “social justice” whereas others prefer “distributive justice”, again some call it “economic justice” whereas still others use only the word “justice” to express it. Then again, some use all of these terms depending on the context.⁴ Furthermore, there is no consensus regarding the meaning, scope and even the principles of social justice

3 Wetel Willoughby, *Social Justice*, New York: Macmillan, 1900, cited by Miller (1999, p. 4).

4 As an example, see (Miller 1999, p. 2; Fleischacker, 2004, p. 1).

(Miller 1999; X, pp. 15-16). Finally, regardless of the terminology, there are both proponents and opponents of social justice, and even there are those who find it totally unnecessary—including prominent thinkers like Robert Nozick and F. A. von Hayek (Ryan 1993, pp. 13-14).⁵

However, in drawing attention to the controversial aspects of the issue, it is not our aim here to suggest that it does not hold water. What we mean is just to suggest that the area is not as straightforward and unproblematic as it may appear at first sight. In this sense, some additional information about social justice is in order.⁶

Social justice can be seen as a wider version of distributive justice which is much older as a concept. Basically, it deals with the problem of how the rewards and burdens, benefits and costs, advantages and disadvantages of social life have been and are being distributed among the members of a society with a view to regulate and reshape social relations in line with some principles of justice. As a corollary to this, when there are complaints about social injustice, it means that some members of the respective society are benefiting from the advantages of living together less, or are carrying its burdens more, than some other members of the same society.

Criticism of the problematic aspects of social life with reference to principles such as equity, fairness, equality, need and desert, and searching for solutions to these problems in the light of the same principles constitutes the subject-matter of social justice. In this sense, social justice is a critical as well as constructive concept and activity (Miller 1999: X).

On the other hand, although we can talk of a core for the scope of social justice in terms of the just distribution of certain social resources, its ultimate boundaries are flexible rather than fixed, and are open to change according to the circumstances of time and place. The line between the related rewards and burdens, and the borderline for its scope is unstable and dynamic.

Agents that might assume a role in the realization of social justice can be divided into categories of governmental and sub-governmental institutions. However, success of social justice, is also highly dependent on the existence of a culture of social justice among the members of the respective society. Development of such a culture may also play a constructive role in overcoming the “justice/freedom” dilemma.

5 It is interesting that the title of the second volume of Hayek's famous work *Law, Legislation and Liberty* is *The Mirage of Social Justice*. (F. A. Hayek. 1998. *Law, Legislation and Liberty*, Vol. 2 *The Mirage of Social Justice*. London: Routledge, especially Section 9).

6 Information presented from here onwards until the last two paragraphs of this section is based on David Miller's *Principles of Social Justice* (Miller, 1999, pp. 1-13)

So far, social justice has been approached mainly with reference to a society and its institutions. However, there are also others who discuss it in the context of familial or inter- and intra- cultural relations, and in the framework of cross boundary and intergenerational relations.⁷

In conclusion, it can be said that like most of the concepts in the social sciences, “social justice”, despite its widespread circulation, does not have a meaning that entertains a consensus. If so, then it means that one needs to be less assertive but more cautious and modest when dealing with matters related to it.

The Problem of Methodology

As discussed above, “social justice” is a relatively new, even modern term, and it is not likely to be seen as a term in any text written prior to 19th century. Hence, no such terms as al-‘adl al-ijtimâ‘î (a possible Arabic version of social justice), or “adalet-i ijtima‘îye” (a possible Persian version of social justice) appears in al-Ghazâlî’s works, who wrote in both Arabic and Persian. So, would it not be some sort of anachronism to look for this concept in al-Ghazâlî’s works?

We shall first give a theoretical answer to this question, and then try to support it with empirical evidence.

To begin with, that a term was not used in a specific period of time does not mean that there were no realities corresponding to it either—there might be phenomena that have not been *denominated* yet, waiting for a proper name. In other words, sometimes facts may precede ideas while just the opposite may also be the case. For instance, would it be correct to say that there was not anything related to “social justice” whatsoever until that term was coined in 1840s? On the other hand, there is the possibility that a phenomenon expressed by a term in a certain cultural framework may have been expressed by a different term in another cultural milieu. It can safely be said that these two possibilities and their intermediate forms hold almost always true for studies related to the historical development of contemporary phenomena. Naturally, it is also possible for certain terms, concepts and institutions to be peculiar to a specific period of time.

As to *justice* and *social justice*, the subject-matter of this study, there is not any-

⁷ For some examples see, David Boucher and Paul Kelly (Eds.) 1998. *Social Justice*. London and New York: Routledge; Matthew Clayton and Andrew Williams (Eds.) 2004. *Social Justice*. Oxford: Blackwell.

thing problematic about the former in the sense we are going to discuss it here. The idea of justice and the related institutions have almost always existed throughout the entire history of humanity known to us, and there is nothing controversial about its presence in the present context either. However, this is not the case with the latter, and we have already indicated just above that the concept of social justice is highly controversial and that there is no consensus about it yet. Then, we are not in a position to talk confidently about an idea of social justice that does “exist” now but did not “exist” at all in certain earlier times. This relative uncertainty about the concept of social justice does not allow us to discuss the related issues in an assertive and inflexible manner—neither in positive nor in negative terms. It is for this reason that we are not going to adopt such an attitude in dealing with it in al-Ghazâlî’s thought. Instead, we shall assume a cautious attitude that is open to other probabilities. In other words, instead of accepting or rejecting its availability in the Ghazâlian intellectual context in advance, we shall scan his works using social justice as a working hypothesis, and then try to decide in an inductive way. Moreover, even among those who have remarkably contributed to the development of the modern idea of social justice, there are scholars discussing it with reference to thinkers of old times such as Aristotle and St. Thomas.⁸

It is interesting that in the case of “distributive justice”, which is sometimes used as synonymous to “social justice” as already noted above, the situation is almost diametrically opposite. There is no disagreement that that term dates back to some very old times in history; however, there is much controversy regarding its conceptual aspects and the circumstances of life to which it corresponds.

To summarize in a comparative way, one could say that there is no doubt that as a term *social justice* is new and *distributive justice* is old. But, what is exactly denominated by each of them has been the subject of much controversy throughout history including modern times.

The example to be given below is quite instructive as it shows that there can be tremendous disagreement even between the highly respected representatives of such an established topic as distributive justice.

John E. Roemer, the author of a book titled *Theories of Distributive Justice*, claims that the theory of distributive justice dates back to at least 2000 years ago (Roemer 1996, p. 1). On the other hand, Samuel Fleischacker, the author of another book titled *A Short History of Distributive Justice*, argues that distributive justice in

⁸ David Miller is an example. See section 2 and 6 in Miller (1999).

its modern sense dates back only little more than 200 years (Fleischacker 2004, p. 2). No doubt both of these writers have good reasons for their respective claims; however, one can safely guess that none of their reasons can be more telling than the fact that it is primarily the nature of the subject in question that allows scholars of this calibre to have such remote opinions and arguments on the same matter. This is also the source of what we have already hinted at as the highly vague and slippery terminology of the social sciences, and which requires those who work in this area to assume a more modest and cautious, or rather a *realistic*, attitude consistent with the nature of their subject area. Obviously, such a state of affairs need not lead to some sort of agnosticism; it rather must serve as an additional justification for an attitude of modesty and caution in dealing with problems of this kind.

On the other hand, disputes and disagreements notwithstanding, studies on the history and provenance of the idea of social justice are developing with considerable pace just as it is case with other similar topics. We shall give just two interesting and important examples.

The common theme of studies in a volume edited by Irani and Silver (1995), *Social Justice in the Ancient World*, is the origins and development of the idea of social justice in ancient Chinese, Indian, Iranian, Mesopotamian, Egyptian and Greek civilizations, and later in Roman and Islamic civilizations. The papers included in this volume had earlier been presented in a conference⁹ held in City University of New York in 1993.

On the other hand, in another collection of papers published three years later, edited by Lowry and Gordon (1998), and titled *Ancient and Medieval Economic Ideas and Concepts of Social Justice*, the history of the idea of social justice is tracked from ancient times to modern times, covering medieval times as well.

The first collection contains 15 papers and the second one 14, which means that 29 scholars have participated in research efforts on the history of social justice just within the confines of two volumes.

Obviously, encouraging, rather than discouraging—or worse, prohibiting—research and discussion on controversial issues is more conducive to the development scientific knowledge. In line with this understanding we see Lowry, one of the editors of the second collection mentioned just above, telling his readers that they, as editors, had agreed not to attempt a definition of social justice at all in order to avoid methodological disputes (Lowry 1998, p. 1). In the first collection

9 Conference on Social Justice in the Ancient World (City University of New York, 1993).

of articles, on the other hand, such methodological considerations had totally been by-passed, and the matter was totally left to the respective scholars to decide.¹⁰

Although it may look like a digression I would like to express at this juncture one of my conjectures related to the case in point. I believe that a major source of confusion and counter productivity in the fields of socio-economic history and history of social sciences, or rather of history and the history of sciences in general, is that studies in these fields have been conducted oblivious of or without giving due consideration to the Islamic era—the factually inseparable and indispensable partner to the European history since the 8th century. This has resulted in such an awkward situation that whereas the factual history of Europe heavily carried and reflected the influences of interactions with the Islamic history and civilization, academic studies on the subject have remained oblivious of this huge fact. So, it is not quite a surprise that such a state of affairs should result in questions that are not and cannot be adequately answered, and in problems that are not and cannot be properly solved.

Due to the nature of the area that we are dealing with, we shall assume a more cautious and less assertive approach in the present work. For instance, instead of resorting to excessive interpretation, we shall try to go ahead with the less controversial source material derived from the intellectual legacy of al-Ghazâlî. In a sense, we shall be employing some sort of an inductive method. Lastly, we shall not resort to comparisons unless in exceptional cases where we find it compelling, as they frequently involve the risk of anachronism.¹¹

Al-Ghazâlî and the Problem of Justice in General: A Conceptual Map

Sources

The usual way of investigating a subject is to start with a review of the relevant literature.

10 Lowry prefers not to give any definition of social justice. As can be remembered, we do give a definition of social justice; however, not in order to use it as a sole reference in our study, but just to provide the reader with some basic information about the topic, and only as one of the many possible definitions. Admittedly, the issue of definition is by its very nature a problematic one. Providing various alternative definitions, and then looking for what corresponds to each of them in the past, especially within a single paper, would be an impossible task.

11 However, if so desired, for more general comparisons the above-mentioned collections of papers, especially Irani's and Adelson's papers, which discuss the issue in a relatively more general and shorter manner, and for the comparison of al-Ghazâlî's ideas with his contemporaries, Langholm's paper can be consulted (Irani, 1995, Adelson, 1995 and Langholm, 1998, respectively).

rature. It is surprising that we have been able to find only one work on the subject, which is also a vindication of the need for a study of this kind.

The work we found was Ozay Mehmet's article titled "Al-Ghazzali on social justice. Guidelines for a new world order from an early medieval scholar" (Mehmet 1997). That, as far as we know, this article is the only work available on the subject, is very much to the credit of the work and its author; however, it is not a good indicator for the subject area itself.¹² On the other hand, this article has a handicap: it is based only on one of al-Ghazâlî's books, and unfortunately the authenticity of the same book is seriously questioned. Let us try to clarify what we mean.

Ozay Mehmet's paper is based on an English translation (Bagley, 1964) of *Nasîhat al-Mulûk*,¹³ a book attributed to al-Ghazâlî—originally written in Persian but later on translated into classical Arabic with the title *al-Tibr al-Masbûk fi Nasîhat al-Mulûk*.¹⁴ English translation was made by Bagley with considerable rigor and competence. So, almost all conditions for a good work seemed to be there: the topic was interesting, the scholar was well qualified, and the translation was credible. However, the problem lied elsewhere: the work was based on only one of al-Ghazâlî's books, and, unfortunately, this was a book whose authenticity has been under debate for quite some time.¹⁵ However, in our opinion, after the publication of P. Crone's paper in 1987 there is no room left for doubting that the second half of *Nasîhat al-Mulûk* does not belong to al-Ghazâlî.¹⁶ If so, then this will have consequences for Ozay Mehmet's work: its value will depend on the fate of *Nasîhat al-Mulûk*, and to the extent that it is based on the second part of that book, it will

12 We have to mention here that we also came across another "article" on the subject: Randeree, K. (2015) 'An Islamic Perspective on Economic and Social Justice' in Jonathan H. Westover (Ed), *The Organizational and Business Ethics Imperative* (pp: 235-244). (Published PDF deposited in Curve January 2016). However, this "article" is unfortunately far from being a genuine work; in fact, it is nothing but a partial reproduction and rephrasing of Ozay Mehmet's article. Of course, there is no mention of Ozay Mehmet in the "article" and there is no reference to him. A comparison with the corresponding parts of Ozay Mehmet's article (Mehmet, 1997) will be enough to see the seriousness of the case. That this is done by a Muslim writer and in a work related to "social justice" is the cause of additional regret.

13 *Nasîhat al-Mulûk*. Ed by Jalaladdin Humâyî. Tehran: 1351 (Shmasî). (From now on, this text will be referred to as "Nasîhat").

14 *Al-Tibr al-Masbûk fi Nasîhat al-Mulûk*. Edited by Ahmad Shamsuddin. Beirut: Dâr al-Kutub al-Ilmiyya, 1409/1988. (From now on, this text will be referred to just as "Tibr").

15 For a discussion on *Nasîhat al-Mulûk* and its authenticity, see Crone (1987, pp. 167-170)

16 By the second part of the *Nasîhat al-Mulûk*, we mean the part of the book that starts with the section titled "al-Bâb al-Awwal: Fi Dhikr al-Adl wa al-Siyâsa wa Dhikr al-Mulûk wa Siyârihim" in the Arabic edition, and with the title of "Bab-i Awwal: Dar 'Adl wa Siyâsat wa Sirat-i Mulûk wa Zikr-i Pâdîshâhân-i Pishîn wa Târikh-i Haryakî" in the Persian edition, up until the end of the book. In the Arabic edition, this section constitutes 2/3 of the book, and in the Persian edition it constitutes 3/4 of it as Humayî himself states (Humayî 1351, p. 64).

lose its connection to al-Ghazâlî. However, it may still keep a value as a work on the ideas of an obscure thinker in the intellectual history of Islam.

Obviously, this state of affairs will have some consequences for the present study as well. The most important consequence is going to be that the second parts of *Tibr* and *Nasiha* will be disqualified as a source to be used in this study. On the other hand, we are now in a position to safely state that the first parts of *Tibr* and *Nasihat* belong to al-Ghazâlî. One basis for such confidence is that we know now that the first parts of *Tibr* and *Nasihat* and the last part of al-Ghazâlî's *Fadhbâh al-Bâtiniyya* share almost identical themes, except for some minor differences in wording and order of presentation. The correspondence between these two sets of text solves the problem of ownership of the first parts of *Tibr* and *Nasihat*, on one hand, and confirms the authenticity of *Fadhbâhu'l-Bâtiniyya*, on the other.¹⁷ In short, this situation establishes the authenticity of these two important texts that are among the major references of this study. Another basis of our confidence regarding the authenticity of these two texts is that both are further confirmed with a similar though shorter section in *Kimiya-i Saâdat*, another important book by al-Ghazâlî (*Kimyâ*, pp. 349-360).

Naturally, the texts to turn to when trying to understand al-Ghazâlî's ideas on justice and social justice are his own works. When trying to do this, we faced with quite a surprising situation. We supposed the usual places for finding source material related to justice and social justice to be the books related to jurisprudence. On the other hand, al-Ghazâlî was one of the most prominent figures in the history of Islamic jurisprudence. He had voluminous books such as *al-Basît*, *al-Wasît*, *al-Wajîz* and *al-Khulâsa* in Fiqh, and also important books such as *al-Mankhûl*, *Shifâ al-Ghalil* and *al-Mustasfâ* in Usûl al-Fiqh. What is more, these books count among the classics of Islamic law and jurisprudence, and even some of them are considered among the major texts of their respective areas. This being so, we were quite optimistic that an abundance of source material related to justice and social justice would be available in al-Ghazâlî's books on Islamic law and jurisprudence. Of course, we did not expect to find any title directly related to "social justice" in these works. However, it came quite as a surprise when we did not come across any title related even to "justice" either in them. Yes, there was a mention of the term "adâlah" but it was not used in the sense we were looking for—it was used in the sense of the integrity required to qualify as a witness in law courts.

17 We will have an opportunity to discuss the relation between these two sets of text again later on: "Social Justice (4): State and Justice".

On the other hand, we knew from our earlier readings that passages related to justice and even to social justice were available in al-Ghazâlî's other books, especially the ones related to morality, Sufism and politics. Indeed, we had no trouble in finding the material required for this paper in his *Ihyâ Ulûm al-Din*, *Jawâhir al-Qur'ân*, *al-Maqṣad al-Āthnâ fî Asmâ'illah al-Husnâ*, *al-Iqtisâd fî al-Itiqâd*, *Fadhâih al-Bâtiniyya*¹⁸ and the above mentioned *Tibr* and *Nasîhat*. Faced with no shortage of material, we preferred not to refer to al-Ghazâlî's books which are vulnerable to any kind of suspicion. As a consequence, the set of material employed in this study is composed only of texts whose authenticity is beyond question.

We shall complete this section by an illustration of what we tried to say in the previous paragraph. Among the books ascribed to al-Ghazâlî, *Mîzân al-'Amal* is one of the richest in terms of the material related to the topic of the present study. However, there are serious doubts about the authenticity of this book. As a case in point we can refer to W. Montgomery Watt's attitude towards it. Watt, a prominent authority in Ghazâlîan studies, had raised doubts about the authenticity of this book as far back as in 1950s. However, since his suspicion about the authenticity of the book was not wholesale he had offered a plan for reconstructing an original version from what stands as the printed version (Watt, 1952, pp. 38-40, 45). Our personal opinion regarding this book is quite similar, but for different reasons. In an earlier stage of our studies on al-Ghazâlî, prompted by an indication in a source that unfortunately we cannot recall now, we had an opportunity to compare *Mîzân al-'Amal* with Râghib al-Isfahâni's *al-Dhari'a ilâ Makârim al-Shâri'a*¹⁹ with the conclusion that there were unmistakable similarities between the two texts in terms both of form and content—a curious fact awaiting for a proper explanation by the students of the field. This being the case, and in order to remain consistent with the above-mentioned methodological rule, we prefer to keep *Mîzân al-'Amal* out of the set of references for the current work until the problem of its authenticity is resolved.

The Concept and the Definition

Before proceeding to definitions, we need to clarify certain terms and concepts that are employed in this essay.

18 From here on, we shall refer to al-Ghazâlî's books only with the first word of their title, dropping the prefix "al-". Accordingly, the books mentioned in the present section will be referred to as follows: *Ihyâ*, *Jawâhir*, *Maqṣad*, *Iqtisâd* and *Fadhâih*. This will be the case with his other books to be mentioned in the following sections of this study.

19 We would be grateful to colleagues who may inform us about sources that include such information.

First, it must be pointed out that the term “adâlah” is used both in Turkish and Arabic, but with quite different meanings in its usages in these two languages. The term in its usage in Turkish stands for what is currently known as “justice” in English whereas in Arabic, especially in the literature of classical Islamic jurisprudence, it is used mostly to indicate the honesty and trustworthiness of a person—a witness in a law court for instance.

From a semantic point of view the Arabic term corresponding to its Turkish counterpart, “adâlah”, is “al-adl”. However, it should be noted that the letter term is not used solely to refer to “justice” but is used also as a grammatical term to denote some etymological variations of the nouns.

We will have an opportunity to further discuss the relationship between the concepts “al-adâlah” and “al-adl” below; however, in order not to leave any room for conceptual confusion we need to note here that whenever and wherever we talk about “justice” in this study, we will be talking about the term and concept of “al-adl” as used in classical Arabic sources, unless indicated otherwise.

Definitions of Justice by al-Ghazâlî

Al-Ghazâlî defines justice, i.e. “al-adl” in *Ihyâ* as “giving everybody what is their due” (*Ihyâ*: III, p. 368). In another place, he refers to justice as a situation where a person gets no less or no more than his/her due. (*Ihyâ*: III, p. 181). In still another place, he defines justice as “putting things and matters (*umûr*) to their proper places as specified by Sharia and custom” (*Ihyâ*: III, p. 369). However, one also sees him referring to justice simply as putting things to their proper places (*Maqsad*, p. 100). Again, with reference to human behaviour he defines justice as “being free of excess and deficiency (*ifrât* and *tafrît*), and keeping a balance between a pair of scales” (*Ihyâ*: IV, p. 103). With respect to human attitude towards hope and fear, he finds justice in keeping the two in balance (*Ihyâ*: II, p. 337).

As can be inferred from these definitions, in al-Ghazâlî’s view, justice does not mean absolute equality. Indeed, we see him saying that “prioritizing what is perfect to what is not is justice *par excellence*” (*Ihyâ*: IV, p. 258). On the other hand, he does not consider justice as limited to any race, complexion or religion, and is of the opinion that everybody has a right to claim a share in justice: “Everybody under your sovereignty, the red, the black, Muslim or non-Muslim, has a share of justice that you have to deliver” (*Ihyâ*: II, p. 349). (Awzâ’î addressing Caliph Abû Ja’far Mansûr in an anecdote quoted by al-Ghazâlî approvingly).

Al-Ghazâlî warns that sometimes *injustice* is confused with hurting others, and *justice* again confused with doing favours to other human beings, and he objects to this interpretation by way of example. According to him, for instance, if a ruler opens his treasures by distributing his wealth to the rich, giving his weapons to scholars and assigning them to positions requiring use of weapons, and on the other hand, if he gives his books to soldiers and fighters as well as handing over mosques and schools to them, he would surely be doing some sort a favour to these people; however, he would at same time be deviating from justice and committing injustice for putting things out of their proper places. Conversely, treating people with medicine and other appropriate ways, and punishing criminals for their crimes would surely be some sort of disturbance and suffering to them, but it would at the same time be an exercise of justice as things would thus be put to their proper places (*Maqsad*, p. 100).

Al-Ghazâlî thinks that there is a strong link between reason and justice. According to him, justice is a product of a mature intellect. The maturity of the intellect, on the other hand, requires seeing things as they are and reaching their internal truth instead of being deceived by appearances. One who is not intelligent cannot be just either. And one who is not just ends up in hell. Therefore, the substance or basis of all happiness is intelligence. (*Tibr*, p. 23)

Al-Ghazâlî, gives another definition of justice with reference to an anecdote he quotes approvingly. It is reported that when Omar b. Abdulaziz asked Muhammad b. Ka'b al-Qurazî to 'define justice', he answered as follows: "Be like a son to every Muslim older than you, be like a father to every Muslim younger than you, and be like a brother to every Muslim of the same age as you. Punish every criminal in accordance with his crime. Do not dare whipping a Muslim even one more time than he deserves; that will drag you into the Hell (*Tibr*, p. 20; *Fadhâih*, p. 214).

In another context, he finds a connection between justice and moderation (*qâ'nâ'a*), and claims that there cannot be justice without moderation (*Tibr*, p. 27).

In still another context, he states that true justice could only rarely be attained in human behaviour and relations, and that therefore one needs to pay due care and attention to the interests of the other party to the transactions of buying and selling. He advises his reader that it is more prudential to get less (than what one thinks is one's due) when selling and to give more (than what one thinks is due to the other party) when buying as there is the risk of violating the rights of the other party while trying to get one's due in full (*Ihyâ*: II, p. 77).

As we shall see later on, al-Ghazâlî also defines justice in a negative way with reference to its antonym, injustice, as “avoiding from injustice” and “doing no harm to others”.

Definitions of Justice in Classical Terminological Dictionaries

In order to be able to consider al-Ghazâlî’s definition(s) of justice in a wider intellectual context we shall give some other examples of definitions of justice available in classical terminological dictionaries—an interesting and valuable literary genre of Islamic intellectual legacy. As these dictionaries, generally speaking, contain standard definitions of terms employed within Islamic cultural milieu, they may open space for meaningful comparisons. And in order to make such comparisons even more meaningful we shall arrange the relevant sources in a chronological order starting roughly from al-Ghazâlî’s own time. These sources are Râghib al-Isfahânî’s *al-Mufradât*, al-Jurjânî’s *al-Ta’rifât*, Abû'l-Baqâ’s *al-Kulliyât* and al-Tahânavî’s *al-Kashshâf*.

Isfahânî states that the Arabic terms “*adâlah*” and “*muâdala*” imply equality. He, on the other hand, defines “*al-adl*”, which is the usual Arabic term for the concept of “justice” as “equal distribution”, and divides it into two categories:

1. Absolute Justice. This is the sort of justice that reason judges as good—one that will never run the risk of invalidity and will never become subject of debate and dispute. (Clearly this can be described as rational or universal justice.)
2. *Shar’î* (or legal/juridical) Justice. Isfahânî defines this as the sort of justice that is determined by the law and that it is vulnerable to change with time. Examples given by him are verdicts on retaliation and murder. (In a sense, this may in turn be considered as relative justice.)

Finally, according to him, justice is based on the principle of equality in reciprocation: good for good and harm for harm. Isfahânî also adds a definition of the term *ihsân* in comparison with justice (*al-adl*): reciprocating goodness with more of it and harm with less of it (Isfahani, 1431 H, p. 551).

Isfahânî, with reference to linguists and the majority of *ulama'* (jurists), also provides a definition of injustice (*zulm*) in its capacity as the opposite of justice: “putting things in places not proper to them”, or “putting things in places improper to them”. Furthermore, with reference to some wise men (*hukamâ*) he makes a tripartite classification of injustice (*zulm*): injustice between a human being and God, between a human being and others, and between a human being and his/her own self (*nafs*) (Isfahani, 1431 H, pp. 537-538).

Al-Jurjânî assumes a slightly different definition of justice. According to him, justice (*al-adl*) is the balance between excess and deficiency. Furthermore, he points out an interesting aspect of the relation between the terms *adâlah* and *al-adl*: *al-adl* is an infinitive used to mean *adâlah*, and *adâlah* means being balanced and on the right path, which means in turn being oriented towards the truth (*haqq*) (Jurjani, 1983, p. 147).

Al-Jurjânî's definition of *zulm* (injustice) is as follows: "Zulm is taking something from its proper place and putting it somewhere else." He later states that the meaning of *zulm* in Sharia is straying from the truth (*haqq*) to falsehood (*bâtil*), which is also called "jawr". Finally, he mentions that there are those who consider *zulm* as disposing someone else's property and trespassing one's own boundaries (Jurjani, 1983, p. 144).

Abû'l-Baqâ' starts by stating that "al-adl" is the opposite of "al-jawr". Then he defines *al-adl* in an ambiguous way as "giving what is unfavourable and taking what is favourable", which may very well be understood as "giving others what is their due and taking from others what is one's own due." (Abu'l-Baqâ', n.d., pp. 639-640).

Abû'l-Baqâ's definition of *zulm* i.e. injustice, is somewhat like a combination of the foregoing definitions: "Zulm is putting something somewhere other than its proper place, depriving someone of his/her property, and crossing the boundaries determined by the lawgiver (*Shâri'i*)."
(Abu'l-Baqâ', p. 594)

It is interesting to note that al-Tahânawî, who lived in an age closest to ours compared to all other foregoing scholars, never speaks of "al-adl" in its sense that is the subject matter of the present study, though he discusses it in much detail as a grammatical term in Arabic. (al-Tahânawî 1996: II, pp. 1166-1167; 1169-1170).

Al-Tahânawî after defining *zulm* (injustice) as putting something somewhere it does not belong to, goes on by saying that it is defined in Sharî'ah as straying away from the truth (*haqq*) to falsehood (*bâtil*), and that it is synonymous to the word "jawr". On the other hand, he states that *zulm* is sometimes defined as disposing of someone else's property, and as crossing one's own boundaries, and then he proceeds to say that in this sense it cannot be attributed to God, followed by a lengthy theological discussion that runs on quite similar lines to those of al-Ghazâlî's to be examined below under the title of "Divine Justice" (al-Tahânawî 1996: II, pp. 1152-1153).

At the end of this presentation, one can safely conclude by saying that definitions of justice provided by the authors of terminological dictionaries, of whom

three lived after al-Ghazâlî, correspond and coincide basically with the definitions made by him, and most probably are reflecting earlier influences including that of all-Ghazâlî.

Classification and an Attempt to Create a Conceptual Map

Having presented some available definitions, we can now try a classification, and moving from it we may also try to derive a conceptual map. Thus, we shall obtain an overview of the theoretical terrain in which we are going to travel.

However, it must be noted right at the beginning that although the basic reference of our classification is going to be the works of al-Ghazâlî, the general framework of classification and especially the wording of some of its lower-level ingredients such as “social justice” do not belong to him. These are things that we will be deriving somewhat inductively from the body of the related material.

Various criteria can be employed when attempting a classification. Here, the *subject-object* relationship in its grammatical and philosophical senses will be employed in the classification of actions and situations related to justice—priority being given to the *subject* of the act of justice. Admittedly, the term “subject” is open to confusion and ambiguity in its English usage. We may try to reduce confusion by adding that in its usage in this context it corresponds to the Arabic term “fâ’il”. Alternative terms in English could be “agent” or “doer”. As we shall see later when classifying human acts into transitive and intransitive, al-Ghazâlî himself is not alien to such a classification at all.

From this point of view, a distinction can be made between the *divine* justice and *human* justice. In divine justice, the *subject* of the act of justice is God, whereas in human justice, it is a human—an individual, a society/community or an institution, e.g. a state. When the *object* (that is, the addressee or the beneficiary) of the act of justice is taken into consideration, it is clear that the object of divine justice will be the whole creation including human beings, which is also true of human justice, *mutatis mutandis*.

On the other hand, human justice can be classified into two further categories: *individual* justice and *social* justice.

In *individual justice*, the subject and the object of the act of justice overlap. In other words, the subject and the object of justice are identical, i.e. the respective individual himself or herself. Still in other words, individual justice is the realization of justice within the individual himself or herself. In this sense, it can also be

called *moral justice*. Justice is normally a *transitive* act, which means that its *subject* and *object* are different. Then, individual or moral justice constitutes an exception to the rule, a special case. As a being with internal conflicts, the human individual needs to keep a balance between his or her conflicting urges, motives and instincts. Individual or moral justice can be said to be a name for the individual efforts aimed at this purpose.

With *social justice*, we enter into the usual territory of justice. This is because, as pointed out earlier, the act of justice is transitive in character, and normally its object lies outside its subject. And only with the area of social justice we start observing this characteristic to be the case. However, we must draw attention to the fact that social justice as discussed here may not coincide and correspond properly to social justice in its modern sense. Actually, what we mean by social justice at this juncture is none other than the justice in its usual and general sense. One reason why we start using the term social justice is that justice is itself a social phenomenon by definition as it is almost always related to a second party which is normally a social entity. Another reason is that at this stage of analysis we are trying to differentiate it from the *individual* or moral justice just mentioned in the preceding paragraph. However, as our analysis evolves into its later stages, and as the details find enough opportunity to appear, we will see that there are pretty much common points between the concepts of social justice as discussed here and of social justice in its modern sense.

In the sense just mentioned, one could say that basically there are three *subjects* to the act of social justice: an *individual*, a *society* and a *state*.

There can be two different kinds of the situations where the *subject* of the act of justice is an individual depending on the variations in the respective *objects*: in one of these prospective situations the *object* or the addressee of the act of justice is an *individual*, and in the other it is a *society* as a whole.

In acts of social justice where the *subject* is a society, usual *objects* or addressees are individuals or sub-societal groups within that society. On the other hand, a *state* can also be an object of a society's demands for justice; however, not as a *beneficiary* of the act of justice, but as the provider and *distributor* of justice. Inter-societal justice relationships can be considered as another category here; however, this kind of social justice is not part of the scope of this paper.

In cases where the *subject* of the act of justice is a state, the *object* or the beneficiaries can be individuals, social groups or a society as a whole.

Finally, there is another kind of acts of social justice that possesses two subjects: *zakât*. The reason why *zakât* is considered to have two subjects is that though *zakât* is the responsibility of and paid by individuals who meet certain standards, the implementation of *zakât*, that is the collection and distribution of its funds, is the responsibility of the state—a practice that used to be case at least in the classical period of Islamic history.

The general framework within which we think al-Ghazâlî carried out his discussion of issues related to justice can be said to be as depicted above. Within this framework, we shall discuss “Divine Justice” first, then “Individual Justice”, and finally “Social Justice” in its general sense as indicated just above. However, since it constitutes the central point of this study, matters related to social justice will be discussed in greater detail. It will begin by an introduction emphasizing the priority of what is social in al-Ghazâlî’s thought with reference to his approach to human actions in terms of their transitivity and intransitivity, then it will proceed to a closer examination of the topic under four separate titles, each representing and corresponding to a version of the previously discussed object-subject relations.

Considering the substance of the set of material available to us, the problem of justice in a Ghazâlian framework, instead of the *subject-object* relationship we are employing in the present work, could very well have been approached from the point of view of a vertical cosmological order as well, in which case it would have been classified as justice in *macrocosm*, *sociocosm* and *microcosm*. Alternatively, we would then be talking about macrocosmic justice, sociocosmic justice and microcosmic justice.

Divine Justice

Al-Ghazâlî is of the opinion that God is just by definition, but that His justice is not of the same kind as human justice. His reasoning on this issue can be summarized as follows.

Committing injustice (*zulm*) in the sense of disposing of or appropriating someone else’s property is conceivable about human beings; but this does not apply to God as there is no property that does not belong to Him. Everything except He himself, humans and *jinns*, angels and demons, earth and heavens, plants, animals and non-living things, the intelligible, the perceived and the felt are all accidental (*hâdith*) things created by Him from nothing. He created them while only He was there and nothing else was in existence, not because He needed them, but just

because He wanted to reveal His might. Therefore, no one and nothing is in possession of any right to claim against Him, and again, therefore, no injustice (*zulm*) whatsoever can be conceived of Him (*Ihyâ*: I, pp. 91, 112-113).²⁰

Al-Ghazâlî reminds his readers that among the names of Allah (*asmâ al-husnâ*) there also are *al-adl*, that is the Just, and *al-Muqsit*, that is the one who takes what is the due of the oppressed from the oppressors and returns it to the oppressed (*Maqṣad*, pp. 142-143). And in line with the definition of justice provided in the previous section, he defines “Devine Justice” as a state of affairs in which each and everything in the universe and in the human sphere are in their proper places.²¹ According to him, both in the universe as a whole and in human sphere, there is an order based on wisdom and justice. He tries to explain this order with examples he draws both from the universe and the human sphere, and summarizes the issue as follows:

In short, know that if something is created somewhere, it is because the respective place is most appropriate for that thing. If it were placed to the right or left of that place, or above or below it, it would appear to be deficient, inconvenient, ugly, disproportionate and/or unpleasant. For instance, the nose is created as located at the middle of the face; if it were created as placed on the forehead or on the cheek, this would involve some vitiation of its benefits (*Maqṣad*, p. 99).

Al-Ghazâlî’s approach to divine justice or macrocosmic justice cannot be explained more succinctly and eloquently than his own words:

Everything that Allah, may His name be exalted, distributes among His subjects such as livelihood and lifetime, joy and sadness, weakness and power, faith and infidelity, obedience and rebelliousness, are absolute justice in which no injustice (*zulm*) is involved at all, and are pure fairness with nothing wrong in it. This distribution is conducted on the basis of a fair and necessary order which is exactly as it should be, and which is also exactly as much as it should be. A better, a more complete and a more perfect distribution is not within the range of possibility at all. If it was (possible), and if He spared it and did not grant it while He was able to do it, this would be a stinginess which contravenes generosity, and an injustice which contravenes justice. If, on the other hand, it did not fall within His power, that would be a weakness inconsistent with divine omnipotence (*Ihyâ*: IV, p. 258).²²

20 For a more detailed discussion on the subject, see al-Ghazâlî’s *al-Iqtisâd fi al-Itiqâd* (*Iqtisâd*, pp. 99-100). He narrates here the famous parable of three brothers (or three children), which he had devised against *Mu’tazilah* and which he is fond of narrating whenever the occasion arises (*Ihyâ*: I, 112).

21 In his *Jawâhir al-Qur’ân*, al-Ghazâlî provides a list of the Qur’anic verses related to the issue of justice (*Jawâhir*, pp. 46, 94, 156, 159, 161, 164 and 174).

22 For an alternative translation see Eric L. Ormsby (1984, p. 39). For another text written in a later period summarizing and confirming opinions expressed in this and the previous paragraph, see *Tibr*, p. 12.

No doubt these words are as profound, unsettling and questionable as they are succinct and eloquent. As a matter of fact, we see them, alongside some of his other ideas, to be the subject of heated debate and dispute starting right during his lifetime, to which he tried to respond (*Imlâ*, pp.35-36). What is more, the related controversies assumed a protracted form and continued for centuries after his death up until today. In this respect, it resembles the famous philosophical controversy that erupted around al-Ghazâlî's criticism of philosophy, which remains to be part of the agenda even in our own day.

In our opinion, in order to make a proper sense of the passage quoted just above, first and foremost, it must be placed within the context of the immediate 15 lines above and below it respectively. Then the 5th book of the Volume IV of *Ihyâ* titled "Kitâb al-Tawhîd wa al-Tawakkul" must be added as a whole to the reading list. However, it must be admitted that none of these may prove to be enough for a conclusive solution to the problem as is evidenced by the protracted continuity of the controversy.

One reason for this is that the passage under discussion covers almost all the basic ingredients of a larger problem known as "Theodicy" in the Western cultural milieu, which assumed wider circulation after Leibnitz. Theodicy is a theory characterized by its optimism; however, there is a colossal front of "pessimism" against it encompassing also the enduring "problem of evil", and the tension between these two attitudes is still going on with considerable vigour.²³

To agree or disagree with al-Ghazâlî in the final analysis notwithstanding, it is necessary, in the name of justice and fairness, to state that taking the passage under discussion in isolation and interpreting it literally may lead to conclusions that fall far out of al-Ghazâlî's intended meaning. For instance, this paragraph may be interpreted in a way to support the doctrine of *Jabriyya*; however, it is well known that al-Ghazâlî was not a supporter of that doctrine. Again, this paragraph can be used as a reference for legitimization of the status quo in its political, social and economic senses whereas such an interpretation cannot hold in the face of his career and reputation as a reformer and reviver. However, though problematic in important ways, we cannot afford more space for a further discussion of this paragraph within the compass of the present study. Therefore, it should suffice to draw a very general framework for analysis and evaluation, and then to refer the rest of the

23 For a very good discussion of the issue of Theodicy in relation to the intellectual history of Islam, in general, and to its Ghazâlian version, in particular, see the book by Ormsby mentioned just above, especially its "Introduction" (pp.3-31).

issue to other works on the subject, alongside the works of the author himself.²⁴

To start with, the controversial passage we are talking about, was written within the context of a discussion on “tawhîd” (unity). And this in turn was being discussed in order to establish a foundation for the issue of “tawakkul” (reliance on and trust in God). According to a method of approach al-Ghazâlî assumes and employs particularly in the first five chapters—or “kitâbs” as he himself calls them—of the fourth volume of *Ihyâ*, there are three dimensions of human behaviour: “ilm” (knowledge), “hâl” (state of mind) and “‘amal” (action). *Ilm* constitutes the knowledge-based foundation and the epistemological dimension of human actions. From the knowledge of a behaviour, one derives a *hâl*, a state of mind or a mental state, which could be said to constitute the psychological dimension of the same action. A matured internal or mental state, i.e. *hâl*, then turns into ‘*amal*, that is to say action, with the exercise of will and power.²⁵

Al-Ghazâlî thinks that, likewise, the behaviour he calls “tawakkul” has three dimensions, and “tawhîd” constitutes the *ilm*, i.e. the epistemological, dimension of tawakkul. In other words, he discusses “tawhîd” here as he considers it to be a dimension of “tawakkul”, and in its relation to it, which is what he primarily wants to explain and substantiate. And all the arguments put forward in that paragraph are only part and parcel of this general framework of analysis and explanation. According to him, “tawhid” is a genre of *ilm*, whereas tawakkul is a *hâl*. A crucial point in this discussion is that al-Ghazâlî does not think the transition from *ilm* and *hâl* to ‘*amal* to be a linear and straightforward process, and warns his readers that if this point is not well taken, it may lead to incorrect conclusions and undesirable consequences. Indeed, we find him complaining about the behaviour of those who confuse the dimensions of *hâl* and ‘*amal*:

Tawakkul is often considered to be the abandonment of the bodily work and of the exercise of prudence via reason, and to slump down like a rag or like a piece of meat on the butcher’s counter. This is what ignorant people presume. This kind of behaviour is prohibited in the religion, and on the other hand, the religion praises those who exercise tawakkul. This being the case, how can one reach a state praised by the religion through a path it finds fault with (*Ihyâ*: IV, p. 265).

24 The foremost reference for this issue is Ormsby 1984. Orman 2013, Chapter 8 and Orman 2014, chapters 2 and 3 and especially pp. 85-93 can also be consulted. However, this reference need not give the impression that the problem has been somewhat solved in these two last works. All that is meant is that these works tackle the issue in greater detail than here.

25 For a discussion of al-Ghazâlî’s three-dimensional approach to human behavior and its significance, see (Orman, 2013, pp. 148-149).

Therefore, it is only natural to expect him to assume a similar approach regarding *tawhîd* as well—the epistemological dimension of *tawakkul*. According to this approach, the itinerary of *'ilm* to *'amal* is not direct, but is via dimension of *hâl*. It is obvious that a man whom we found in pains to correct a serious misunderstanding regarding the relations between *hâl* and *'amal* dimensions as above, would also have quite a similar sensitivity regarding the relation between the *'ilm* dimension and the dimensions of *hâl* and *'amal* respectively. In fact, the above correction can serve as a warning against all other possible cases of problematic relations among the three dimensions of human behaviour.

On the other hand, the information to be presented in the coming sections of this paper about his opinions on other aspects of justice may be of some additional help in making a better sense of what is meant in the passage quoted above. However, it would be appropriate to draw attention specifically to a point he made in that passage—his overall reference to the religion as an arbiter of truth. Moving from this premise, one can legitimately infer that in principle anything not in line with the authentic sources of Islam cannot have been intended by him.²⁶ In other words, al-Ghazâlî himself on the example of the relations of one dimension of human behaviour, i.e. *'amal*, to the another, that is *hâl*, demands that opinions, attitudes and actions need to be checked against the authentic sources of Islam—a rule that by his own consent should apply to him as well.

Another aspect of the implications of the passage under discussion is worth mentioning here. It is clear that “*tawhîd*” is related to actions (*afâl*) of God, and not of human beings. Therefore, some of what seems to be the implications of the passage need to be considered from this perspective with due care in order not to jump hastily from the divine sphere to the human one. Rules applicable to human actions (*'amâl*) are, on the other hand, the subject of religious law on which al-Ghazâlî has much to say.

In addition to what has been said of “*tawhîd*” and divine justice so far, it remains to remind that what al-Ghazâlî basically aims here is to draw attention to the role of “*musabbib al-asbâb*”, *the cause of all causes*, i.e. God, and that He also is there here and now, without denying a role for causes *per se* (*Ihyâ*: IV, p. 258).

However, it must be admitted that the arguments put forward and the explanations attempted here are not sufficient to show that there is not anything proble-

26 For his opinions on the three dimensions of human behaviour and their relations, see also (Orman, 2014, pp. 85-93).

matic about the passage under discussion. Neither has this been the purpose of our efforts. All that we wanted to do has been just to prepare the ground for a better understanding and a fair evaluation.

We conclude this section by drawing attention to an important point in this famous passage which is the major source of controversies on Islamic Theodicy. It is interesting to see that for long centuries, the related controversies have been based on the assumption that the statement “A better, a more complete and a more perfect distribution is not within the range of possibility at all” was referring to the existing or present universe. What is even more interesting, al-Ghazâlî himself refers to something he calls “the form of this universe” (*sûretu hâdha'l âlem*) while responding to criticism regarding this issue (*Imlâ*, p. 35). However, in *Ihyâ*, the original source of this passage, this statement does not refer to the universe or the form of the universe, but to the “distribution by Allah among his subjects” (*Ihyâ*, IV, p. 258). Moreover, it should be noted that there are reservations regarding the origin of the version of *Imlâ* available to us²⁷, and therefore, we should be cautious in ascribing the current text in a literal sense to al-Ghazâlî. However, though there is a need to be cautious, there is no doubt that the discussions mentioned just above have been conducted with reference to the existing universe in general and not specifically with the divine distribution mentioned in the original text. No one can say beforehand if the piece of information to which we have drawn attention here may have any effect on the future of the related discussion; yet one can safely say that it certainly deserves to be looked at more closely.

Individual Justice: Moral Justice

Al-Ghazâlî defines what we call individual justice, or moral justice, as justice in the “homeland of body” (*Ihyâ*: III, p. 11).

In one of his books, while discussing the justice of the rulers or governors, al-Ghazâlî states that the *sun of justice* should first rise in the chest, namely the heart of an individual. In the case of a governor, the sun of justice that rises within him or her, shines his or her household first and then is reflected on his or her relatives and finally on the ruled. “The one who seeks the light somewhere other than the sun itself would be looking for what is impossible, and would be trying to get what is unattainable.” (*Tibr*, pp. 22-23).

27 For more detailed information see Garden (2005, pp. 121-122), and especially footnote number 107 on the page 121.

In his book *al-Maqṣad al-Āthnā*, he presents some sort of a summary of the issues we are going to discuss in this section. After talking about the manifestations of Allah's name "al-adl" (*the Just*) in the universe, he says that there is also an aspect of justice which is related to human beings, and that the first place to look for it is the "attributes" of human soul. In his view, the attributes that human soul should acquire in relation to justice are nothing but putting "desire" and "anger" under the dictates of *reason* and *religion*. Subordination of reason to desire and anger, on the other hand, is injustice (*zulm*). Again, in his view, this is the gist of the justice that one actualizes within himself or herself. Its particulars, on the other hand, consist of obeying all the dictates of Sharia, namely the divine law. Finally, according to him, realization of justice within one's household or immediate environment, or in the case of a ruler among his or her people, also fall within the scope of human justice.

After this general introduction, we can proceed to a more detailed examination of individual justice. Al-Ghazâlî thinks that character (*akhlâq*) is an inner state and form of human soul, and he defines it as follows: "Character is an established state of the soul from which deeds emanate easily and evenly without a need for reflection and deliberation." (*Iḥyâ*: III, p. 53). According to him, just as outer beauty cannot be wholesome solely with the beauty of two eyes, and it requires the beauty of the rest of the parts of the face as well, likewise there are four powers or faculties (*quwwa*) of the human soul that without a proper, balanced and proportional state of each, inner beauty or the beauty of character cannot be complete either. These four powers or faculties are reason or knowledge (*'ilm*), anger (*ghadab*), desire (*shahwa*), and finally, justice (*'adl*).

The beauty of the faculty or power of *reason* or *knowledge* is attained when one can distinguish between what is true and false in words, between what is right and wrong in beliefs, and between what is good and evil in actions. When this is realized, the fruit of "wisdom" emanates from it. *Wisdom*, on the other hand, is the fountainhead of good character. The beauty of the faculty of *anger* is obtained when its fluctuations, rises and falls are guided by wisdom. When this becomes the case, it generates the virtue of courage (*shajâ'ah*). The same applies to the faculty of *desire* as well. And when this is achieved it leads to the virtue of temperance (*'iffah*). As to the faculty of *justice*, it means disciplining of the faculties of desire and anger under the guidance of wisdom, i.e. *reason* and *divine law*. When achieved, this in turn, corresponds to the virtue of justice (*'adl*).

When all these faculties are there in their proper states as outlined above, full or

absolute *moral beauty* is attained; however, when only some of them are there, the moral beauty will remain partial and incomplete as restricted to those available.

In order to make a better sense of what has been outlined of inner beauty or good character the organizing principle and the executive power of which was justice, it will be useful to give some further information about al-Ghazâlî's moral theory.

He maintains that each of the above mentioned four powers or faculties of the soul, with the exception of justice, has one mean and two extremes. One of the two extremes correspond to excess states, an excess (*ifrât*), and the other to deficient ones, a deficiency (*tafrît*). The "mean" (*wasat*), on the other hand, represents a state between these two extremes. He further maintains that the mean states of the powers of soul correspond to virtues (*fadîlah*) which are praiseworthy, and that the extremes correspond to vices (*radhilah*) which are blameworthy. In other words, the mean state represents virtues, and deviations from it to either extreme represent vices. As a corollary to this, on the one hand, the mean state represents three capital virtues to which almost all other virtues are but derivations, and on the other, the extreme states represent six capital vices from which again almost all other vices derive. As to the power or faculty of justice, it is interesting to note that al-Ghazâlî is of the opinion that it has not any extremes, but just an opposite which he calls *jawr*, i.e. injustice.

As an extension of the above framework of analysis we see al-Ghazâlî telling his reader that when the power or faculty of reason or knowledge is in a mean state it is called wisdom (*hikmah*), which is a virtue. But when it starts serving wrong motives, it goes to the extreme of excess which he calls wickedness (*khubth* and *jarbaza*) and which is a capital vice. If, on the other hand, it goes to the other extreme, that of deficiency, it is called stupidity (*balah*) which is also another capital vice. Similar analyses can be attempted regarding other faculties of the soul. Then the mean state of the faculty of anger will appear to be courage (*shajâ'ah*) which is a capital virtue, and its two extreme states to be rashness (*tahawwur*) and cowardice (*jubn*), respectively, which again are two other capital vices. The same logic is true of the faculty of desire whose mean state would be temperance (*iffah*), and whose two extremes would be greed (*sharah*) and total lack of desire (*jumûd*), respectively.

As indicated above already, the power or faculty of justice ('*adl*) is treated by al-Ghazâlî as a special case. In his view, it has no extremes, but just one opposite which is injustice (*jawr*). In other words, the virtue of this faculty does not correspond

to a mean between two extremes, which was the case with other three faculties of the soul. If this faculty performs good enough to keep the faculties of anger and desire under the control wisdom (*hikmah*), then it attains the virtue of justice ('*adl*). But if it fails in performing the above task properly, then it begets the vice of injustice (*jawr*). In this context, al-Ghazâlî considers justice to be a power and a state of human soul with which it can administer the powers of anger and desire, and lead and control them according to the requirements of wisdom (*Ihyâ*: III, pp. 52-55, especially 53-54).²⁸

Our thinker's earlier analysis on inner beauty can be rephrased using the terminology of the preceding two paragraphs. It is obvious that virtues of *wisdom*, *courage* and *temperance*, which represented the beauty of the faculties of *knowledge*, *anger* and *desire*, respectively, are nothing but their mean states. To obtain four capital virtues, we need just to add to them the virtue of justice which has a special conceptual status within the Ghazâlian system (*Ihyâ*: III, pp. 53-54). In our opinion, individual, inner or moral *justice* can be seen to be the *general equilibrium* of human soul from a Ghazâlian point of view. It can also be considered as an equilibrating force or power that brings peace, order, beauty and quality to the human soul.

It should be noted that this theory of four virtues is not unique to al-Ghazâlî; as a matter of fact, it somewhat looks like the common property of moral philosophers since Plato and Aristotle.²⁹ Its importance, as far as this study is concerned, is that al-Ghazâlî too shared it with some modifications.³⁰

As already mentioned, there is an overlap between the *subject* and *object* of the act of justice here. In other words, the subject and the object of this act are identical in the present case: the individual involved in, or the agent of, the act of justice. It is in this capacity that we call it *individual justice*. However, since it corresponds to an exercise called "disciplining of the soul" or "*tahzib al- akhlâq*", it can be called *moral justice* as well. On the other hand, it can also be called *inner justice* as it takes place in the heart or soul of a person.

Considered on its own, it may be concluded that there is no social aspect of this kind of justice. However, al-Ghazâlî does not agree with this. He thinks that the justice established within a person will reflect upon his or her social environment

28 All of not specified references to al-Ghazâlî in this section are to the pages shown in the main text.

29 For instance, see the following contemporary studies: (Khadduri, 1984, pp. 113-115;120-121; Abul Quasem, 1975, pp. 29-35;79-87; Sherif, 1975, pp. 72-76 and Umaruddin 2003, pp. 64-73; 195-204). For a comparison also see Adelson (1998, p. 29)

30 For a comparison with other ancient civilizations, see Adelson (1998, pp. 27-28).

depending on his or her social position, and will lead to chain effects starting from the individual through to his/her family to the society as whole, and to the state (*Tibr*, p. 22). Besides, it is worth noting that when he calls this kind of justice as “the justice in the homeland of body” he thereby refers to its social aspect as well. Again, it is obvious that by using the metaphor of the “sun” for it, he actually tries to emphasise that he sees the individual or moral justice as the source of all other kinds of justice. After all, the individual under discussion himself/herself is a social being. It so appears that he considers this micro-justice as the minimum requirement and the starting point for other kinds of justice. And there is no good reason not to agree with him.

In brief, the significance of this kind of justice in providing the micro or micro-cosmic foundations of social justice is undeniable. Moreover, as pointed out earlier, it is also important in the sense that it may significantly contribute to the development of a culture of social justice, which is indispensable for the attainment of its ideals.³¹

Social Justice (1): The Priority or Prioritization of What is “Social”

Under the following four titles we shall try to give a summary of al-Ghazâlî’s idea of social justice. Under this one, however, we are going to address a subject which is critical both in understanding his social thinking in general, and his approach to *social justice* in particular.

Al-Ghazâlî approaches human action and behaviour in an interesting way that seems to be peculiar to him. Apparently inspired by a taxonomy of verbs in Arabic grammar, he classifies human actions into two groups according to their consequences, and then establishes a clear religious and moral hierarchy between them.

Verbs in Arabic grammar fall into two groups in terms of the scope of their effects: “*lâzim*” and “*muta’addî*”.³²

Lâzim verbs correspond to intransitive verbs, and *muta’addî* verbs correspond to transitive verbs in English. As is known, with intransitive verbs the effect of a verb remains limited to its *subject* while with the transitive ones the effect is extended to an *object*.

31 For this concept see, Miller (1999, p. 13).

32 The information provided in this section is based to some extent on one of our earlier studies: Orman (2013, pp. 147-148)

Al-Ghazâlî applies this classification of “verbs” in Arabic grammar to religious and moral actions and behaviour. In his view, religious and moral actions may also be categorized as *lâzim* and *muteaddî*, namely as transitive and intransitive. However, what is really important, is not the classification itself, but the values he attributes to the respective actions that fall within this classification, and also the hierarchy he establishes between them. To him, in general, religious and moral actions that are transitive in character deserve more care and attention compared to those that are intransitive. The crucial point here is that the effects or consequences of transitive, i.e. *muta'addî*, actions extend from a *subject* to an *object*, that is to say, to an addressee or another party. In other words, these actions have direct *social* consequences. And for al-Ghazâlî, as we shall see, acts with direct social effects or consequences possess a higher degree of importance and priority over those that are not of this character. This, we propose to call *the priority* or *the prioritization of what is social* in al-Ghazâlî.

One can see al-Ghazâlî applying this approach to various life situations and making evaluations that are consistent with it. Now we can try to illustrate this approach on a line of presentation that moves from relatively more general and abstract examples to more specific and concrete ones.

When this approach is applied to the issue of *good* or *evil* acts, it sheds a fresh light on the whole area, and leads to an interesting re-classification of them with profound and far-reaching implications:

1. Intransitive (*lâzim*) good or evil acts, which are characterized by having consequences that are limited to, or remain with, their *subject* alone.
2. Transitive (*muta'addî*) good or evil acts, which are distinguished by having consequences that go beyond their respective subjects, and do have effects on others.

Al-Ghazâlî takes the latter category, i.e. transitive acts, one step further and subjects them to an additional classification by making a distinction between the *objects* of good or evil acts:

(2.1) Those whose object is an individual, or a group of individuals who form the other side to a contract or a transaction, and

(2.2) Those whose object or addressee is the society as a whole.³³

33 These two types of acts both of which *muta'addî*, i.e. transitive, in character will be addressed in greater detail in the next section: *Social Justice (2): The Individual and Justice*.

Obviously, the last classification adds a new dimension to the analysis and deserves special consideration (*Ihyâ*: II, pp. 72-79; *Ihyâ*: IV, pp. 92-95; Orman 2014, pp. 122-129). However, it must be kept in mind that this is not an alternative classification, but a classification between two different types of acts both of which are transitive (*muta'addi*).

The crucial point here is that al-Ghazâlî considers transitive good acts to be better and to have a higher value than, and consequently to have a priority over, intransitive good actions. In the case of evil acts, on the other hand, just the opposite is true. Put more clearly, he considers transitive evil acts to be worse and more abominable than the intransitive ones, and consequently, one needs to be more sensitive about them (*Ihyâ*: I, pp. 10, 279, 350; *Ihyâ*: II, pp. 94, 151, 169). In other words, intransitive evil actions are seen by him to be the lesser of two evils, transitive and intransitive.

When we add to this analysis the fact that he considers transitive good and evil acts with social or public consequences to be more crucial, and worthier of note, than again transitive good and evil acts with individual or sub-societal consequences, we obtain a better framework for a clearer evaluation. However, it should be remarked that in the last case the hierarchy is not between what is transitive and what is intransitive but between what is *social* or public and what is *individual* or sub-societal, both of which *transitive*.

In summary, al-Ghazâlî, first, classifies human acts or behaviour as *transitive* and *intransitive* giving priority of importance to the first group, and then he classifies *transitive* human acts and behaviour as what is *social* or public and what is *individual* or sub-societal, giving again a higher priority to the first group in the second classification.

However, it is important to note that the hierarchies mentioned in the last three paragraphs apply only to acts that belong to the same rank in the general order of hierarchy of Islamic rules. In other words, the orders of priority established between what is transitive and what is not, on the one hand, and between what is social and what is not, on the other, are valid only between or among the acts that rank in the same level in the general order of hierarchy of moral and religious rules. To make the point clearer, we need to refer at this junction to two alternative hierarchies of rules in Islamic law, one of which offered by Hanafî School, and the other by the rest of Islamic schools of law. The Hanafî alternative, arranges Islamic rules related to human action in terms of their hierarchical order as follows: *fardh*, *wâjib*,

mandūb, mubāh or *halāl, makrūh tanzihan, makrūh tahrīman*, and *haram*. The alternative assumed by other schools, which in this sense represents a higher degree of consensus, is a bit shorter: *wājib, mandūb, mubāh, makrūh*, and *harām*.³⁴ After this piece of information we can resume our discussion and say that the hierarchies mentioned in the last three paragraphs are valid only within each of the above levels of hierarchy as it applies. In other words, the aforementioned hierarchies refer to lower-level hierarchical relations, which are valid not *between* but rather *within* each level of the hierarchical order of general rules (*ahkām al- mukallaf* or *mukallafin*) mentioned just above, as they may apply.

Some concrete examples may be given to illustrate what is meant by this general assessment.

Indicative of the importance he places on knowledge, al-Ghazālī assigned the first main chapter of his masterpiece *Ihyā* to this topic under the title of “Kitāb al-‘Ilm”, which can be translated as “The Book of Knowledge.” In this “book” he remarks that the knowledge he refers to is not the “lāzim”, that is to say, intransitive knowledge that does not benefit others but the “muta’addī”, namely, the transitive knowledge that benefits others by way of teaching and education (*Ihyā*: I, p. 10).

While discussing recitation of the Quran he, on the other hand, argues in favour of reciting it aloud as thus its benefits may reach others as well, and adds that “Transitive goodness is more virtuous than intransitive goodness” (*Ihyā*: I, p. 279).

Another statement by him is: “Know that all that is harām (prohibited) is bad; however, some are worse than the others. All that is halāl (permissible) is good and clean; however, some are better and cleaner than the others” (*Ihyā*:II, p. 94).

Another passage from *Ihyā*:

“Sins are divided into two: intransitive (*lāzim*) and transitive (*muta’addī*). Personal sins are intransitive as their effects do not extend to another (*lā yata’addā*). Likewise is infidelity, because it is a violation against the rights of God and its assessment is up to Him. The sins of rulers, which take the form of oppression are, on the other hand, transitive (*muta’addī*) and therefore their [*Salaf’s*] statements about them gets harsher. Their punishment in the eyes of God increases in accordance with the extent of their oppression and its effects on others (*‘umūmu’t-ta’addī*). For this reason, it is necessary to especially beware of these people and to avoid collaboration with them.” (*Ihyā*: II, p. 151).

³⁴ For more detailed information on the subject see (Ebu Zehra, 1973, pp. 39-60; Khallaf, 1968, pp. 105-116 and Orman, 2014a, pp. 29-31)

As an extension to the theme of the above excerpt al-Ghazâlî maintains that, although the *Salaf*, namely the exemplary people who belong to the first generations of Islam, differed in their attitude towards sinful people, they were unanimous in their aversion towards the oppressors, the deviant persons (*mubtadi'ah*) and those who commit any kind of sin that affects other people (*muta'addiya*). He adds that regarding those who committed sins whose effects remain limited to their own selves, some of the *Salaf* displayed a forgiving attitude while others reacted in a harsh manner that might eventually end up with severing all ties with them (*Ihya*: II, p. 168).

Interestingly, he displays the same attitude towards the manner of involvement in economic activities as well. Hence, he asserts that it is not right for people who are in a position to provide for their families to put them at risk by spending their times in praying, and stresses that “their [supererogatory] prayer (*wird*) is to stay in the marketplace during the working hours and to be engaged in earning a livelihood (*kasb*)”. He allows for those who have earned enough for a livelihood to return to their supererogatory prayers (*awrâd*), but he urges that it will be more praiseworthy than other supererogatory religious services if they continue to work and then give what exceeds their needs in charity. He then continues:

This is because the benefit of transitive religious services (*al-'ibâdât al-muta'addiya*) is bigger than intransitive ones (*al-'ibâdât al-lâzima*). Giving in charity and earning with this intention are in themselves services that take people closer to God; but, besides this there is in them an additional benefit that accrues to other people, which summons prayers from Muslims and thus leads to the multiplication of their rewards (*Ihyâ*: I, p. 350).

Our last example is from the fields of politics and administration. As examples of the transitive religious services mentioned in the quotation just above, al-Ghazâlî gives the services rendered by a ruler, a governor (*wâlî*), a judge (*qâdi*) or any office that manages the affairs of a Muslim community. He maintains that attending to the affairs Muslims and seeing to their needs with good intention and in line with the divine law are more virtuous and praiseworthy than the supererogatory religious prayers (*awrâd*) he has mentioned earlier. With regards to the ruler he says that “What is required of him is to deal with the needs of people during the day time and limit himself to mandatory prayers”, and then adds:

As you must have understood from what we have discussed so far, there are two things that take priority over the bodily acts of worship: one is knowledge, and the other is doing kind service (*rifq*) to Muslims. The reason for this is that since knowledge and doing what is good (*fi'l al-ma'rûf*) are both good deeds in themselves, and since also

their benefits extend to (*bi ta'addî fâidatihî*) and their rewards expand to (*wa intishârî jadwâhu*) other people, they are superior to other acts of worship (*'ibâdât*). This being so, they take priority over bodily acts of worship (*Ihyâ*: I, p. 350).

The profound implications of this approach for developing a comprehensive Islamic attitude towards life must be obvious. It seems that this approach, which is in perfect resonance with Islam's overall sensitivity about "human rights" (*huqûqu'l-'ibâd*), may also require a revision of some of the pervasive opinions on the Ghazâlian legacy. In our opinion, the proper thing to do in this regard, is to put al-Ghazâlî's whole intellectual legacy in the perspective of this approach—instead of taking it in isolation.

Finally, we think that taken together with the concept of "alternative cost" (Orman 2014, pp. 92–97), which is frequently used by al-Ghazâlî, this approach may serve as a basis for a model of moral decision making, both at social and individual levels. Thus, when making a choice between two virtues that are of the same rank on the general scale of Islamic rules (such as *wâjib* or *mandûb*), transitive virtues will be preferred over intransitive ones. Again, when there is a need to make a choice between two transitive virtues, the one that has overall social consequences is to be preferred over the one whose consequences are limited to certain individuals, *ceteris paribus*. Conversely, when choosing between two evils again on the same level, the intransitive ones will be preferred over the transitive ones, and in the case of choosing between two transitive evils, evils with consequences only for a limited number of individuals are to be preferred over the ones with overall social consequences, *ceteris paribus* (*Ihyâ*: I, pp. 348–350).

Moving from the logic behind the examples provided so far, one can rightly conclude that al-Ghazâlî's concept of "muta'addî" partially corresponds to what is meant by the term "social". And since "muta'addî" acts have been considered by him to be more important than the "lâzim" ones, one can rightly talk of *the priority or prioritization of what is social* in the Ghazâlian framework.

However, to be more precise, one needs to add that "muta'addî" is a wider concept: it covers anything that is related to another party in human relations, whether a society, a sub-societal group or an individual. In this sense, it can be interpreted as caring for others in human relations that involve a second party. And in this sense, a talk of the prioritization of "otherness" in a Ghazâlian framework would be more proper. Still, a talk of the priority or prioritization of what is social remains to be valid as a special case that applies to transitive (*muta'addî*) human relations in which a choice is to be made between what is social and what is not.

Social Justice (2): The Individual and Justice

There may be two different types of *objects* to the act of justice whose *subject* is an individual. When we look at the intellectual legacy of al-Ghazâlî from this perspective, we find a heading that squarely corresponds to this classification in his masterpiece *Ihyâ*: “On Observing Justice and Avoiding Injustice in Transactions.” And his introduction to the topic is as follows:

Know that a transaction may sometimes be so conducted that though it involves an injustice that causes its executor to become vulnerable to the wrath of Allah, may His name be exalted, the judge still decides the respective transaction to be valid and concluded. This is because not every prohibition necessitates invalidation of a contract. Injustice means anything that harms others, and is divided into what its harm is all-encompassing (*mâ ya'ummu dararuhu*), and what its harm is restricted to the other party to a transaction (*mâ yakhussu'l-mu'âmil*). (*Ihyâ*: II, p. 72).

Injustice is a transitive act in al-Ghazâlî’s terminology, and its *subject* in the case referred to in the above quotation is an *individual*, or a party to a transaction. On the other hand, there are two types of *objects*, addressees or victims in the act of injustice mentioned just above:

- (1) The “public”, the community, or a society as a whole,
- (2) The other party to the same transaction, an individual or a group of individuals.

Finally, since injustice is the opposite of justice, and since the main purpose of talking about injustice is to remove and replace it with justice, it can rightly be said that all the aforementioned relations apply also to justice, *mutatis mutandis*.

As is seen, al-Ghazâlî thinks that even when the legal requirements of a contract or a transaction are met, and thus it manages to survive the legal procedure in terms of the *letter* of the law, it may still involve elements of injustice in its essence or *spirit*—a situation to which he draws attention in order to help avoiding it. In other words, what is called for here is not to stay contented with the legal form of transactions but to look to their essences, and try to assess these essences in the light of the principles of justice and fairness. In the above quotation, al-Ghazâlî defined *injustice* as “anything that harms others”, and later on we see him defining it in a similar but slightly different way as “anything that harms the other party to a relationship”. He, on the other hand, defines *justice* in this context in a negative way with reference to its opposite as “avoiding injustice”, “abandoning injustice” or “doing no harm to others” (*Ihyâ*: II, pp. 74-79).

It should not have escaped the attention of his readers that in the above excerpt, al-Ghazâlî had given priority of presentation to *social or public harms* in his classification of harms caused by acts of individual injustice. His discussion on this classification is also presented in the same order. Accordingly, he first explains by way of example the type of injustice that leads to social or public harms, and then he proceeds by an explanation of the type of injustice whose harm is restricted to the other side to a contract, a transaction, or a relationship in general.

However, here we will deviate from al-Ghazâlî's order of presentation and will instead prefer a line of presentation that goes from what is specific to what is *general* in the field of *social justice*. In other words, while al-Ghazâlî discusses the topics in an order of importance or of a *hierarchical priority*, we shall treat them in a *logical order* that reverses his line of presentation, but which better suits to what we are going to do here. Therefore, we will be discussing "Justice and Injustice in Relations between Individuals and/or Sub-societal Groups" first, and then "Justice and Injustice in Relations between an Individual and a Society/Community". However, since these issues have already been examined in one of our earlier works in greater detail, we will not elaborate on them here, and will instead refer the reader to that work for a more detailed treatment (Orman, 2014, pp. 122-129).

The terms al-Ghazâlî uses for the first type of harms (in his own order of presentation), i.e. *social harms*, are "*mâ ya'ummu dararuhu*" and "*zulm 'âmm*" (*Ihyâ*: II, p. 72). These two terms can be rendered into English as all-encompassing, general or public. This being so, it is obvious that there is not much need to substantiate their proximity with the concept of "social". If so, then the relevance of the information presented in this section, and in its two sub-sections that just follow, to what has been said in the previous section, "The Priority or Prioritization of What is Social", must also be clear. Indeed, it will be remembered that, after having discussed the hierarchical relationship between *transitive* and *intransitive* acts and virtues there, we had concluded by the priority or prioritization of what is social in a Ghazâlîan framework.

However, it must be noted that here the analysis is developed one step further. While a hierarchy was established between what was "transitive" (*mut'a'addi*) and what was "intransitive" (*lâzim*) in the previous section, here a further hierarchy is established between two types of justice and injustice both of which transitive (*mut'a'addi*)—a hierarchy between what is *individual* or sub-societal, and what is *social*.

Justice and Injustice in Relations between Individuals and/or Sub-societal Groups

Al-Ghazâlî thinks that any situation in which a party to a contract, a transaction or a relationship is harmed is *injustice*, and that a just person is one who does not harm his/her brother or sister in religion, who may be either an individual or a group of individuals. His basic principle in this matter is that one should not tolerate for others anything that one would not tolerate for oneself. “One should not do to others anything that would be displeasing and upsetting to oneself”. In short, “one’s own money and others’ money should have equal standing in one’s view” (*Ihyâ*: II, pp. 74-75).

He proceeds from this general principle to the details of the topic such as not to praise one’s goods, not to conceal the deficiencies of one’s goods, not to cheat in scaling and not to hide the market price (*Ihyâ*: II, pp. 75-79). It must be pointed out that, in addition to its substance, his way of reasoning and argumentation while elaborating on these issues is of special importance on its own from the point of view of the present study.

Justice and Injustice in Relations between an Individual and a Society/Community

Al-Ghazâlî was aware of the fact that some of human actions have consequences that go well beyond the scope of the *subject* of the respective act and of its immediate addressees, e.g. the other side to a contract or transaction. In his view, there are various examples of this type of behaviour that have consequences for the public or society, either direct, or indirect and through chain effects. However, he chooses only two examples out of them for illustration expecting his readers to work other instances for themselves by way of analogy—a procedure that he not unfrequently resorts to. The two examples are profiteering (*ihtikâr*) and putting counterfeit money into circulation.

Al-Ghazâlî argues that *profiteering* is illegal, and that the prohibition about it is absolute. According to him, still the question of what kind of behaviour falls within the scope of profiteering needs to be answered separately, case by case. He argues that there are two criteria for determining goods and transactions that fall within the scope of profiteering: the *time* of the transaction and the *genre* of the good involved. For instance, profiteering on basic foodstuff in a time of famine is prohibited.

Putting *counterfeit money* into circulation may at first sight look like an indi-

vidual and isolated act; however, al-Ghazâlî argues that the circulation of counterfeit money has vicious chain effects, and that it thus transforms into a social harm which must therefore be prohibited. He further argues that even donation of one counterfeit *dirham* is worse than stealing 70 dirhams, let alone bringing any reward. In his view, in order to decide whether an act is to be prohibited or not, and if it is to be prohibited to decide the degree of its strictness, one needs just to look at the degree of its harmfulness (*Ihyâ*: II, pp. 72-74).

Before concluding we would like to draw attention to an important implication of the foregoing analysis. We think it would not be wrong to infer from this analysis that al-Ghazâlî sees money as a social institution, and that he also finds in it an important side related to the process of social justice. Looked from our own day when the relations between monetary phenomena such as inflation, deflation and money supply, on the one hand, and social phenomena such as income distribution, social classes, moral and cultural life, on the other, are relatively known much better, the observation just made and the historical context to which it corresponds must be interesting and worthy of much attention.³⁵

Social Justice (3): Society and Justice

It must have been noticed that the *subject* or the agent of the act of justice in all types of justice discussed so far, with the exception of divine justice, has been *an individual human being*. From here on, the *subject*, i.e. the agent of the act, moves to the other side of the social justice relationship. Accordingly, we will be discussing in this section situations where the *subject* of the act of justice is *a society*, and the *objects* or addressees of the act of justice, are individuals or groups within the same society. In the next section, however, the situations where the *subject* of the act of justice is *a state* will be discussed.³⁶

It must be kept in mind that al-Ghazâlî was a Muslim thinker. This being so, it is only natural that his main frame of reference should be Islam. The same is true of his thoughts on social justice. What can specifically be attributed to him in this context is the role his personal talents and scholarly merits may play in the interpretation of religious sources where applicable. However, it must be noted that this

35 Among a wealth of literature on this subject, one can also see, Orman (2010, pp. 209-225).

36 We would like to note that topics to be discussed after this point will be based to some extent on one of our earlier papers, Orman (2013, 145-146).

is not a trivial activity that can be dispensed with; it rather corresponds to a portfolio of assets that are indispensable for various reasons—just as we are going to have enough opportunity to see some significant and interesting manifestations of it even within the context the present discussion. In a crucial sense it is a must for the survival, sustainability and success of a religious tradition.

Al-Ghazâlî's thoughts on the present version of social justice have two complementary starting points, both of which are of critical importance:

1. One of these starting points is his approach to “*fardh kifâya*”. What is meant here, is that al-Ghazâlî, as a manifestation of, perhaps as an extension of his emphasis on “what is social”, subjects this concept (that is to say, *fardh kifâya*) to such a wide interpretation as to encompass everything that is crucial for the peace and order of a society, including issues related to social justice.
2. The other starting point is a theory of the objectives of law, which he developed and which later on came to be known as “*Maqâsid al-Sharia*” in the history of Islamic jurisprudence. What is equally important is that he placed this theory into the framework of a wider theory, i.e. theory of “*Masâlih*”, that can be considered to be a general theory of human needs.

We shall try to look at these two starting points more closely under two separate headings.

Fardh Kifâya, Social Responsibility and Collective Obligation/Duty

One of the remarkable aspects of Islam as a religion and a civilization is that a society as a whole, or all its members collectively, are considered to be a *subject of* and responsible for justice alongside some other duties or obligations. In fact, this is nothing but an extension or a special case of its overall attitude towards society in regarding it to have a responsibility or liability in religious and legal affairs. The Islamic reference for this societal responsibility and collective obligation, on the other hand, is the concept and institution of *fardh kifâya*.

Religious and legal duties or obligations in Islam can be divided into two categories: *fardh 'ayn* and *fardh kifâya*. In general, it can be said that *fardh 'ayn* represents the area of personal or *individual responsibility* with regards to duties and obligations. On the other hand, *fardh kifâya* represents the area of collective and *social responsibility*. Considering from this perspective, all types of justice mentioned so far, with the exception of divine justice, belong to the area of personal or individual responsibility. Under the present title, however, we shall be talking about a type of

social justice whose reference point is *fardh kifâya* and whose *subject* or addressee is a society as a whole.

Al-Ghazâlî defines *fardh kifâya* as anything that Sharâa commands but does not hold any specific person (*mu'aayan*) responsible for it. In such situations where no specific person or individual is held responsible for the duty or obligation, the demanded task becomes the responsibility of everyone, that is, the liability lies with the entire society. He discusses these kind of social responsibilities and obligations under three categories:

1. Those that are purely religious,
2. Those that are about the life and livelihood of human beings,
3. Those that are a combination of the two above (*Wasît*: VII, pp. 6-7).

The most interesting category from the point of view of this study seems to be the second one as it is closely related to the issue of social justice. Al-Ghazâlî defines this as all kinds of activities, arrangements, and transactions that are essential for the peace, order and maintenance of human life. According to him, the wisdom behind these religiously binding social obligations is that the order and maintenance of worldly affairs depends on such activities, and in turn, the maintenance of a good religious life depends on the worldly affairs. He reflects upon the status of *fardh kifâya* in Islam as follows: if such a duty is not fulfilled by anyone in a place, then everyone in that place, who is aware of that duty and capable of performing it, will be sinful, i.e. is to be held responsible. Moreover, those who are in the place but not aware of the duty, will still be held responsible if they are in a position to reach the relevant information. (As we shall see later, such cases as dying of starvation or want of other means of livelihood are among the classical examples of the neglect of such duties). If, however, some people from within the same community perform these duties, everyone is released from the responsibility.³⁷

As can be seen, al-Ghazâlî considers everything crucial for the order and maintenance of community life as *fardh kifâya*. In other words, not only routine services and duties such as funeral prayer, shrouding and burying of the deceased members of the community, which are associated with the usual concept of *fardh kifâya*, but also arts, professions, transactions and all kinds of worldly affairs meeting above criteria are included in this category.³⁸ It is obvious that, in this sense, some of the

37 See, (*Mustasfâ*: II, pp. 92-93; *Wasît*: VII, p. 7; *Wajîz*: II, p. 187 and Orman, 2014, pp. 105, 171).

38 See, (*Ihyâ*: I, pp. 15-16, 39-41, 42-45, 53; *Ihyâ*: II, p. 83).

issues related to social justice, which are of vital importance in regards to the peace, order and maintenance of social life, will also fall within the scope of *fardh kifâya*.

One can rightly infer from the information provided so far that al-Ghazâlî's concept of *fardh kifâya* is primarily related to the realization of some functions that are indispensable for the order and survival of social life. However, there is no doubt that his concept of *fardh kifâya* covers personal or individual aspects of life as well. What must be noted here is that in his discussion he uses the terms such as "dharûra" and "hâja" in a way to encompass both social and individual life situations. The example he gives of the state of necessity (*dharûrah*) in this context is suggestive: "If there remain unmet needs after the distribution of *zakât*, their satisfaction is a matter of *fardh kifâya*." (*Wasit*: VII, p. 6).

This example is instructive as well as interesting. It shows that *fardh kifâya* covers both social and individual cases, on one hand, and adds further clarification to its domain, on the other. As we shall have ample opportunity to see later, payment of *zakât*, though an obligation devoted almost solely to the cause of social justice, does not exhaust all obligations and responsibilities related to it. In other words, *zakât* is a *fardh 'ayn*, that is, a personal or individual religious duty or obligation, but its payment does not relieve wealthy people from some other obligations and responsibilities linked to their wealth—beyond it lies another area of responsibility which is *fardh kifâya*, that is to say, the area of social or collective responsibility or obligation, whose boundaries are determined by the requirements of the circumstances of the respective time.

Before we conclude this discussion, we need to give some consideration to the issue of the effectiveness of the duties represented by *fardh kifâya*. As far as we know, the sanctions or incentives and disincentives available for the implementation of *fardh kifâya* belong to afterlife, and have nothing to do with life in this world. This implies that the effectiveness of obligations linked to *fardh kifâya* will be dependent on and restricted to the corresponding effectiveness of the otherworldly incentives and disincentives referred to. Though some religious sanctions such as wrath of God or punishment in the hell fire may prove to be influential in motivating those who take their religion and the hereafter seriously to perform these tasks and to stand to their obligations, it is obvious that the corresponding share of the power of worldly sanctions will be missing here, and called for.

On the other hand, the possibility of offsetting this weakness does not seem to be altogether missing. For instance, the probability of supporting *fardh kifâya* by legal sanctions when needed, can be considered. Moreover, assumption of the correspon-

ding obligations and responsibilities by the state as the organized or the institutionalized form of a society, may also be considered as another option. Interestingly, just in a similar case, we see al-Ghazâlî discussing the possibility and legitimacy of levying additional taxes on rich people by political decisions (*Mustasfâ*: I, p. 426).

Maqâsid al-Sharî'a, Theory of Masâlih and Social Justice

One of the significant contributions of al-Ghazâlî to Islamic legal thinking is that he developed what is known as “*Maqâsid al-Sharî'a*”, and what he himself calls *maqsûd al-Shar'*, into an interesting and influential theory of jurisprudence (*Mustasfâ*: I, pp. 416-417).³⁹ These terms can be translated as “Objectives of the Law”, and al-Ghazâlî classifies these objectives into five categories:

1. Protection of religion,
2. Protection of life (*nafs*),
3. Protection of mind (reason or intellectual capacity),
4. Protection of progeny (the process or institution of procreation),
5. Protection of property.

No doubt, this list of the “objectives of the law” has a long history. However, its organization, order and statement as above, and its formulation as a solid and authentic jurisprudential theory belongs to al-Ghazâlî. What is even more interesting is that this list and the theory on which it is based have in the course of time developed into becoming two classics of Islamic jurisprudential tradition.⁴⁰

On the other hand, al-Ghazâlî calls protection of the above mentioned five values as “maslaha” (plural, *masâlih*), and discusses them elaborately within the theoretical framework of a “Theory of *Masâlih*”, which can be considered to be a comprehensive theory of human needs in modern terminology. Moreover, if one is allowed to make an assessment based solely on the text of *al-Mustasfâ*, al-Ghazâlî's most important book on the subject, one may even claim that he must have developed his theory of “*Maqâsid*» as a logical extension of his theory of “*Masâlih*”, and within its theoretical framework (*Mustasfâ*: I, pp. 414-421).

According to him, in its essence, “maslaha” can be defined as anything that either attracts a benefit or repels a harm, and “*masâlih*” (Arabic plural of *maslaha*) as whole, in his own words, can be taken to be “*maqâsid al-khalq*”, i.e. “objectives of people”.

39 See also, (Ghazanfar and Islahi 1998, pp. 7-8; Raysûni 1992, pp.37-41).

40 For more detailed information on the topic see, (Raysuni, 1992, pp. 23-55).

Masâlih are important as the wellbeing of people (*salâhu'l-khalq*) is dependent on them, that is to say, on securing what is beneficial and preventing what is harmful to people. However, he emphasises that he does not mean these when he uses the term “maslaha”, but that he means *maqsûd al-Shâr'*, that is to say, the objectives of Sharia. Then he continues to say that there are five purposes of Sharia with respect to people, and gives the list mentioned just above. In his view, anything that helps protecting the above-mentioned five basic values is called “maslaha” and anything that harms them is called “mafsada”. Therefore, anything that helps preventing “mafsadah” must also be considered to be “maslaha” (*Mustasfâ*: I, pp. 416-417).

Al-Ghazâlî thinks that there are three levels of “masâlih” in the sense he defines them:

- (1) Those that are essential or indispensable (*dharûrât*),
- (2) Those that are complimentary to the essentials (*hâjât*), and
- (3) Those that are in the nature of comforts and embellishments (*tâhsinât* and *tezyînât*).

He also thinks that there are some extensions and derivatives of each of these three levels that complement them (*al-takmila wa al-tatimma*) (*Mustasfâ*: I, p. 416).

Al-Ghazâlî provides a detailed explanation of these three types of *maslaha*; however, in his view, the only one that can independently serve as the basis of legal decisions, judgements and arrangements, is the first category. The other two need additional references in order to qualify as a basis for legal decisions. The first one, on the other hand, does not require any specific reference, and, in fact, the *mujtahid* (the qualified jurist) may very well arrive on his/her own at a judgement regarding them without resorting to any additional evidence. That is, the legal status of matters that fall within the first category as things demanded by the law giver are self-evident and axiomatic. Still, he adds that a *maslaha*, in order to qualify as such, must have three features: it must be *dharûrî* (inevitable, unavoidable), *qat'i* (certain, definitive, imperative) and *kullî* (universal, holistic) (*Mustasfâ*: I, pp. 420-421).

The first level of *masâlih*, which correspond to what is essential or indispensable, is the most vigorous (*aqwâ*) level, and represents a minimum that should be secured by the respective society and its legal system. According to him, the five basic values listed above (*usûl al-khamsa*) correspond to this level (*Mustasfâ*: I, pp. 416-417).⁴¹

41 See also, (Orman, 2013, pp. 145-146; Orman, 2014, pp. 83-84).

According to al-Ghazâlî, these five essentials are such crucial and universal values and objectives that no legal system that aims at the welfare of people (*islâh al-khalq*) and no society whatsoever may remain indifferent towards their provision and protection. This emphasis is important enough by itself; however, it is also important to note that al-Ghazâlî does not consider this to be a norm peculiar to Islam—he rather takes it to be valid in every legal system and every society. Briefly put, he sees it as a universal legal and social norm or principle. Another point worthy of special note is that he uses the term “sharî'a” in this context not as a proper name used specifically to denote Islamic legal system but as the “legal system” in general. Indeed, he uses the expression “shari'atun min al-sharâ'i”, which means “a sharia among sharîas”, which in turn means nothing but “any legal system” (*Mustasfâ*: I, p. 417).

As can clearly be seen, al-Ghazâlî thinks that every society has a duty, responsibility or obligation to provide its members with a minimum set of rights, which is represented by the protection of the five basic values mentioned in the list above. The significance of such a set of basic rights for the purposes of social justice demands no further explanation.

However, the problem of with whom exactly lies the liability of performing the tasks mentioned in the present context requires some explanation. Since al-Ghazâlî discusses this issue with reference to the legal systems, it can be inferred in a very general sense from this that the liability lies with whomsoever is involved in the processes and procedures related to a legal system. But, no matter how we respond to this question, the society will obviously be part of the solution in one way or another as is suggested also by his approach to *fardh kifâya*.

Social Justice (4): State and Justice

In this section, we are going to have a look at problems of justice involved in the relations of the state, on one side, and of society, social groups or individuals, on the other, in a Ghazâlian framework.

Among his works on the state and politics *Nasihat al-Mulûk* and *Fadhbâh al-Batiniyya*⁴², or with its alternative name, *al-Mustazhirî*, come first. Then comes a collection of his letters. He also not infrequently refers to the same issues in his other

42 Al-Ghazâlî's *Fadhbâh al-Batiniyya* is also called *al-Mustazhirî* for he wrote it upon the request of Abbasid Caliph of that time, al-Mustazhirbillah.

works, especially in *Ihyâ*, whenever an occasion arises. In this regard, two chapters or, as he himself calls them, two books (*kitâb*) of *Ihyâ* are especially important—*Kitâb al-Halâl wa al-Harâm* (On What is Permissible and What is Prohibited) and *Kitâb al-Amr bi al-Mâ'rûf wa al-Nahy 'an al-Munkar* (On Enjoining What is Good and Forbidding What is Evil), both included in the second volume of *Ihyâ*.

Because of our better familiarity with Arabic language, instead of *Nasîhat al-Mulûk*⁴³, which is originally written in Persian, we shall base our treatment of the topic on *al-Tibr al-Masbûk fi Nasîhat al-Mulûk*, which is the same work's classical Arabic translation. Still, we shall not neglect checking *Tibr* with *Nasîhah*, that is to say, the translation with the original. Then we shall try to complement it with *Fadhbâh al-Bâtiniyya*.

The reasons for this order of priority are as follows:

1. The first book is one of al-Ghazâlî's latest works—written towards the end of his life, it probably represents his latest opinions on the subject.
2. The first book is a highly systematic text on the subject *addressed* directly to a ruler, and in this capacity, it is closer to our topic. On the other hand, though also *dedicated* to a caliph, the primary purpose of the latter is a thoroughgoing critique of *Batiniyyah*—its relation to the theme of our study being indirect and occasional.

As we have mentioned earlier, there is a close relationship, even a parallelism between these two books. Indeed, the first part of *Tibr* or *Nasîhah* and the last part of *Fadhbâh* (al-Bâb al-‘Âşir) are parallel texts except for some differences in presentation. This is important as it both removes doubts regarding the authenticity of these two books, and also provides a new and fresh opportunity for those willing to study the intellectual development of al-Ghazâlî. It is also important as an additional confirmation of the idea we are trying to develop in this study.

Al-Ghazâlî wrote *Nasîhat al-Mulûk* towards the end of his life upon the request of Saljûk ruler Sultan Sanjar, and was addressed directly to him.⁴⁴ Hence, most of the content of the book is on the role of the state and government. Furthermore, there is a heading in this book that squarely coincides with the theme of this essay: “The Principles of Justice and Equity are Ten” (*Tibr*, p. 14).

43 There is an edition of this work by Jalâladdin Humâyî: *Nasîhatu'l-Mulûk*. Eds: Celâleddin Humâyî, Tehran. 1351 (Shamsî).

44 For a narrative on the vehement process that gave birth to this book see, (Garden, 2005, pp. 76-137)

However, before proceeding to a discussion of these ten principles, it is in order to allocate some space to certain ideas of al-Ghazâlî he expresses as an introduction to the subject. Addressing Sanjar, he employs the symbolism of tree, and states that human acts ('amal) correspond to the branches of the tree of faith (îmân), and are divided into two:

One of them is between you and God the Almighty; such as fasting, praying, performing pilgrimage (*hajj*), paying zakât, avoiding from consumption of alcohol and other prohibited things (*harâm*). The other one is between you and the people, and is all about doing justice and avoiding injustice. The basic principle here is to act in your relations with God the Almighty, in terms of obeying his commands and avoiding his prohibitions, just as you would like your subordinates to act towards you, and to act in your relations with people just as you would like a sultan to act towards you, were you to be a subordinate and another person to be the Sultan (*Tibr*, p. 14; *Nasîhat*, p. 14).⁴⁵

He warns Sultan Sanjar that he might expect forgiveness for his mistakes related to affairs between him and the Creator, but that He will never forgive the injustice (*mazâlim*) he does to human beings, and continues: "There is a great danger here and no ruler is safe from this danger except those who act with justice and equity". Then he adds: "Therefore, it should be known how to look for justice and equity on the Day of Judgment". He then proceeds to enlist and explain the ten principles of justice referred to above (*Tibr*, p. 14).

Throughout the book, the addressee of al-Ghazâlî is Sultan Sanjar, and he addresses him in second person singular. However, we will take the wording out of this rhetorical context and prefer an impersonal narrative instead:

1. First of all, the importance and risks of sovereignty⁴⁶ must be known. Al-Ghazâlî suggests that being a ruler is a blessing from Allah, that a ruler who performs his duty properly will attain greatest happiness, and that a ruler who does not perform properly will be vulnerable to an unhappiness beyond which there is not anything else but infidelity (*kufr*). He then tries to support his claim with numerous Prophetic traditions and anecdotes (*Tibr*, pp. 14-18; *Nasîhat*, pp. 14-15; *Fadhâih*, p. 208).⁴⁷

45 It may be interesting to note that in *Nasîhat*, among examples of human acts that belong to the area of human relations with God, performing pilgrimage (*hajj*) and paying zakât are not mentioned (Cf. *Nasîhat*, p. 14).

46 Al-Ghazâlî employs the term "wilâyah" here, which means rule, sovereignty and government. He also uses the term "wâli" where applicable in this context, which means a ruler, a governor or an administrator.

47 Al- Ghazâlî attributes great importance to politics and government, so much so that he holds it equal with his favorite '*ilm al- mukâshafa* just as in the following excerpt:

"There are three kinds of things that bring a person closer to God. A pure '*ilm* (knowledge, science) that is '*ilm al- mukâshafa*', a pure '*'amal* (activity, practice) that includes such things as the justice and rule of a ruler, and a combination of these two, which is the '*ilm* of the way to hereafter; this is because those involved in the last category are composed of people with '*ilm* and '*'amal*." (*Ihyâ*: I, p. 24). (Italics added)

2. In order for a ruler to avoid the dangers of sovereignty, he or she should be willing to consult to and take advice from scholars ('ulamâ) who may teach him the ways of justice and keep him away from danger. On the other hand, he or she should avoid evil scholars ('ulamâ al-sû) who have worldly ambitions as they may cause him/her to go astray (*Tibr*, pp. 18-21; *Nasîhat*, p. 27).
3. The ruler or governor should not be satisfied with personally staying away from injustice, but must also educate and train everyone under him/her to do the same. This is because he/she is accountable not only for the injustice he or she commits, but also for the injustice caused by the persons under him/her (*Tibr*, p. 22; *Nasîhat*, p. 36).
4. Rulers or governors are generally arrogant. Arrogance causes discontent and anger, and these in turn trigger revenge. Anger is the foe of the reason and disastrous for it; therefore, in the situations where anger is flared up, the ruler should counter to it by forgiveness and magnanimity. When he/she makes a habit of such an attitude, he resembles prophets and saints, but when he makes a habit of furiousness, he resembles wild animals. The most hated people by the rulers, however, are those who speak against them, whose blood they hasten to shed (*Tibr*, pp. 23-24; *Nasîhat*, pp. 39-40).⁴⁸
5. In every case presented to him, the ruler should act assuming himself to be a subject and the other party to be a ruler, and should not consent to anything for someone else that he would not approve for himself. If he accepts anything that he would not accept for himself, he will be betraying his subjects and deceiving his people (*Tibr*, p. 26; *Nasîhat*, p. 46).⁴⁹
6. A ruler should not show contempt for the way people in need stand and wait at his door. When a Muslim has a need to be taken care of, he should not engage in supererogatory religious services (*nawâfil al-'ibâdât*); because meeting a Muslim's needs is much more meritorious (*afdhâl*) than supererogatory religious services (*Nasîhat*, p. 47).
7. A ruler should not develop a habit of satisfying his desires such as delicious food or luxurious clothes, and should espouse abstinence (*qanâ'a*) in every-

48 One should keep in mind that al-Ghazâlî actually talks directly to Sultan Sanjar throughout his book.

49 Al-Ghazâlî quotes many *hadîths*, i.e. prophetic sayings, and anecdotes as references for this principle, as he usually does for all principles he suggests. The anecdote he cites here is quite interesting. According to the anecdote, while the Prophet was sitting in a shady spot during the battle of Badr, Jabrâil (Gabriel) came to him and said: "O Muhammad! Are you sitting in the shade while your friends are under the sun?" (*Tibr*, p. 27; *Nasîhat*, p. 46).

thing. This is because justice cannot be attained without abstinence (*Tibr*, p. 27; *Nasîhat*, p. 48; *Fadhâih*, p. 210).

8. A ruler should as much as possible prefer mildness and kindness rather than violence (*Nasîhat*, p. 49; *Fadhâih*, p. 205).
9. A ruler should try to please his subjects only within the framework of Sharia i.e. law. He should not be fooled by those who praise him, and should not presume that people are as content as he is. He should also consider that those praising him may be doing so out of fear. Moreover, he should employ trustworthy people who will search for public opinion about his flaws, and inform him accordingly. (*Fadhâih*, p. 206).
10. A ruler should not seek favour of anybody at the cost of Sharî'ah, i.e. divine law. There is no harm in the resentment of those who are displeased for illegal reasons (*Tibr*, p. 28; *Nasîhat*, p. 50; *Fadhâih*, p. 205).

As can clearly be seen, what characterizes the ten principles of justice and equity suggested by al-Ghazâlî, and his other ideas on justice presented so far, is an enduring sense of *sympathy* towards the state of others, especially those who are vulnerable to hardship and injustice. Another place of emphasis has been respect for *huqûq al-îbâd*, i.e. human rights. It is interesting to see a religious scholar emphasising human rights favourably *vis-a-vis* the rights of God. As a way of providing the ground, that is to say the economic, social and political milieu, for the prevention of injustice and establishment of justice, on the other hand, we see a strong emphasis on a profound and well refined sense of *empathy*. Other measures meant to serve this end are a promotion of a sense of justice at personal and systemic levels, respect and commitment to the rule of law, an emphasis on the role of reason, knowledge and scholars in the realization and protection of justice, encouragement of the freedom of speech and expression, and observation of abstinence in using and distributing state resources. The emphasis on empathy, on the other hand, seems to suggest a legal and moral sense of equality—though not necessarily with an ontological basis.

Social Justice (5): A Measure of Social Justice with Two Subjects and Two Sets of Sanctions - Zakât

Zakât may be considered to be an Islamic institution directly related to social justice. Perhaps one may even say that *zakât* is an institution *par excellence* devoted to the objective of social justice. The fact that it is a financial religious service aimed at cor-

recting income and wealth injustices and imbalances by way of redistribution; that this religious financial service has at the same time the status of being one of the five pillars of Islam; that it is aimed at certain social groups who are in need of support and protection; and that it was collected and distributed by the state during the classical period of Islamic history, may all be counted as reasons for this claim.

The only faltering point in the subject of *zakât* from the perspective of social justice is the fact that a group called “al-mu’allafati qulûbuhum”, which is a group of rich and powerful people, also appear among the eight social groups that have been specified as the beneficiaries of *zakât*. It can be said that their inclusion among the beneficiaries of *zakât* used to serve a purpose more strategic in character than social. Even so, it is still possible to make a “social” explanation for their inclusion. For instance, it can be said that it used to serve the purpose of “social” stability at the time of their inclusion. However, there is not really much need to bother for such an explanation as, first of all, it is just one out of the eight groups, and more importantly, it has already been practically dropped from the list since the time of Caliph Omar—a fact that evolved into the status of a consensus (*ijmâ’*) in the course of time⁵⁰. Still, in our opinion, the concept seems open to a reinterpretation that may render such an objection unnecessary: although the expression “al-muallafati qulûbuhum”⁵¹, namely “those whose hearts have been reconciled (to Islam)” has been historically implemented so as to include only some rich and powerful people as far as we know, it may very well be interpreted in a broader way to include *poor and weaker* non-Muslims, which seems to be far more befitting the purpose of *zakât* regulation.

Our characterization of *zakât* as an act (or institution) of social justice with *two subjects* has to do with its structure and implementation.

- When considered as a religious obligation, *zakât* is a commitment with the status of *fardh ‘ayn* in which the demanding authority is divine and the addressees are Muslim individuals with a specified level of wealth. When considered as the execution of the obligation just mentioned, the *subject* of the act of *zakât* will be the aforementioned wealthy Muslim individuals, its *object* will be the pieces of wealth specified for this purpose, and the target group will be some specified social groups essentially characterized by being in need of help and support. On the other hand, even though the present-day governments do not

50 Al-Ghazâlî states that this was also the case during his time, and that the class of âmils also did not exist anymore (*Ihyâ*:I, p. 213). The last piece of information also implies that there did not exist a public or government organization for the collection and distribution of *zakât* at that time, either.

51 “al-mu’allafati qulûbuhum” (*al-Tawbah*: 9, 60).

engage in this process, at least in the classical period of Islamic history the obligation of *zakât* was carried out not directly by the obliged people themselves but via government agency. To be more precise, in this period the authority and/or the duty to collect *zakât* funds from those under the obligation, and distribute them to specified beneficiaries rested with the government. Then, it would not be wrong to say that there used to be *two separate subjects* involved in the process of the execution and enforcement of *zakât* obligation—one being the liable persons and the other the respective government or state agency.

2. As already indicated, *zakât* is as an institution of social justice *par excellence* as it operates as a process of redistribution that corrects and modifies the imbalances and injustices involved in the distribution of wealth and fortune. Indeed, the purpose and structure of this institution deserves a clearer and more precise statement: *Zakât* is not just a process of redistribution but also of a transfer of wealth and value form the *rich* to the *poor*, from the *wealthy* to the *destitute*. In other words, its route and itinerary is as important as its substance.
3. As such, it is clear that it can rightly be characterized as an act (or institution) of social justice with two subjects.

Actually, that *zakât* is a measure of social justice supported by two sets of sanctions has already been expressed in an indirect way in the foregoing statements. It can be said to have a religious and otherworldly sanction by being a *fardh 'ayn*, a personal duty, and to have a judicial, material or this worldly sanction as it used to be collected and distributed mandatorily by the state in the classical period of Islam. Furthermore, with what has just been said in mind, one can say that it distinguishes favourably from the acts (or obligations) of social justice with *fardh kifâya* status in its capacity as a socio-religious duty with a double set of sanctions, on one hand, and again from other religious obligations with *fardh 'ayn* status by being one of the five pillars of Islam, on the other.

Zakât is an interesting institution. In fact, it is an institution that harbours a variety of interesting things some of which had already been mentioned. Still there are others that deserve mentioning.

For instance, *zakât* is a religious obligation, but one that is prominent with its economic or social aspects. In this capacity, it has some characteristic features. While other religious obligations stipulate intelligence (*âqil*) and maturity (*bâligh*) for liability, *zakât* does not have such requirements. That is why we see al-Ghazâlî stating that mental patients and children who possess a specified amount of wealth

(*nîsâb*) are liable to the payment of *zakât*. In other words, they too are obliged to pay *zakât* (*Ihyâ*: I, p. 209). The emphasis here is clearly on the substance or *object* of the obligation rather than on its *subject* or agent. And it seems as if the intention of assuming such an approach was to indicate that there is a *social* side to personal or *private* property. As is known, *zakât* involves a redistribution of the wealth and income determined in the market by the functional division of income and wealth. As already mentioned, redistribution is exercised by means of transfers from the rich and the wealthy to the poorer and needy social groups. Admittedly while the basic reference of functional distribution is participation in economic activity, the primary references of redistributive processes are such moral and social concerns as human need, dignity and social stability.

Interestingly, the performance of *zakât* obligation is not dependent solely on and restricted to the existence of need and the needy. What we are trying to say here is that the essential reference of *zakât* obligation is not the status of the *receiving* party but of the *giving* party. As such, even when there is not an *absolute* need on the *receiving* side due to a radical increase in the level of welfare, those who possess a specified level of wealth, i.e. the *nîsâb*, will still be obliged to pay *zakât*. To put it more clearly, in an imaginary or theoretical state where *absolute* poverty and destitution totally disappear, the obligation of paying *zakât* will still continue, and as a result even greater amounts of *zakât* funds will be available compared to normal or more familiar times.⁵² Even if in theory, such a possibility implies that the obligation and regulation of *zakât* has additional goals and reasons beyond what can be seen at first sight, on one hand, and that there may be a need or even an urgency to devise some unusual and unfamiliar ways for the utilization of the accumulated *zakât* funds, on the other. This is a crucial insight in terms of understanding the wisdom behind *zakât*, and may have far reaching implications. One of them is that the reason for the enactment of *zakât* may be taken to be more a matter of alleviating relative poverty rather than the absolute one. Another implication is that it may also be more a matter of relative justice rather than of absolute justice. Again, it implies that *zakât* may have reasons beyond justice and social justice such as improvement of the quality of social life and its stability. Of course, other aspects of *zakât* such as being a method of moral exercise that meets the challenge of going beyond one's immediate interests, and being a way of gaining one's moral independence against one's animal spirits are also points that deserve due consideration.

52 Below are some questions to deliberate on: What is the meaning and wisdom behind the continuing obligation to pay *zakât* even in a theoretical state where there is no absolute poverty and destitution? Where, how and on what basis will the *zakât* funds that thus accumulate will be spent and utilized?

To sum up, it seems that there is a deeper and wider wisdom behind the enactment of *zakât*, alongside its relevance for justice and social justice, which may include political, strategic, economic, cultural, religious, moral and aesthetic aspects of individual and social life.

On the other hand, *zakât* may look to resemble *tax* in being a transfer of wealth. They are also similar in being mandatory. In fact, the mandatory aspect of *zakât* is even stronger and more explicit. Indeed, it is clear that it is religiously binding as it is a *fardh 'ayn*, i.e. personal obligation. On the other hand, as mentioned earlier, in the classical period of Islamic history *zakât*, just like any other tax, used to be collected and disbursed by the state. This *two-layered obligatory aspect* is crucially important in terms of its continuity, vitality, operation and functionality. An interesting manifestation of this is observed in the story of *zakât* in modern times. As already mentioned, even though governments have almost unanimously withdrawn from all kinds of involvement in *zakât* process and procedures, those with such a liability continue to pay *zakât* on their own initiative as the religious obligation remains to be effective.

However, despite all similarities one should not hasten to conclude that *zakât* is a standard tax case as it does not comply with some other characteristics of a tax. For one, the legitimacy of a tax is based on human law whereas *zakât* derives its legitimacy from divine law. This means that while the states may impose new taxes, cancel existing ones, or change their scope and substance, none of these apply to *zakât*; it is, for the most part, a done deal. In other words, the regulation of *zakât* is finalized beyond the human realm, and is forever placed outside the scope of any kind of direct human interference. The only thing about *zakât* that belongs to the domain of humans is the possibility of change in the interpretation of the related norms. As an extension and derivation of this assessment it can also be said that in modern times, as a rule, tax revenues fall within the general budget and their allocation is not specified beforehand, while the allocation of *zakât* funds is determined beforehand and is restricted to specific social groups that are called *zakât* beneficiaries. It is for this reason that even in the classical Islamic period when *zakât* was collected and distributed by the state, the budget for *zakât* was independent and separate from the general budget. The role of the state in matters related to *zakât*, although of an obligatory character, was nothing but of mediation—executive in nature rather than legislative.

In light of what has been said so far, *zakât* can be said to be a multi-dimensional but *sui generis* institution that has the characteristics of being a basic religious duty as well as a permanent social-structural regulator.

Zakât being one of the five pillars of Islam, al-Ghazâlî cannot be expected to have remained indifferent to it. Indeed, besides his many works on Islamic law, where a treatment of *zakât* is usual and routine, he addresses it also in some of his other books and particularly in *Ihyâ*.⁵³ But since it had already reached maturity as an institution long before al-Ghazâlî's time, one need not expect him to have done much in regards to the basics of the topic. However, for a genius of his stature, it is almost impossible to broach a subject and leave not a mark worthy of note on it. Indeed, what he says especially starting from the beginning of the sub-section of *Ihyâ*'s chapter on *zakât*, whose title can be translated as "the explanation of the finer points of the etiquette of *zakât*"⁵⁴ deserve special attention from the perspectives of the sociology, psychology, ethics, etiquette, and aesthetic of *zakât*. One observes here al-Ghazâlî adding refinement, clarity, depth and grace to the network of relationships produced by the *zakât* process, thus contributing to a culture of social justice as well.

We have previously mentioned that a minimum standard of life has been discussed both in the context of *fardh kifâya* and of five fundamental human needs that rank in the *dharûrât* level of *maqâsid al-Shari'a* both as a matter of social responsibility or collective duty, and as a basic human right. We see al-Ghazâlî discussing the same issue in the chapter of *Ihyâ* on *zakât* with reference to some earlier Muslim scholars. He discusses questions such as whether there is in addition to *zakât* a share for others in the wealth of rich people, and if so, whether it is in terms of a Muslim's rights on another Muslim. After conveying a view⁵⁵ on this matter, which he summarizes as "when a rich person sees a needy one, it is his/her duty (*yajibu*) to see to the needy persons needs in addition to paying his/her *zakât*", he adds:

What is the rule in *Fiqh* (Islamic law) is that when the deprivation [of a person] borders on death, seeing to his/her needs is *fardh kifâya* as remaining indifferent to a Muslim's death is not permissible. However, there are those who say that what the rich should do is nothing more than giving enough loan to the poor to meet their needs, and that if they have already paid their *zakât*, it is not necessary to give away this property, just are others who say that they (the rich) have to immediately give the amount of property needed, and that it is not lawful to offer loans to the poor (*Ihyâ*: I, p. 214). (Italics added)

It appears that this kind of matters have been on the agenda of Muslim schol-

53 "Kitâb Asrâr al-Zakât", *Ihyâ*: I, pp. 208-230.

54 "Bayânu Dakâiq Âdâb al-Zakât" (*Ihyâ*: I, p. 213).

55 Al-Ghazâlî mentions the names of Nakha'i, Sha'bi, 'Atâ and Mujâhid among the supporters of this view (*Ihyâ*: I, p. 214).

ars since very old times. For instance, we know that al-Shaybâni and al-Sarakhsî, an older contemporary of al-Ghazâlî, used to think that the poor have a right to claim on the wealth and property of the rich (*haqqun mustahiqqun*) in addition to *zakât*.⁵⁶

To round up our discussion on social justice, we can say that *zakât* has a very special and almost *sui generis* status among the measures and institutions of justice mentioned so far. First of all, while all of other forms of (human) justice, with the exception of individual one, are in the status of *fardh kifâya*, *zakât* has the status of *fardh 'ayn*. As is known, *fardh kifâya* represents a *collective* obligation or responsibility while *fardh 'ayn* stands for a personal and *individual* duty or responsibility. On the other hand, while some of other forms and regulations of social justice are supported only by the other worldly sanctions, *zakât* has, at least as it used to be in its implementation during the classical period of Islamic history, the power of worldly and legal sanctions in addition to other worldly sanctions.

Justice and Benevolence

Al-Ghazâlî considers doing justice and avoiding injustice as a necessary but not sufficient standard of behaviour in human relations. Because, in his view, they represent only a minimum that is indispensable for salvation, and in this capacity, they correspond to capital in trade. Just as it is not wise to be content with the capital in business life, it is not reasonable either to confine oneself with justice in religious life. Then, one should go beyond just abiding by *justice* and avoiding *injustice*, and try to reach the level of "ihsân", i.e. "benevolence", which is the counterpart of profit in business life.

Having described justice before as behaving so as not to harm others, he now defines *ihsân* or benevolence as behaving so as to benefit others. Al-Ghazâlî stresses that this is not a "wâjib", namely, an obligatory act. In his view, what is *wâjib*, that is to say, an obligation, is doing justice and avoiding injustice. *Ihsân*, benevolence, on the other hand, is an act of kindness and giving free without expecting anything in return (*Ihyâ*: II, p. 79).

He maintains that one may reach the level of benevolence in economic relations and transactions by doing the following:

1. Not to make an unusual and excessive profit (*ghabn fâhish*),

56 For more detailed information on this subject see, Orman (2016, pp. 28-33 especially 32-33).

2. To deal favourably towards the poor and the vulnerable when dealing with them,
3. To behave tolerantly in receiving payments of costs and debts,
4. To be meticulous in paying one's own debts,
5. To accept the other party's request to withdraw from an agreement,
6. To give goods to the poor on credit without expecting a re-payment in case of their inability to pay back.

He discusses each of these types of behaviour in much detail in *Ihyâ* thereby producing a wealth of ideas and insights that are also valuable for the purposes of this study (*Ihyâ*: II, pp. 79-83).⁵⁷

Using al-Ghazâlî's terminology, obviously *ihsân* is a case of *muta'addî* (transitive) behaviour, but one that belongs to a different level than that of justice. As he himself indicated above, while justice is an obligation, a *vâjib*, *ihsân* is a voluntary act, an act of benevolence, which may be said to belong to the level of *mandûb* on the general hierarchical scale of Islamic norms.

With the concept of *ihsân*, al-Ghazâlî widens the horizon of what we had called “the priority of what is social”, or what may also be called the priority or prioritization of the other party, by moving from justice to benevolence, which means moving from legality to morality, and from obligation to voluntarism. However, this should not involve an underestimation of the first categories, namely doing justice and avoiding injustice, as they are the starting points, and in this capacity, they are indispensable.

A General Evaluation and Conclusion

In this essay, we tried to examine the themes of justice and social justice in the thought of Abû Hâmid al-Ghazâlî (450-505 A.H. / 1058-1111 A.C.). Justice, both as a term and a concept, is well-established, and old enough to have metonyms in almost all world civilizations. Therefore, it does not require much introduction. However, social justice is a modern term, and in this capacity, its provenance can at best be traced two centuries back. On the other hand, its history as a concept is

57 Since we have discussed this subject in greater detail in an earlier work, we shall not go into further detail here and refer our readers to said work: (Orman, 2014, pp. 129-133).

controversial, and each and every effort to place its origins earlier than mid 1800s begs a justification.

What we can say at this point is that contemplations on social justice go a long way back. This essay testifies to one example of this historical fact. Indeed, in the course our investigations on the topic we have been able to assemble an immense amount of source material regarding *social justice*, let alone *justice* in general, from the intellectual legacy of al-Ghazâlî, a Muslim scholar who lived in the second half of 11th and first decade of the 12th centuries.

The conclusions we expect to have arrived at in this study, and some points that we consider worthy of note can be summarized as follows.

First come three observations on the set of sources relevant to our study:

1. We noticed remarkable similarities between *Mîzân al-'Amal*, a book attributed to al-Ghazâlî, and al-Isfahâni's *al-Dhari'a ilâ Makârim al-Shari'a*. In our opinion, it will be safer to suspend the status of *Mîzân* until a comparative textual examination clarifies the relationship between these two books. That is why, although it contains valuable material on our subject, we decided not to include *Mîzân* into the set of sources employed in this study.
2. We also noticed that there is almost a parallelism between the last part of al-Ghazâlî's *Fadhbâh al-Bâtinîyya* and the first part of his *al-Tibr al-Masbûk fi Nasîhat al-Mulûk*, except for some negligible differences in presentation. However, it must be noted that this is not a disqualifying similarity as the one above, but an affirming one, which implies that the second book is to some extant based on the corresponding chapter of the first and the older one. This similarity also serves as a double or bilateral confirmation for the authenticity of both books.
3. Another interesting thing we noticed in relation to the sources is that, in contrast to what a modern researcher may expect, the material containing al-Ghazâlî's thoughts on justice and social justice is not covered by his works on Fiqh and Usû'l-Fiqh, almost all of which classics in the history of Islamic legal thought, but is rather contained in his works on *Kalâm*, ethics, Sufism and politics. In our opinion, this is because the first group of books were not considered by him to be the places where justice is discussed, but rather to be the places where justice is taken for granted and applied to the problems and circumstances of life.

We started dealing with our main subject matter, by a presentation of defini-

tions of justice by al-Ghazâlî. Then, in order to allow some comparison, this was followed by a presentation of definitions of justice available in terminological dictionaries—an interesting genre of Islamic literature. One of the definitions of justice offered by al-Ghazâlî is as follows: putting things in their proper places. We observed that definitions covered by terminological dictionaries, of which three were written after al-Ghazâlî, were almost identical to the one given just above and the others that were also provided by al-Ghazâlî. On the other hand, considering that this definition is not quite different from some others that had been in the air since ancient Greece, one is tempted to think of a common tradition of justice definitions that had been shared by many for thousands of years.

While trying to classify al-Ghazâlî's ideas on justice, instead of imposing a scheme of classification on them, we wanted to see first if the structure of the related material itself suggested a classification. We noticed that the available material could be classified with reference to the *subject-object relations* involved in the act of justice. Thus, justice in general could be divided into two categories as "Divine Justice" and "Human Justice" with reference to the *subject* of the act of justice. Likewise, the material related to human justice could be further divided into two categories as "Individual (or moral, or inner) Justice" and "Social Justice". In the case of *individual justice*, the *subject* and the *object* of the act of justice coincide and overlap as both of them are the identical individual. In the case of *social justice*, however, several kinds of *subjects* might be involved in the act of justice. On one hand, there could be singular subjects such as *an individual, a society or a state*. On the other hand, there was an act of social justice, i.e. *zakât*, in which two subjects were involved—some qualified individuals/persons, and a state.

This essay basically evolves around this classification. We first discussed the topic of "Divine Justice". In this act of justice, the *subject* is God, and the *object* is the entire universe including human beings. Al-Ghazâlî thinks that God is just by definition, and tries to substantiate this understanding both in *Ihyâ* and his other works. Another remarkable point here is that in his controversial text concerning this issue, where he argues that this world or its current order is the most perfect of all possible worlds or orders, he triggered a dispute that was later to be known as "Theodicy." This dispute together with other allied problems such as optimism, pessimism and the problem of evil, constitutes another example of major intellectual controversies associated with al-Ghazâlî.

Next, we discussed the topic of "Individual Justice". This can be called moral or inner justice, as well. What is on agenda here seems to be an Islamic or somewhat

Islamized version of the theory of four major virtues, i.e. *fadhâil al-arba'a*, known since at least the time of Aristoteles. At first sight individual or moral justice may look like an inner or psychological phenomenon, and in this capacity, it may appear to have nothing to do with justice, which is in the final analysis an outer or external phenomenon, and particularly with social justice which is even more so. However, al-Ghazâlî does not entertain this idea, he rather disagrees with it. In his view, justice starts from within human heart, and once established there, it reaches out and extends to the respective person's family, to his/her immediate environment, to the community or society as a whole, and depending on the social status of the individual in question, even to the state. It can be claimed that even the topic of divine justice, at least as discussed in the present context, was tackled by him in an effort to theoretically substantiate this type of justice. Indeed, the issue of "Tawhîd" in connection to which a version of divine justice was discussed, and which itself corresponds to the '*ilm*' dimension in al-Ghazâlî's three-dimensional scheme of human behaviour, was discussed in that context because of its relationship with the problem of "tawakkul". *Tawakkul*, on the other hand, is regarded by him as a state of human heart, an inner state, a "*hâl*" in his own terminology, which comes second after '*ilm*' in his three-dimensional scheme of human behaviour: '*ilm*, *hâl*, and '*amal*'.

The source material on justice in al-Ghazâlî's thought concentrates mainly on the topic of social justice. Accordingly, the next five headings in this study are related to different aspects of social justice.

Under the heading "Social Justice (1): The Priority or Prioritization of What is Social", we tried to introduce al-Ghazâlî's emphasis on the priority of what is social. One of the most original aspects of his intellectual legacy is this—an aspect we had an opportunity to briefly draw attention to for the first time in an earlier paper, but have discussed here in greater detail. Employing two terms he borrows from a taxonomy of verbs in Arabic grammar he develops an extremely interesting and important approach to religious life and understanding, and even to human behaviour in general. He thinks that just as it is the case with verbs, human acts may also be either transitive (*muta'addi*) or intransitive (*lâzim*) depending on their consequences. In his view, there is also a hierarchy between these two types of acts, in which the transitive ones come first; however, in a positive sense for the beneficial acts, and in a negative sense for the harmful ones. In other words, hierarchy will be one of goodness for the first group, and of badness or viciousness for the latter. Thus, *transitive* good acts will be more desirable or praiseworthy than intransitive ones, on the one hand, and *transitive* evil acts will be more abominable or blameworthy

than *intransitive* ones, on the other. Finally, in his view, behavioural assessment and legal/moral decision making must be carried out with reference to this distinction. On the other hand, pushed to its very logical implications, it is clear that this approach indicates a profound difference in religious understanding and attitude. However, it must be noted that the term *muta'addî* (transitive) as used here corresponds to a much broader concept than what is denoted by the term “social”. On the basis of what has been said, it would not be wrong to consider al-Ghazâlî as one of the foremost thinkers with a strong enthusiasm for what is social.

Within the theoretical framework adopted by al-Ghazâlî there may be two types of *objects* or addressees to the or act or relationship of justice whose *subject* is an individual: (1) other individuals or sub-societal groups, and (2) the society as a whole. Though al-Ghazâlî formulates this issue within the context of commercial relations, it is clear that his words are valid for all kinds of relationships, transactions and contracts that an individual may be a party to. Hence, one can safely say that his analysis stands not just for *economic justice*, but for *social justice* in general. He states that in a relationship a person may unduly be harming the other party, which means an injustice, and to avoid doing harm to others is part of observing the duty of justice. He further thinks that this can be the case even in the legally valid contracts, and that in such a situation one should look into the essence or spirit of the contract, not its literal validity. According to him, the harm involved may be limited to one person or a group of persons who are a party to a contract or transaction, or it may go beyond this and cover the entire community. In both cases, the behavioural norm is the same: avoiding injustice and observing justice. The guiding principle he advises in such situations is not to tolerate for others anything that one would not tolerate for oneself. In other words, what is advised, is a strong and refined sense of empathy—using roughly the language of *Ihyâ*, one must not discriminate between one's own and others' money. Linking this issue to the previous one, it would be sufficient to state that acts of *justice* and *injustice*, though opposites in terms of their values, are both transitive in terms of their value-free consequences, and in such situations, what is *social* has a priority over what is *individual*.

However, we need to note here that the hierarchies mentioned in the above two paragraphs apply only to the actions that belong to the same level on the general scale of hierarchy of legal/religious norms. In other words, the orders of priority between *muta'addî* and *lâzim*, between what is social and what is individual are valid only for actions that belong to the same level in the general order of Islamic

legal/religious norms a version of which is as follows: *vâjib*, *mandûb*, *mubâh*, *makrûh* and *harâm*.

The *subject* of all the acts and relationships of justice that we have mentioned so far was, with the exception of divine justice, a human individual. However, there are also cases where the *subject* of the act of justice is a supra-individual actor or agent—cases that may be said to be closer to the modern concept of social justice. An example of such cases is where the *subject* is a *society* as a whole or collectively, and the *object* or the addressee is comprised of social groups or individuals. In fact, this is just a specific form of an Islamic attitude towards society, in which a society as a whole or collectively is taken to have responsibilities, obligations or duties in religious and legal affairs. The basic reference for this attitude is the concept or institution of *fardh kifâya*. Al-Ghazâlî's contribution to this specific form of social justice has two significant starting points which are mutually supportive:

1. One of them is a somewhat peculiar interpretation of the concept of *fardh kifâya*. Al-Ghazâlî extends this concept to encompass everything that is vital for a society. His reason for this is that the condition of worldly affairs is crucially dependent on such vital things, and that attainment of a good religious life, in turn, is dependent on the quality of worldly affairs.
2. The other starting point is his theory of “Maqâsid al-Shari‘a” which itself is part of a larger theory—“Theory of Masâlih”. As is well known, al-Ghazâlî is the foremost founder of a theory of the objectives of law, that is, “Maqâsid al-Shari‘a”, which he developed within the wider context of a general theory of human needs known as “Theory of Masâlih”. “Masâlih” is the plural of the Arabic word “maslahâ”. According to him, *masâlih* (literally “public benefits” but in this context, may also mean “human needs”) are divided into three layered categories: what is essential or indispensable (*dharûrât*), what is complimentary (*hâjât*), and what is in the nature of comforts and embellishments (*tahsînât* and *tezyînât*). In his opinion, there are five basic values or human needs that correspond to the first level of *masâlih* or human needs. These five basic values constitute the objectives of any legal system, that is to say, they are “maqâsid al-sharîah”: protection of religion, of life, of reason or intellect, of progeny, and of wealth and property. According to him, since these five objectives belong to the class of indispensables (*dharûrât*), they by definition have to be secured and protected by every legal system and each society, for each and every member of the respective society. In other words, this is a *fardh kifâya*, i.e. a social responsibility and a collective obligation.

Among all the types of social justice al-Ghazâlî tackles with, perhaps the closest to the modern concept of social justice is the one concerning the relations between the state, on one side, and the society, social groups and individuals, on the other. He thinks that there are guiding principles in this regard and he summarizes them as “ten principles of justice and equity”. Since in this context he addresses the state, the supreme authority in the provision and distribution of justice, he seems to have mobilized all of major arguments and counter-arguments related to justice and injustice. We see him expressing sympathy towards the oppressed and the victimized, drawing attention to the consequences of transitive (*muta'addî*) actions, emphasising the priority of what is social, stressing empathy in a variety of contexts and at different levels, highlighting both this worldly and otherworldly consequences of justice and injustice, suggesting measures for the promotion of the first and prevention of the latter, and deploying a host of logical, rhetorical and stylistic devices in order to impress his reader throughout the related text.

Zakât is one of the five pillars of Islam, and hence, al-Ghazâlî cannot be expected to have remained indifferent to it. *Zakât* is also an institution of social justice *par excellence* in terms of its goal, scope and the manner it was regulated. That it is an economic religious service aimed at correcting income and wealth injustices and imbalances in the society by way of redistribution, that it is directed towards certain social groups which are in need of support and protection, and that it was collected and distributed by the state in its implementation during the classical period of Islamic history are all justifications for the claim made above. We have described it as an act or institution of social justice with two *subjects* since although the liability of paying it lies with the qualified *individuals*, its execution and enforcement used to belong to the *state*.

Following what has been said of *zakât*, a general assessment can be made of the religious and legal status of the regulations and institutions of social justice we have mentioned so far. It can be said that *zakât* is a regulation or institution of social justice with the status of *fardh 'ayn*. In other words, it is a duty of social justice incumbent on individuals who meet certain conditions. However, there may be situations where a need for performing some additional services related to social justice remains to be the case even after due payment of *zakât*. In such situations, sustaining a minimum level of need fulfilment becomes the responsibility of the respective society as a whole, or it transforms into a collective duty, which is called *fardh kifâya*. *Fardh kifâya* represents the sphere of social responsibility or collective duty in an Islamic framework. Other forms of acts of justice with an in-

dividual *subject*, may also be said to fall within the scope of *fardh 'ayn*, namely the sphere of personal or individual responsibility. *Fardh 'ayn* and *fardh kifâya* together represent the area of *obligation* or the mandatory area from the perspective of social justice. However, the ideal of social justice is not limited to this area, neither in al-Ghazâlî's view nor from an Islamic point of view in general—beyond it there is an unlimited area of *voluntarism* that is the topic of the next paragraph.

The point where al-Ghazâlî carries the ideal of justice, and together with it that of social justice, to a peak is the last heading in this work: *Justice and Benevolence*. We by now know that he attaches great importance to justice. To him, however, although a must, justice alone is not sufficient. In his view, justice is to avoid injustice, to give everyone what is his/her due, and to behave in a way not to harm others. In this sense, justice represents a minimum standard of behaviour in human relations, and in this capacity, it corresponds to the capital in business life. Just as it is not reasonable (or, rational) to be content with the capital in business life, and just as one must also aim at some profit, likewise a reasonable (or, rational) person is expected to aim at "benevolence" in religious life, which is the counterpart of profit in business life. Benevolence is acting so as to benefit others, and while *justice* is obligatory (*wâjib*), *benevolence* (*ihsân*) is a voluntary act.

The relationship between the material covered by this study and social justice is obvious enough. Even in instances where the relationship is not so clear, it is almost certain that what is discussed here, may be of some help in developing a *culture of social justice*, and thus to a *social environment* conducive to the development of social justice.

To round up, it can be said that al-Ghazâlî approaches the topics of "Divine Justice" and "Individual Justice: Moral Justice" by making a clear reference to the concept of *justice*, namely, by directly quoting the term and even making it the focus of his discussion. The sections "Social Justice (2)" and "Social Justice (4)" discuss respectively what we may call *economic* justice and *political* justice again with clear reference to the concept of *justice*. The social character of these two types of justice must also be clear. The institution of *zakât* which was addressed under the title of "Social Justice (5)" should require no further justification as to its relationship with social justice. The issue we discuss under the title "Social Justice (1)" is intended to ground, as far as we know, a completely original approach to legal, moral and religious matters we propose to call "The Priority of What is Social" in a Ghazâlîan framework. Under the heading "Social Justice (4)" the connection of two important ingredients of al-Ghazâlî's thought, his approach to *fardh kifâya* and his theory of

Maqâsid al-Shari'a, to the issue of social justice is explained. Our last heading is about al-Ghazâlî's concept of "ihsân" (benevolence) which pushes the horizon of justice in human behaviour and relations one level higher.

Based on what has been said so far, a generalization about Islam's attitude towards justice and social justice may also be attempted. What can be said for sure is that securing a minimum level of subsistence for each and every one, within the means of a society, is a duty and responsibility that falls on everyone. This duty begins with the work and efforts of every able person, which is a *fardh 'ayn*, a personal obligation, to provide for oneself and for those it is one's responsibility to look after. Then it continues with an obligatory redistribution of the wealth of society by means of *zakât* and '*ushr*, which are religiously in the status of *fardh 'ayn*. If this secures the above-mentioned level of subsistence for each and every body, then fine. However, if this proves not to be sufficient, then the personal responsibility and obligation transforms into a social or collective responsibility and obligation which is called *fardh kifâya*. The network of relations beyond subsistence level is left to the interplay of other rules and regulations such as *justice* which is a general rule of behaviour in *fardh 'ayn* status, *benevolence* which is a voluntary charitable act, and the development of a conducive social environment that gives religious/moral priority to what is social. It must be noted that giving priority to what is social is not an approach peculiar to al-Ghazâlî within the framework of Islamic intellectual tradition.

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