

SOCIAL JUSTICE IN ISLAM

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A gathering of intellectuals was convened at the Law College of Ranchi on December 14, 1991, under the persidentship of Mr. Justice Satishwar Rao. On that occasion I addressed the meeting on the topic of 'Social Justice in Islam.' The text of my address, including some later additions, is as follows.

Social Justice means equality in law, or justice for all. Prior to the advent of Islam. This kind of social justice was almost unknown either in theory or in practice. It was left to Islam then to establish equal justice for the first time in human history. This reversal of the old order is so established a fact that every non-Muslim thinkers have acknowledged it. For instance, Swami Vivekananda (1863-1902) writes in one of his letters.

'If ever any religion approached to this equality in any appreciable manner, it is Islam and Islam alone.' (p. 379).

The contribution of Islam in this respect can be placed under three headings: first, the formulation of a complete ideology of human equality and justice; second the giving of powerful incentive to adopt this ideology; and third, the establishment of a living example of equality and justice in all walks of life.

THE CONCEPT OF EQUAL JUSTICE

In ancient times the concept of human inequality, which was prevalent everywhere, gave rise to social injustice in every society.

For example, the Greek philosopher, Aristotle, regarded certain classes of individuals as natural slaves. Although there were other thinkers who did not subscribe to this view, slavery continued to be widespread in Rome and Greece, and indeed, throughout the entire world of antiquity.

In modern times, this concept has been further strengthened by Darwin's theory of evolution, according to which mankind was regarded as having achieved differing levels of development, the apex being white European civilization.

The superstitious concept of racial differences, handed down to us from ancient times, paved the way for social discrimination. And such discrimination found an academic basis in modern times in Darwin's theory of evolution, which purported to show that in the evolutionary process, some groups had made distinctive progress while many other groups had been left far behind. That is to say that certain groups attained a superior level, while others remained in a primitive condition.

Thanks to this theory of evolution, the European nations came to regard other nations as being inferior to them--hence the concept of 'the white man's burden' according to which the white races considered themselves invested with the natural right to subjugate the rest of the world in order to civilize it. This was the logic behind the colonialism of modern times. These concepts, in some measure, are still extant.

The world of today can be broadly divided into two parts--the traditional and the scientific. The former appears undeveloped and the latter developed. But from the standpoint of social

justice, there is no difference, because in both, beliefs which form a permanent obstacle to social justice still persist.

The traditional world is influenced to a large extent by believers in Karma, the theory that anyone born today necessarily shoulders the burden of his past deeds. As they see it, that is a law of nature, as such, has to be submitted to unquestioningly. A belief of this nature obviously stifles any possible incentive for social justice. In the light of such a belief 'injustice' simply becomes 'nature's verdict.' The human being has to suffer in this world for his misdeeds in his previous life cycle. Given this state of affairs, it is just not possible for anyone to alleviate human suffering. That being so, how can there be any motivation to act out of a sense of justice?

The scientific world is likewise under the influence of this concept of human inequality, but for another reason--the general acceptance gained by the theory of evolution. The concept of the biological evolution of life seeks to explain the differences in the existing species, advancing the theory that in the process of evolution some have gone forward while others have been left behind. For instance, Darwin claims that the female of the human species remained at a primitive stage in the evolutionary process while 'man has ultimately become superior to woman'. By the same token, the blacks of Africa, the pygmies and other dwarfish races have been 'left behind.' Because of this theory, the scientific world cannot be sympathetic to the supposedly backward, or under evolved races.

The theory has been advanced that if people suffer a variety of afflictions, it is 'their own fault.' That is to say that those who are made to feel inferior in the treatment they receive from others are, in fact, suffering the consequences of their own shortcomings. It is as if they were fated to be the victims of injustice; the perpetrators are not, therefore, to be blamed.

With the advent of Islam, all such ideas based on an inherent inequality lost ground. In different ways, and with great persistence Islam presented to the world the concept that, in spite of outward differences, all human beings are equal. All are entitled to equal social status and equal rights. No one is inferior or superior. Here are two references from the Qur'an and Hadith respectively.

Men, we have created you from a male and a female, and made you into nations and tribes that you might get to know one another. The noblest of you in Allah's sight is the most righteous of you. Allah is wise and all knowing (49:13).

According to this verse of the Qur'an, the differences of color and race found among human beings is for the purpose, not of discrimination, but of identification. Men in essence are equal. What really distinguishes one man from another is character. His superiority can therefore be spoken of only in terms of the degree to which a man is honorable. The truly honorable man is one who is God--fearing and who recognizes and fulfils the rights of God and his fellow men.

On the occasion of the final pilgrimage, the Prophet delivered his last sermon while sitting on his camel. One of the things he said is recorded in these words:

'O people, listen carefully, your Lord is one Lord, there is no doubt about it. Your ancestor, is one ancestor, there is no doubt about it. Listen well to my words: no Arab has any superiority over a non--Arab, and no non--Arab is superior to an Arab. No black is superior to a brown or red, and no red superior to any black. If there is any superiority in anyone it

is due to his God--fearing qualities. Have I conveyed the message?' the Prophet asked the people. The people answered from all corners, 'Indeed so! God be witness.' Then the Prophet said: 'Let him that is present tell it unto him that is absent.'(Al-Jamili Ahkam al-Qur'an, 16:342)

This declaration was made by the Prophet in the final year of his life at a time when the whole of Arabia had been conquered. As such, it was not the declaration of a reformer, but of a ruler of the time. His definition of human equality was not just listened to as a theory, but was immediately put into practice--nay, enforced in society.

In his declaration, the Prophet told the people that just as there is one Creator of this world so all the human beings in this world were born of one man and woman. All human beings were thus equal, being each other's brothers and sisters. They might differ in respect of appearance, but as to honor, status and the right to legal justice, there was no difference between them.

So far as human status is concerned, Islam clearly states that if people have been placed on different rungs of the social ladder, this is not a matter of having been favored with or deprived of social distinction but of their being under divine trial. God has created man in this world in order to test him. Worldly goods and position (or the lack of them) are used by God as instruments of this test. They are like examination papers set by the Almighty. Opulence and penury are both intended to be states in which man is tested. He should, therefore, stop suffering from inferiority or superiority complexes, and should consider instead whether he is going to pass or fail this test.

THE INCENTIVE FOR EQUAL JUSTICE

Modern psychological and biological research on race has clearly upheld the teachings of Islam, so that from the academic point of view, other theories stand refuted. Molecular biology, too, has opened a whole new field of research in modern times. A team of genetic experts in the USA, convinced by the evidence they already had that all of humanity had common ancestor, have attempted to trace that single progenitor across the millennia. Placed in this perspective, all differences of color, physiognomy, physique, etc. are purely relative, and do not necessarily constitute different racial characteristics. All modern research points to human beings as members of one Great Family, all bound together by the same biological brotherhood. (Newsweek, January 11, 1988).

A number of books and research papers have lately been published on this subject. *The Race Question in Modern Science* by J. Comas published by UNESCO in 1956) has a chapter on 'Racial Myths' which is worth studying. In spite of these academic findings, no great material changes have occurred. Those nations who had come to consider themselves superior are still acting under this misapprehension, while nations consider inferior are still subjected to injustice in new and varied forms. The reason is that to attain social reform, theory by itself is not sufficient. Along with it, a powerful incentive is essential. And this is exactly what is provided by the Qur'an.

As well as enjoining justice, (16:90) the Qur'an holds out the promise of reward for one's deeds. It also informs us that a complete record is constantly being made of human actions. After death, everyone will find himself standing in God's court, where he will receive his just deserts. No perpetrator of cruelty will escape God's punishment. That time has to come when man will suffer the consequences of his deeds. *'On that day mankind will come, divided in terms of vice and virtue, into groups to be shown their labors. Whoever does an*

atom's weight of good shall see it and whoever does an atom's weight of evil shall see it also.' (99:6-8)

This concept of accountability alerts man to the necessity of being extremely punctilious in his dealings with others. He then sees how essential it is to be just to everyone, if he is to save his own self. He avoids wronging others so that he may not be punished by God. In the absence of any concept of accountability, social justice figures in our lives as a need felt by others, not by ourselves. But once we recognized that there is such a thing as accountability, social justice becomes a prime necessity for everyone, including ourselves. And who can neglect his own needs?

The concept of accountability is such a strong check that it restrains one not just from oppression, but from even any semblance of it. Once when the Prophet was at home with his wife, Umm Salmah, he called the maidservant, who took some time in coming. Seeing signs of anger on Prophet's face, Umm Salmah went to the window and looked outside where she saw the maid at play. When the latter came in, the Prophet happened to have a *misvak* (a stick used for cleaning the teeth) in his hand. *'If it wasn't for the fear of retribution on the Day of Judgement,'* he told the maid, *'I would have hit you with this misvak.'*

In ancient times the beating of slaves was considered a natural right. But the mentality created by Islam put a stop to this practice, whatever the faults of the slaves. This was because the Muslims were afraid lest they beheld accountable for this act in the eyes of God.

The Prophet once came across Abu Masood Ansari beating his slave. *"You should know, Abu Masood "*, he said, *'that God has more power over you than you have over this slave.'* Abu Masood trembled hearing these words of the Prophet. *'Messenger of God,'* he said, *"I am freeing this slave for God's sake," 'If you had not acted thus, the flames of Hell would have engulfed you,"* the Prophet told him.

This incident shows that Islam, by obliterating outward differences, brings all men on the same footing. Abu Masood had at first considered himself to be on a different footing from his slave in a purely material sense where he was respectable and powerful, the slave was lowly and weak. But when the Prophet reminded him that in the eyes of God he stood on exactly the same ground as his slave, he immediately humbled himself.

Material differences in standing bring about social injustice. When these differences are obliterated, social inequality will, of necessity, disappear.

It is undeniable that all incidents of oppression and social injustice are the result of inequality between man and man. Some are powerful, others are weak. Some are rich, others are poor. Now what happens is that the powerful and the wealthy come to regard themselves as being superior to the weak and the poor. They imagine they can oppress others with impunity, their elevated positions being enough to safeguard them from any attempt at retaliation.

But Islam tells us that every man's fate is the concern of God. All moral issues are finally to be judged in the divine court. God being infinitely more powerful than all of the powerful men in the world. He will pronounce His verdict and enforce it with absolute justice towards one and all. At that time no mortal creature will be able to escape God's verdict.

In this way, human affairs are no longer matters to be settled amongst men. They become matters to be settled between man and God. On the one side stands God, and on the other side stands all of humanity.

So, when faced with God, no one is powerful. Everyone feels himself in the same state of humility as he had supposed was the state of other human beings 'weaker than himself.

When this consciousness is created in a man, he dare not, whatever the circumstances, be unjust to others. This undoubtedly gives him the greatest incentive to bring about social justice.

In an atheistic society where people do not believe in God, such a check is not possible. Where there is no belief in God, human affairs must be settled between man and man. And in that situation there can be no conviction that all men are equal, for the differences between them will remain all too obvious. In the absence of a divine overlord, such differences can never be leveled out, and if their effects are to be negated, it can only be done by taking matters between man and man and turning them into matters between man and God. Everyone should have the conviction that there is a God above all men, that all issues must finally be settled by Him, and that no one may challenge His verdict.

There are other religions besides Islam which have the concept of God. But, owing to human interpolations in their scriptures, their particular concept of God has, for all practical purposes, become ineffective. For instance, in Christianity, God's son atoned for the sins of humanity by his crucifixion. In Judaism salvation is granted in advance to its adherents as their birthright. In Hinduism, the monistic concept of God serves no practical purpose.

In terms of Islamic Monotheism, God is a separate being, and all human beings are His creatures and His servants. Such a belief arouses in man the feeling of humility. Contrary to the Hindu concept, God in Islam is the sole supreme Being: man has no part in that divinity. In Hinduism, man is a part of God--a concept which produces the opposite feeling of superiority. While Islamic monotheism awakens in man the consciousness of his being God's servant, Hinduism encourages man to say, 'I am God.' The former creates the psychology of humility, unlike the latter which fosters pride. When the members of a society are flawed by pride, it is well-nigh impossible to bring about an atmosphere of social justice.

FAILURE OF MODERN INSTITUTIONS

Amnesty International, an organization known as a watchdog of human rights, set up its headquarters in London thirty years ago. Thirty

years is a long time for such an organization to have been functioning, but, in all that time, it has not been able to serve humanity in anyway except for publishing reports in the newspapers.

It is significant that on the completion of thirty years in December, 1991, the organization did not see fit to hold any celebrations. Asked why this was so, a representative of the organization, a Ms France Scinto, replied that there really wasn't anything to celebrate.

Every year on December 10, the United nations celebrates the Day of Human Rights. This year the statement issued by Javier Peres de Cuellar, the UN Secretary General, lamented the blind use of force and the barbaric treatment meted out to people notwithstanding the

universal Declaration of Human Rights which had been issued under the auspices of the United Nations.

What is the reason for the failure of these institutions to establish peace and justice? It can be explained by the fact that peace and justice in human life cannot be established solely on the basis of appeals and statements in the newspapers. What is required is an ideology which enshrines correct human values, and which might properly serve as the basis for an intellectual revolution. Those reformed along these lines should in turn reform the social institutions, and wherever the reins of government fall into their hands, they should establish peace and justice in society by constitutional means.

Only once in the course of history have all these conditions been fully met. That was when the Prophet and his Companions succeeded in establishing a system based fairly and squarely on peace and justice. Neither his predecessors nor his successors ever attained such a resounding success.

AN EXAMPLE OF EQUAL JUSTICE

Islam's third great contribution to social justice was the example it itself set in according to the same honor and respect to all human beings, whether they were weak or strong, kings or commoners, be it in family circles, social life, positions of power or in the government, by the same token, no one could escape punishment for his sins.

The history of Islam abounds in examples of justice for all. Here only a few incidents are mentioned in brief.

1. In ancient times, it was unthinkable for a girl of noble birth

or even of any free person, to be married to a slave. The Prophet, wishing to break with this tradition, decided to arrange a marriage between his own first cousin, Zaynab bint Jahash (d. 20 AH), who belonged to the Banu Hashim, the most respectable clan of the Quraysh tribe, and Zayd ibn Haritha, a black Negro slave. This most extraordinary event served as an important example of Islamic justice.

2. The Ka'aba, the most holy place of worship, was considered

sacrosanct in all its parts. Therefore, when the call to prayer had to be made from its roof, it was only a person of noble birth who could ascend it. A man of lowly birth performing this religious duty was not to be countenanced. After the conquest of Mecca, the Prophet broke with this tradition by asking a Negro slave, Bilal ibn Rubah to go up on to the roof of the Ka'aba and give the call to prayer (Azan).

This was a unique event, not only in Arab history but also in

world history of ancient times. Had Islam not become dominant, people would certainly have killed Bilal for his 'arrogance'. They did, however, voice strong reactions against this act, which is an indication of how shocking it had appeared to them. For example, Utaba ibn Usyad of Mecca thanked God that his father was no more and could not, therefore, witness this horrible sight on that day. Harith ibn Hisham asked, 'couldn't Muhammad have found someone other than this Black crow?' (*AL-Jame Lil Ahkam AL-Qur'an*, 16/341).

3. Ali ibn abi Talib, the fourth caliph, lost his coat of armor. One day he saw a Christian of Kufa selling the same coat of armor. This case was brought to the then Qazi Shurayh bin al Alharith. Ali went to his court like a commoner where he was asked by the Qazi to produce two witnesses. Ali then brought forward his son Hasan and his slave Qambar. The Qazi rejected the evidence of his son on the grounds that the evidence of a son in support of his father is not acceptable. Thus the reigning Caliph lost his case. However, the Christian was so greatly impressed at the display of such equality in the court of Islam between the king and commoner, that he himself admitted that Ali was right. The coat of armor did belong to him (*Azmath-e-Sahaba*, pp. 32-33).

4. Once during the caliphate of Umar Faruq, the second Caliph, Amr

ibn al-Aas, who was the then governor of Egypt, arranged a horse race in which his own son was also to participate. His son's horse lost, however to a young, native Copt. The son, Muhammed ibn Amr, was enraged and lashed the Copt boy with a whip, saying, 'Take that! That will teach you to beat the son of a nobleman!' The Copt came to Medina and complained to the Caliph, who took it upon himself to institute an inquiry. When he found that the Copt had been beaten unjustly, he immediately sent an emissary to Egypt to summon the governor and his son before him forthwith. When they arrived, he handed the Copt a whip to flog them, just as he himself had been flogged.

In the presence of the governor, the Copt started whipped his son, stopping only when he was satisfied that the punishment had been severe enough. Then the Caliph addressed himself to the governor: " O Amr, since when have you enslaved people who were born free? (*Azmat-e-Sahaba*, pp.40 - 41)

5. Palestine was conquered during the Caliphate of Umar Faruq.

To sign certain agreements with the conquered nation, he had to travel to Palestine. When he left Medina, he was wearing rough clothes and had only one servant and one camel. He said to his servant, 'If I mount the camel and you go on foot, it will not be fair to you. And if you mount the camel while I go on foot, that will not be fair to me. And if we both sit on the camel's back, that will be an injustice to the camel. So, it would be better if all three of us took turns.'

So taking it by turns, Umar Faruq would ride and the servant would walk, and vice versa, and then both would take a turn of walking so that the camel should be spared. Travelling in this manner, they reached the gates of Palestine, where the inhabitants gaped at the sight of the Caliph going on foot while his servant rode the camel, for it was the latter's turn to ride

as they approached their destination. In fact, many Palestinians failed to make out who was the Caliph and who was the servant. (*Taamir ki Taraf*, pp..56-57).

Through its intellectual revolution and the practical examples it set, Islam thus created a history which had an impact on almost the whole of the inhabited world of that time. This revolution was so powerful that its effects could still be felt one thousand years later.

After the Prophet, the period of Sahaba (The Prophet's companions) and of Tabiin, (the companions of the Prophet's companions) is known as the golden age of Islam. But the effects of the Islamic revolution lasted far beyond this period, continuing to leave its imprint on human society in various forms across the centuries. Even Muslim kings dared challenge it. Many examples of their submission to Islam can be cited. An incident relating to Jehangir, the Mughal emperor, has been very effectively portrayed by Maulana Shibli Nomani in the form of a poem entitled, '*Adl-e-Jahangiri*.'

Jahangir's Queen, Noor Jahan, once inadvertently killed a poor man. It happened at some hunt, when a washerman, straying into her line of fire, was hit and mortally wounded. When he died, the matter was brought to court, where the Qazi passed the death sentence on the Queen. Neither the king nor the Queen dared refuse the Qazi's sentence. Finally, the issue was resolved only when the washerman's wife pronounced herself willing to accept the blood-money, as is provided for under Islamic law. (If the victim's next-of-kin refuses to accept the blood-money, the culprit is sentenced to death-murder for murder).

Now let us take an example of conduct which is the very opposite in spirit. The British ruler, James 1, (1566-1625) a contemporary of the Indian ruler, Jahangir (1569-1627), claimed that he was above the law and could exercise his judgement independently. The then British chief Justice, Sir Edward Cook, (1552-1634) differed with him on this issues, so that when John Beat, a British merchant, once refused to pay tax on imported currants(an order given personally by James 1) because no law to this effect had been passed by parliament, Sir Edward took the side of Beat. Enraged, the King exclaimed, 'Am I subject to the law? To say so, is treason!' Justice Cook did not waver from his standpoint. As a result he was removed from his post by the King. It is a matter of historical record that legal differences with the king eventually broke his judicial career.

When the case of the King and Justice Cook came to the British privy Council, the then Attorney General, Francis Bacon, upholding the legal supremacy of the king said: 'Judges should be lions, but yet lions under the throne.' (1/92).

According to time-honored legal traditions in Britain, there were two kinds of law: common law and legal prerogative. For the public there was one set of laws and for the king and nobles quite another. The King was above the law. His word, in fact, was law. It was not until the advent of Islam that this division was abolished and the same set of laws was enforced for all. The rule of the King had perforce to give pride of place to the law of the land.

THE IMPACT ON HISTORY

Shortly before his death on the eve of his last pilgrimage, the Prophet of Islam gave a sermon which came to be known as the sermon of the Final pilgrimage. One of the historic declarations made in this sermon was: 'Everything pertaining to paganism now lies beneath my feet.' 'With these words, the Prophet announced the advent of a new age, an age freed by him of all superstition and ushered in with the special succor of God.

This historic change was first wrought within Arabia, then it spread beyond its frontiers, ultimately making itself felt throughout the entire world. This resulted in the eradication of the division in society between free men and slaves and the inception of the rule of law all over the world. It also caused all such philosophies as sanctioned injustice and social inequality to lose in influence. Now, any philosophy based on human inequality finds no ground on which to flourish.

One example of this in modern times is provided by Hitler, according to whom the German race was superior to all others. Firm in this belief, he put forward the idea that it was their birthright to assert their supremacy over all other nations. 'He regarded inequality between races and individuals as part of an unchangeable natural order and exalted the Aryan race as the sole creative element of mankind.' (8/967).

But what a fate awaited Hitler! His popularity in Europe rapidly waned and he was finally deserted even by his own minions in his own country. In utter frustration, he committed suicide in a bunker in Berlin, thus annihilating not only himself but the Nazi movement which he had set in motion.

The influence of the social revolution brought about by the Prophet is still alive, not only in Muslim countries, but indirectly throughout the entire inhabited world. On the question of social justice, or equal justice researchers have acknowledged that if ever any system has truly attained this end, it is Islam. One such acknowledgement by Swami Vivekanand, has been mentioned above. Now the question arises as to how Islam, managed to succeed in this when other religions or systems failed. There are two important reasons for this. One is that Islam gives us a complete ideology in favor of human equality. The other is that it provides humanity with a historical example of that ideology put into practice.

These are the points on which other religions have failed. To make this point clear, I shall cite here two examples from Hinduism and Christianity.

Hinduism as has been explained above, divides humanity as a matter basic belief into two parts. Its very philosophy demands a high position for one group and a low position for another. The existence of this belief makes it impossible to mete out equal treatment to both groups. Those who live by this system can never regard themselves as being equal to those who appear inferior to them by birth.

Here it is pertinent to mention the Backward Classes Commission set up by the President of India in 1953, with Kaka Sahab Kalelkar as its chairman. After making a survey which was completed in 1955, it presented a 262 page report which was published in 1956 by the Government press.

This report (available in the Delhi Public Library, Delhi) stated that the caste system of India was of a very different nature from the class system prevalent elsewhere. In India, this system is not traceable purely to economic causes as is generally the case in other countries. Its roots, on the contrary, go much deeper, being enshrined in the system of beliefs. According to the report, 'it is the peculiarity of India that it recognized the social differences inherent in human nature and gave them an institutional and mystical form with a religious and spiritual background.'

What the Kalelkar Commission states is borne out by the facts. It is indisputable that social differences in India have been traced to qualities inherent in human nature. Given this belief, they are an inevitable and natural reality. In a society where, of necessity, such a concept exists, the ideas of obliterating these differences and of having equal justice cannot have any general appeal.

A similar obstacle to equality is condoned even by Christianity.

Here I should like to refer to a report prepared by a team of five Christian journalists and published in the Sunday Review (Times of India) of December 22, 1991. According to this report, the number of converts to Christianity from low castes is more than fifty percent, these being known as Dalit Christians. 'Those who came over from the backward Hindu strata, still find themselves bogged down in discrimination by the Church.'

Dalit Christians are prevented from burying their dead in grave yards along with upper caste Christians. They cannot marry into upper caste Christian families. In many churches they have separate seating arrangements. They are discriminated against in educational institutions run by Christians themselves. The caste prejudice extends even to the Christian clergy. This is specially true to the Catholic Church whose priests are almost totally drawn from the upper or middle classes. In Kerala, where Christianity has thrived for 2,000 years, caste is evident on a social level. The caste factor surfaces time and again, causing intense anguish to members of the Dalit Christian communities.

When Dr. Casimir Gnanadickan, Catholic Archbishop of Madras was asked about this, he admitted that a strong caste system existed with the Church set-up. 'I agree, it was a retrograde step. But sometimes the power of faith cannot break reality.'

It is true that Christianity does not teach human inequality or social injustice. But what is lacking in Christianity is a powerful, historical example of human equality. The mission of Christ did not reach beyond the invitation to faith. It did not reach the stage of practical revolution. That is why, in the first phase of Christianity no such example of human equality could be set. In the absence of telling precedents, belief alone is not sufficient to bring about any practical change.

The Islamic system is totally different from those of Hinduism and Christianity. In it, there exists a complete ideology in favor of human equality, while alongside it there exists a perfect, practical example. On both counts, the first phase of Islam set the course of Islamic history for all eternity. And Islamic history will continue forever in the same direction, for there is no influence powerful enough in the world to alter its course.