Reading the Quranic Conception(s) of Justice

by

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In a speech he gave in June of 2004 at Galatasaray University in Istanbul, President George W. Bush expressed both his support for Turkey’s bid to join the European Union and his desire for Turkey to serve as an example to other Muslim-majority countries. He believed that by praising Turkey’s democracy and its recognition of a universal set of values, he could open a dialogue with the Islamicate* world about global progress. In many ways it was a speech not meant for his Turkish audience at all, but rather a broadcast to the countries to the South and the East of Istanbul, the “Middle East.” And though it was George W. Bush who delivered the speech, it would be easy to imagine countless other American leaders, or even leaders of the other NATO member countries who were meeting in Turkey at the time saying:

Muslims are called to seek justice—fairness to all, care for the stranger, compassion for those in need. And [Turkey has] learned that democracy is the surest way to build a society of justice. The best way to prevent corruption and abuse of power is to hold rulers accountable. The best way to ensure fairness to all is to establish the rule of law. The best way to honor human dignity is to protect human rights. Turkey has found what nations of every culture and every region have found: If justice is the goal, then democracy is the answer.¹

These assertions are not new; indeed the idea that Western goals and Western forms of life and politics are the only path towards global progress was one of the lynchpins of the colonialist era. In recent years, however, the ascendant discourse of “Human Rights” in place of that of “civilization” has markedly reshaped the way the West talks to the rest of the world. In these conversations, the term “justice” has increasingly come to represent an agreed-upon standpoint from which to make universal judgments on international social and political issues, but it has also become clear that the contours of this concept are less than universal.

To many of us, it would seem difficult to object to the desirability of the ideas understood as justice in this speech, but to posit some notion of justice as universal ignores the vast disagreements on the matter that exist even within our own culture. If justice is the goal, as George W. Bush implies, the


¹ In Middle East and Islamic studies, the division of the world into “West” and “East” is a slippery and, since Edward Said’s Orientalism but particularly since Samuel Huntington’s The Clash of Civilizations, taboo. This problem however is even more acute for this project: In focusing on the cultural grounding for ‘justice,” terms like “West” and “East” are useless in that they do not represent culturally unified blocs. When I use the terms “West” or “Western,” therefore, I am referring to things that are held to be true specifically about Anglo-American culture—as far as that can be said to be a unified entity—but which are also held as true about other cultures which are primarily shaped by the traditions of the Western Roman Empire and Northern Europe or to those spaces (both geographical a metaphorical) which are part of this constellation.
path begins not with democracy, but rather with dialogue about what is to be understood by the term “justice.”

If this dialogue is to succeed, it must begin (again) by taking seriously different ideas about justice in different cultures. It is my intention to propose a partial basis, comprehensible to an English-speaking audience, for an internal account of “justice” in the Arab-Muslim world by exploring its construction in the seminal text of modern Arab-Muslim thought, the Qur’an.

Toshihiko Izutsu’s *Ethico-Religious Concepts in the Qur’an* first articulated the specific problem of the concept of “justice” for Western scholars of Middle East and Islamic studies, arguing that translation offers at best “partial equivalents,” which may produce suitable word-to-word matches across languages, but which rarely can “translate” the ideas the words represent. He argues that we must position ourselves inside the texts, constructing definitions for words in terms of their semantic and historical contexts in order to examine the value-terms of the Qur’an.

Decades before Edward Said’s *Orientalism*, Izutsu was working to take seriously “oriental” thought not as a foil for Western imperialism but on its own terms. And for many years, non-Western Islamic Studies scholars have appreciated Izutsu’s work. His work was first introduced to me as one of the cornerstones of an introductory course in Quranic Studies taught at the

American University in Cairo. More broadly, the entirety of the program of the 2008 International Conference on Contemporary Scholarship on Islam, organized by the International Islamic University of Malaysia, was devoted to Izutsu’s legacy, but featured papers almost exclusively by Scholars from the Middle East, Southeast Asia, and Japan. And it is not without reason that nearly half of the papers presented at the conference focused on Izutsu’s methodology and its legacy both in the field of Islamic Studies and Comparative Religion.

In his *Ethico-Religious Concepts in the Qur’an*, which expanded upon his previous treatise, *God and Man in the Koran*, Izutsu sought to rectify the problems of translation through the analysis of “the semantic structure of the value words of the Qur’an in the field of conduct and character.” However this statement is both an inversion and an understatement of what the text achieves, which is the construction of a theory of Islamic ethics through the lens of semantics.

Perhaps part of the reason for Izutsu’s modesty is the novelty of his approach. He is aware of and acknowledges the long tradition of Islamic ethicists who have operated almost exclusively in the field of *fiqh* (Islamic jurisprudence); it is a tradition so rich and so expansive that Izutsu’s decision to discard it seems either insane or blasphemous. Yet Izutsu proposes that we need not look to the *fuqaha* (scholars of Islamic jurisprudence) for a theory of Islamic ethics, claiming instead that the Qur’an itself contains a fully

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3 For a list of the papers presented see http://www.iiu.edu.my/irkhs/izutsu.
articulated ethical code, which can be revealed through careful textual analysis.

While *fiqh* deals with a living and evolving ethical structure, necessitated by the changing nature of the *ummah* (the community of Muslims), Izutsu specifically limits himself to these ethical terms as they would be understood at the time of the writing of the Qur'an. Certainly this approach has its drawbacks. Izutsu is essentially freezing the Islamic ethical code in time, deliberately ignoring the evolving nature of the language that underpins it. However this is not merely the result of methodological dogma; instead, the decision to analyze these terms in their “original” meanings is an attempt to remedy the problem of translation.

The fact that language is a cultural phenomenon raises serious questions about the possibility of cross-linguistic understanding, and Izutsu that the best a translation can offer is a “partial equivalent” based on misleading word-word definitions (as opposed to word-thing definitions which form the basis of used language). We do not need to accept Izutsu’s apparently nominalist view of language to recognize that different cultural-linguistic systems are constituted in part by different conceptual frameworks, and to acknowledge that an adequate translation requires an articulation of these frameworks. By temporally fixing the ethical terms he examines, Izutsu

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5 The word “ummah” is highly contested term in Islamic Studies with scholarly and political repercussions. Debates over the exact meaning of term are well beyond the scope of this paper and any contribution I could make would simply be more clutter in an already excessively large body of scholarly work. I have, therefore chosen to use the broadest definition, with the fewest possible caveats.
6 Ibid. 16-17.
7 Ibid. 4ff.
aims to construct definitions for Quranic ethical terms through an internal semantic analysis of the use of the terms themselves.\(^8\)

The implicit corollary to this argument is that the problem of translation extends not only to translation across languages, but also to a single language across time: to use semantic evidence from a later period is to use a partial equivalent as if it is definitional. Furthermore, because the Islamic ethical code is fundamentally grounded in the divinely revealed text of the Qur’an and the resulting ethical imperative of the imitation of God,\(^*\) the nature of Quranic ethics is the direct result of the ethical and unchanging nature of God.\(^9\)

This Quranic ethical code operates on the level of “primary ethical terms,” as opposed to “secondary terms” such as “good” or “bad.”\(^10\) The terms to which Izutsu refers as primary are what might be labeled “indicative” terms such as “merciful,” “generous,” and “loyal” or “niggardly,” “perfidious,” and “dishonest.” These terms are descriptive in the sense that they refer to qualities of action and character that are exhibited in concrete situations, but they are also normative in that they commend or criticize these qualities. Thus, understanding Quranic ethics requires that we begin with these primary or indicative terms in order to see how they give meaning to more abstract or secondary terms such as justice, which is the focus of this thesis.

\(^8\) Ibid. 37-41  
\(^*\) Izutsu uses the Catholic phrase “imitatio dei,” however given its Christian implications, I have opted for a terms less bound up with a specific dogma.  
\(^9\) Ibid. 17-19.  
\(^10\) Ibid. 20.
Though it may apparent that “social justice” is the fulcrum of the global dialogue, the most widely cited, large-scale, Western, scholarly work aimed directly at exploring and ultimately defining the idea of justice in the Arab-Muslim world shies away from the topic. Majid Khadduri’s *The Islamic Conception of Justice* is “an attempt to study the experience of Islam with justice and how its leaders and thinkers grappled with the problem of how the standard of justice is to be defined and determined,” and it is “intended not only for students in the Islamic field; it is hoped that it would be of interest to all who are concerned with justice as a means to the promotion of peace through the diffusion and exchange of ideas.”

Khadduri begins by dividing justice into the six categories of political, theological, philosophical, ethical, legal, and social. Though he considers each type separately, Khadduri makes clear that his interest lies in legal justice—his area of expertise. What Khadduri refers to as “*jus divinum*” (in the sense that it is derived from the actions of God) paralleling natural law in the Western tradition—is the equitable application of rules mirroring God’s equitable treatment of humans. Because these rules are discovered both through the use of reason and through revelation, it is one of the few concepts Khadduri claims as absolute. And although Khadduri may be right that “legal justice indicates the pathway by which the other elements of justice can

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12 Ibid. 144-159
be translated into reality,” his exploration of the historical development of the principles of legal justice does little to advance the stated purpose of the book.\footnote{Ibid. 159; For an in depth analysis of the structural and substantive problems of Khadduri’s work see Patricia Crone, "Review" The American Historical Review 91, no. 1 (1986), George N. Sfeir, "Review" International Journal of Middle East Studies 20, no. 1 (1988).among others.}

The problem here is that Khadduri has done too much. Because his book encompasses 14 centuries of Islamic thought, he is unable to integrate these diverse strands into a coherent account of “how the standard of justice is to be defined.” This failing is not uncommon in the academic literature in Islamic and Middle East Studies (as opposed to the pseudo-academic, pop-intellectual work which seems to dominate the field). This trend is at least partially the result of a confluence of two, seismic events in the late 1970’s: the publication of Edward Said’s \textit{Orientalism} in 1978 and the Iranian Revolution the following year.

These events, the former acting as a “push” factor and the latter as a “pull” factor, have resulted in a serious setback for Islamic and Quranic studies, a field which already lagged behind the study of other traditions. Rather than doing the necessary groundwork for a real engagement with Islamicate thought, scholars have been scared of being accused of the orientalist attitude of “dominating, restructuring, and having authority over the Orient.”\footnote{Edward W. Said, \textit{Orientalism}, 1st Vintage Books ed. (New York: Vintage Books, 1979). 3.} Furthermore, scholars have left behind the foundational work, fascinated instead by “political Islam” and its violent offshoots, for which there is also a significantly larger market.
While this thesis might be attacked as “Orientalist,” this criticism is misdirected. In dissuading scholars from pursuing important lines of research, this epithet has done a disservice to the type of dialogue that Said himself sought. By working internally to the Qur’an to the greatest extent possible, and by making clear that my purpose is not to define an “authentic” Quranic notion of justice but rather to make the Quranic construction of justice more transparent to Western readers, I have tried to take seriously Said’s analysis so as to avoid using scholarship to further Western cultural imperialism.

In adopting, to a significant degree, Izutsu’s methodologies, I have tried to allow the Qur’an to speak for itself, not only against Western interpreters, but also those of the Islamicate world. I have chosen to address the Qur’an and not the later tafsir (Quranic exegesis) and fiqh for the simple reason that looking at the Qur’an through the later exegetical work has tended to obfuscate rather than clarify it, as seen in Khadduri’s work.

This obfuscation corresponds, in a way, to the ideas of ‘asl (“basis” or “basic thing”) and far’ (“branch”) which developed in Islamic thought. While each interpretive far’ is true in some sense, its truth is founded on the ‘asl from which it springs.15 Looking backwards through Quranic interpretation is in a sense like a bird’s-eye view of a tree, which makes the branches seem to be the three, because the tree’s trunk is hidden from view by its leaves. In limiting myself only to the Qur’an, from which has sprung numerous

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interpretive traditions, representing different moments in history and in thought, I am not trying to describe the entirety of the Islamic conception of justice, but only to provide context for these subsequent developments. This is not the basis for a cross-cultural dialogue on justice, it is only the starting point in an arduous process of understanding so that when we employ the word “justice,” we can at least recognize its multiplicities of definition even if what we mean does not conform to any of them.

In my first chapter, I seek to provide some context for the ethical world into which the Qur’an was revealed. Whether it is a revealed or a human text is of little concern, in either case, the Qur’an was confronted with a set of ethical understandings that were both the building blocks of and impediments to the social and ethical transformation that the Qur’an embodied. While it is impossible to fully catalogue the ethical framework which predominated the Arabian Peninsula prior to the proclamation of Islam, due to limitations both of space and sources, I have attempted to at least outline the key ideas whose traces, either negatively through rejection or positively through transformation, can be seen in the Quranic construction of justice.

I have relied heavily on pre-Islamic poetry and on the economic history of Mecca to describe the ethical situation at the time of the proclamation of Islam. While I attempt to maintain my methodological approach of working “internally” to the texts that form the basis of this chapter, it was necessary to
rely on outside scholarship to provide both the historical background and context for the second and third chapters.

In the second chapter, I establish the clear relationship between the ethical ideas of pre-Islamic Arabia and those of the Qur’an, especially through the Arabic term ma’rūf (“that which is known”). I then explore key concepts surrounding the Quranic construction of justice through the three-letter roots* that have come to be understood as “justice” in translation. While these three roots, qṣt (“equity” and “fair dealing”), ʿdl (the idea of the leading others to the “path”), and ḥsn (“kindness” and “reciprocity”), each have their own specific meanings and connotations, they also resolve themselves into two fundamental categories which shape what is meant by justice in the Qur’an. The first is the category of the imitation of God and is deeply bound up with the eschatological implications of justice. The second is that of “communal solidarity” which underpins the Quranic idea of social justice.

In the third chapter, these categories are expanded upon and elucidated through the semantic analysis of ẓlm, which is the key root in the Quranic construction of “injustice.” While the chapter is in many ways focused on ẓlm itself, the purpose is not to explicate the Quranic idea of injustice in its own right, but rather to reevaluate justice by analyzing its negation. Through ẓlm, both the specific meanings of the Quranic roots for

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* Words in Arabic are constructed from three-consonant roots (jīh that represent central ideas, which are modified and expanded by the addition of other letters. Hence the root ktb stands for the idea of writing, and kitab means “book,” maktab means “office,” and maktaba means “library.”
justice and the broader imperatives associated with the eschatological and social implications of justice are clarified and solidified.

Finally, a note on translation and transliteration: Throughout the thesis, I have attempted to present the primary texts as accurately and as honestly as possible. While I have depended heavily upon the Mohammed Yusuf Ali translation of the Qur’an, which I feel most accurately expresses the beauty and rhetoric of the Qur’an, I have at times modified his translation in order to better express the original Arabic text, either based on my own translation and that of John Wansbrough, M. H. Shakir, and Richard Bell. I have marked these instances with a dagger (†). I have also, at times, been forced to translate scholarly works not yet translated into English.

Part of the accurate representation of these texts and the ideas that they contain is accurate transliteration. It has been one of the great headaches of this process that Islamic and Quranic Studies scholars have not made a more concerted effort towards standardization. Throughout, I depend on the Library of Congress’s “ALA-LC Romanization Tables,” as I feel it yields the most easily vocalized transliteration and because the tables for reversing the transliteration are readily available at http://www.loc.gov/catdir/cpso/roman.html. I apologize for the difference in appearance of certain characters, which is a result of the various diacritics needed for this transliteration.
2. THE ETHICAL AND HISTORICAL CONTEXT OF THE QUR’AN

Scholars and lay observers alike have made much of the historical context surrounding the birth of Islam. Whether one views the Qur’an as a divine or human text, it is self-evidently and explicitly a historically motivated text. This stems not only from the Quranic assertion that God dispenses prophets to specific “peoples”—and the resulting natural desire for a historical self-understanding—but from the fact that the textual aim of the Qur’an is conversion. I mean this not in the sense of Islam being a religion of conversion—though, like Christianity, it is—but rather that the Qur’an sought to remake the spiritual, ethical, and quotidian lives of the Arabs. It is not surprising then that much of what we know about life on the Arabian Peninsula is from the text of the Qur’an itself, and is widely considered a valid history precisely because its intent was the conversion of those about whom the history is written.
However, this rhetoric of conversion has led to the common assertion, especially though not exclusively among believers, that Islam represents a complete and total rejection of the pre-Islamic way of life. And while this notion is not without textual backing—the term for this period is *Jahiliyah*, which is literally translated as “ignorance”—this belief is not entirely accurate. Although my purpose is not to enumerate the whole list of Arab-Islamic norms and customs which are grounded in the pre-Islamic era, in order to understand how the Qur'an transformed and reinvented ethical and religious concepts of the pre-Islamic era, it will be necessary to provide some background about life on the Arabian Peninsula before Islam.

**LIFE ON THE ARABIAN PENINSULA**

Much of the history of the Arabs is tied to the cruel landscapes of the Peninsula.¹ The north-west region, modern day Saudi Arabia, is dominated by the vast Syrian Desert, spotted with numerous, though often widely separated oases, and cut off from the Red Sea by the rocky mountains of the Hijaz.² In the center lies the Najd plateau, with its relatively numerous springs. To the south lies the *Rub’ al-Khali*, or Empty Quarter, a 250,000 square mile swath of uninterrupted sand. While the coastal areas along the

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southern and eastern edges of the peninsula—the Hadramaut—provide some arable land thanks to seasonal rainfall, the only truly verdant region is in the southwest tip of Yemen. The frankincense and myrrh trees here are in sharp contrast to the date palms further north. The intransigency of nature inland is mirrored by the coral reefs and shoals of the seas that surround the peninsula and whose only real port was at Aden. In summer, temperatures on the peninsula reach as high as 130°F with oppressive humidity on the coasts and bitterly cold nights inland. Sandstorms are common and the peninsula lies on a major geological fault line.

This peculiar, and mostly hostile, geography led to the emergence of three distinct, though not unrelated, modes of social and political life on the peninsula in the centuries before Islam. In the south there were several urban-agrarian kingdoms including those of the Sabaeans and the Himyarites; Christianity was imported here from Ethiopia and Syrian in the fourth and fifth centuries CE.3 In the north and along the western coast, were several independent towns—though often loosely tied to the Byzantine, Roman or Persian empires—such as Yathrib (later Medina), a predominantly Jewish community; Mecca; and Ta’if. Here, former Bedouin established sedentary lives as merchants, benefiting, though perhaps indirectly, from the North-South spice routes.4

3 Shahid. 13; Hitti. 60-61.
Further inland lived the nomadic and semi-sedentary tribal Bedouin who cultivated date palms, grazed sheep on the Najd plateau, and bred camels and ultimately horses. It is this latter group that has come to serve as the stereotype for the Arab, in their long, flowing garments (*thawb*) and headscarves (*kufiyyah*). This stereotype is not without some merit as Bedouin culture and norms were dominant on the Peninsula even in the merchant towns, and Arabic was the language of the Bedouin; and while other modes of life existed, ethnographically speaking, “Arabs” are the descendents of these Bedouin.⁵

Though Arabic developed as a written language relatively late (possibly as late as the fourth century ce), and the Bedouin rarely employed written texts, there is a considerable amount of detail known about Bedouin life in the centuries before Islam.⁶ The most notable and reliable sources for this information are the Qur’an, and the orally transmitted poetry of the tribal bards.

Poetry was the dominant literary form on the peninsula both before and after the proclamation of Islam, and bards were among the most exalted members of the tribe. “Typical Semites,” as Philip K. Hitti puts it, with his normal exuberant though orientalist flare, “their artistic nature found expression through one medium: speech ... Eloquence ... together with archery and horsemanship were considered in the pre-Islamic period the
three basic attributes of ‘the perfect man (al-Kamil).’ However poetry was not merely art, it also served as a means to glorify the tribe and was often practiced competitively, either as tribes crossed paths or at a yearly religious festival. Indeed, the seven greatest odes of the pre-Islamic era, the Mu’allaqat (“suspended ones”), were thus called as they were reputedly deemed worthy of being suspended in gold lettering from the walls of the Ka’bah, a major center of Bedouin religious life (to which I shall return).

From these sources, archaeological records, and, when used with caution, early Islamic historical work, it is possible to speak with some certainty and detail about the lives of the Bedouin. While this subject is vast and engrossing, in this limited space all I can provide are brief sketches of the religious and the ethical aspects that have a direct bearing on the Quranic construction of justice.

**THE ETHICAL WORLD OF PRE-ISLAMIC ARABIA**

Monotheistic religions were not unknown on the Arabian Peninsula prior to the proclamation of Islam in 612 CE—not only Judaism, Christianity and Zoroastrianism, but also an indigenous monotheistic sect, the Hanifs.* However, such religious ideas had made little headway among the Arabs.

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7 Hitti. 90-91.

* There is much controversy about the meaning of this term and whether it was an extant religious sect or merely a Quranic designation for a believer before the revelation. Among those named as Hanifs in the Qur’an are Ibrahim (Abraham), Ishmael, and Muhammad. Uri Rubin, "An Enquiry into the Arabian Pre-Islamic Background of the Din Ibrahim," in *The Arabs and Arabia on the Eve of Islam*, ed. F. E. Peters (Brookfield: Ashgate, 1998). 268ff.
Rather, the Arabs, including those sedentary, merchant Arabs who lived in such places as Mecca practiced an animist religion, maintained more out of “tribal inertia” than “spiritual impulse.” This is not to imply that religion did not have a real impact on the lives of Arabs before Islam, but rather that religion served a primarily instrumental purpose. This view is corroborated by Quranic passages dealing with the Arabs of “Jahiliyah:”

Now, if they [the pagan Arabs] embark on a boat, they call on God [Allah], making their devotion sincerely (and exclusively) to Him, but when He has delivered them safely to (dry) land, behold, they give a share (yushurktuna) (of their worship to others)! (29:65).

This allegory of the embattled boat delivered safely to land is again repeated in sura 31, where these non-believers are referred to as kafirun (31:31-32).

Arab religious belief consisted of the worship of various astral bodies and the belief that natural earthly objects were imbued with living spirits that could be either co-opted for personal or tribal gain or would need to be appeased. There existed no “sympathetic relation” between the Bedouin and these spirits and the religion entailed no “philosophic vision of the universe.”

To the extent that humans interacted with spiritual figures it was in the form of jinn (spirits, and the antecedent of “genies”) or ghouls (demons that were mostly hostile and inhabited spiritual objects, possessed human bodies, and tempted unsuspecting individuals out into the desert to die). Magical spells and incantations were used to ward off these spirits but were practiced only

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8 Hitti. 96.
9 Lapidus. 15; Hitti. 6-7
when Bedouin were faced with specific hardships.\(^\text{10}\) There also existed in at least some tribes a hierarchy of gods in which Allah (or some variation thereof) was the patriarch with his three (astral) daughters, who were almost accepted as Islamic deities in the Qur’an in the notorious “satanic verses.”\(^\text{11}\)

The dominant form of “cultic” or regular worship was associated with specific locations (trees, stones, etc.) that had special importance for individual Bedouin tribes. One of the most important such location was the stone at Mecca, housed in the haram (later the Ka’bah) along with various tribal-specific idols. Here, the disparate tribes would gather to practice religious rites, but also to trade and to compete in poetry and other skills. The importance of these practices in laying the groundwork for the emergence of Islam should not be underestimated:

The annual trade and religious fairs at Mecca and other places of pilgrimage brought the numerous families and tribes of the peninsula together, focused the worship of tribal people upon common cults, allowed them to observe each other’s mores, and standardized the language and customs by which they dealt with each other. Awareness of common religious beliefs and lifestyles, recognition of aristocratic tribes and families, agreed institutions regulating pasturage, warfare, commerce, alliance and arbitration procedures, a poetic koine used by reciters of poems throughout Arabia—marked the development of a collective identity transcending the individual clan.\(^\text{12}\)

The obvious religious milieu of this norm-formation does not mean, however, that these norms were religious in nature or justification.


\(^{11}\) Hitti. 98-99.

\(^{12}\) Lapidus. 16.
Unlike the Abrahamic religions or Zoroastrianism, the religion of the Arabs lacked a “universal significance” which could underwrite a set of ethical norms, let alone a unified spiritual text that could communicate such imperatives.\textsuperscript{13} Perhaps most importantly, however, was the fact that the Bedouin disavowed any notion of an afterlife or ultimate judgment:

But they wonder that there has come to them a Warner from among themselves. So the Unbelievers say: “This is a wonderful thing! What! When we die and become dust, (shall we live again?) That is a (sort of) return far (from our understanding).” (50:2-3)

Any ethical concerns were based not in higher moral authorities or threats of punishment after death, but in the immediate demands of the tribe and of necessity. Here we begin to see the almost complete decoupling of religion and ethics that characterized the Arab social structure before Islam. Indeed, we can trace pre-Islamic ethics to the most earthly source of all, the physical characteristics—and specifically the harshness of the terrain—of the Arabian Peninsula.\textsuperscript{14}

While tribal structures are routinely observed in pre-industrial societies, the vast, inhospitable deserts of central Arabia acted as an impediment to any cultural shift towards individualism even after the emergence of a merchant-caravanning economy on the peninsula. No individual is capable of surviving alone in the desert for more than a few days, and while \textit{su'luk} (“outlaws” or “vagabonds”) did rank among the most celebrated men in pre-Islamic literature, as a rule to turn a wandering

\textsuperscript{13} Ibid. 15.  
\textsuperscript{14} Shahid. 3.
stranger away in the desert was to ensure their death. It is this brutal fact of life on the peninsula that elevated hospitality and generosity to the level of “noble” virtues (murū‘ah: manliness; ‘irf: generosity, nobility).

The famous story of Hatim al-Ta‘i (d. c. 605 ce) nicely summarizes this concept. According to the story, while out tending his father’s camels—the most precious resource for the nomadic Bedouin—he once slaughtered three of the animals for a group of passing strangers. While his father cast him out of their home, his reward has been centuries of adulation.

On the other hand, tribal structures also placed a premium on kinship and closed social groupings that resulted in heightened sense of pride and a fierce competitive edge, creating what M. M. Bravmann refers to as the “heroic motive” in pre-Islamic society. Such traits were expressed not only through basic forms of combat, but also through practices such as the ghazwa (a practice of camel or cattle raiding which, though sometimes bloody, was primarily for sport), and blood feuds. The character traits which best-expressed excellence in these tribal practices were similarly elevated to the level of “nobility.”

These seemingly competing ethical tropes of generosity and hospitality and prideful courage in fact mediated each other into the single adulation

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15 Hitti. 25.
16 Bravmann, whose work on value terms in pre-Islamic Arabia should not be undervalued, and others translate this term with the unfortunate expression virtus. While perhaps the underlying concept is fitting, the strong etymological ties to the Roman Empire and the Italian Renaissance undermine its effectiveness as a translation.
17 Hitti. 95.
19 Hitti. 25.
murū’ah, already noted above. Thus generosity of the noblest order extended to the level of competitive prodigality, while violent interactions could result in a mutual recognition of nobility and the exchange of hospitality between former foes. Indeed, in pre-Islamic poetry the *fakhr* (boast), which is often found in the climactic verses of the poem, is usually centered on such stories. That these poems were themselves an important means of competition should not come as a surprise.

One of the most enjoyable, if somewhat vulgar, *fakhr* of the pre-Islamic period comes from the great poet Labid ibn Rabi’ah (who would eventually convert to Islam). In what is reputedly his first “poetic conquest,” Labid hurls the following verses at an enemy of his clan who is eating breakfast with the Lakhmid king from whom his clan sought a favor:

Is my head to be shaved for battle every day?  
Many a battle day is better  
Than a day of ease.  
We, the four sons of Umm al-Banin  
Are Cutting Swords  
And dishes deep and full.  
We are the best of the ‘Amir ibn Sa’sa’ah,  
The strikers of skulls  
Right through their helmets  
The feeders with the brimming bowl.  
Go easy!—May you avert all evil!—  
Don’t eat with him!  
His ass is blotched with leprosy,  
And he sticks  
His finger up it  
All the way to the knuckle,  
As if he’s trying to find  
Something he lost.20

In the second hemistich, we see precisely the blending of a militant courage (“cutting sword”) and generosity (“dishes deep and full”) that characterizes murū’ah. However in Labid’s mu’allaqah, his boasts of generosity tends more to the prodigal, exclaiming that he does not back away from buying wine at a high price to entertain guests.  

And while these fakhr are useful in constructing a more definite meaning for muru’ah, their tone of prideful chest-beating compromises our ability to read them as constructions of an ethical framework.

Fortunately, such adulations as are found in fakhr are not exclusively reserved for this literary form. Indeed they reach an even higher pitch in the lamentation poem for the death of Kulayb written by the poet Muhalhil ibn Rabī’ah. The poet recounts the wails of the mourning women of the tribe who bemoan,

‘Who will help the indigent
    When they cry out? Who will stain
    the tips of supple spears with blood?
‘Who will cast lots of the slaughter camel
    when the morning wind cuts through
    the knotted ropes?
‘Who will come forward first with blood monies
    and gather them? and who will succor us
    when calamities afflict us?

The poet then reverses voice employing an imperative form commanding the mourners to:

Weep for the orphans now struck by drought,
    weep for the protected neighbor

21 Ibid. p. 15.
now betrayed.22

This lamentation is especially important in that it provides a concrete list of seven actions characteristic of nobility: helping the needy, fighting in battle, performing ritual sacrifice, raising of bloodwite (explained below), providing relief in times of hardship, providing for orphans, and protecting allies.

The generosity described by Muhalhil, is in an important way different from that described by Labid. While the verses cited from Labid’s fakhr describe a kind of indifferent generosity driven not by need on the part of a recipient but rather by the capability of the provider to be generous, the generosity described in Muhalhil’s poem (and echoed in later verses of Labid’s mu’allaqah not here presented) is driven specifically by the vulnerability of the recipients and targeted especially at indigent women and orphans. The singling out of these two groups should be read not merely as a statement about who was most likely to be in need in the pre-Islamic period but rather as the result of a confluence of social forces. Orphans and poor women were the members of the tribe least likely to have a powerful ally or protector capable of ensuring they would not be cut off from their clan in the times of greatest hardship. Intercession on behalf of orphans and poor women in the form of charity then is not simply about helping the person in need, but rather about maintaining that person’s position, or at least ensuring their continued

22 Ibid. 212-213.
inclusion, in the clan’s social structure. This pastoral act of leading those on their way out of the clan back into the fold—an idea which is echoed in the Qur’an under the heading of ‘adl—is qualitatively different from such acts of generosity as described in the fakhr cited above and is closely intertwined with the category of tribal solidarity.

Similar to this intertwining of generosity and tribal solidarity, the importance of casting lots in choosing a camel for slaughter represents the intertwining of generosity and quasi-religious adherence. In both Muhalhil’s and Labid’s mu’allaqah we see the willingness to put one’s she-camel up for sacrifice represented as an important trait of nobility. The necessarily ritual nature of sacrifice coupled with the drawing of lots to determine whose camel should be slaughtered—a form of divination—gives the practice its religious context; however such sacrifices are not in themselves religious in the sense of being devotional. Rather, the practice is in keeping with the ideal of prodigal generosity. The sacrifice of one’s riding camel would have been potentially disastrous for a nomadic Arab and represents a mild form of the “defiance of death” which Bravmann understands as the pre-Islamic meaning of the term islam (“surrender”).

The camel, having been sacrificed, would then be distributed among the members of the clan in a feast. In this way, the man who offers up his camel feeds his tribe with his primary means of survival. The camel slaughter represents a total giving over of oneself to the group and, as a poetic trope,
represents a final right of passage summing up the “liminal journey” of the poet.\textsuperscript{25} Finally, as is the case with the poet Imru’ al-Qays, the slaughter of the she-camel can be in expiation for wrongs done—in this case, violation of sexual mores—to those with whom the meat is shared.\textsuperscript{26} Such expiation is not based on the notion of rendering what is due, but rather with the restoration of nobility through the surrender of the poet’s most basic resource. The camel comes to serve as a replacement for the right of blood vengeance (\textit{ta’r}). Thus we see that any quasi-religious motive behind the camel slaughter is fully subsumed by the pastoral imperative and the idea of generosity.

The final key piece to constructing an outline of the ethical framework presented broadly in the lamentation of Muhalhil is the role of blood vengeance and bloodwite. The importance of the \textit{lex talionis} in pre-industrial societies is well documented in anthropological literature.\textsuperscript{27} Among the tribes of central Arabia, “intergroup restraint” was ensured by the system of “retaliatory blood feud: an injury by an outsider to any member of a group was regarded as committed against the whole group by the whole group to which the outsider belonged.”\textsuperscript{28} Under this system, there existed little room for individual accountability, and, so long as the tribes were willing to protect their respective parties, ample room for rapid escalation. However, blood

\footnotesize
\begin{itemize}
  \item Slavtchevich, 262.
  \item Ibid. 262-264.
  \item Hodgson, 149.
\end{itemize}
feuds could be avoided through the exercise of bloodwite, the exchange of cattle for blood.

The centrality of blood vengeance in the social and political life of the Arabs in pre-Islamic Arabia is expressed not only by the ethical constructs to which it gives rise, which are discussed below, but also in the quasi-religious, ritual nature of its execution. As Henri Lammens notes, in renouncing not only wine but also washing and perfumes as part of an oath of vengeance, the Arab placed blood vengeance squarely in the realm of religious ritual.29 Lammens goes on to assert that in the requirement that the blood drawn in vengeance be of an equal quality or purity of the one slain, blood vengeance “became ... in a way, a sacrifice, a ritual act.”30 Here, as Stetkevych points out, Joseph Chelhod concurs with Lammens, describing blood vengeance as “one of the duties of filial piety, a manifestation of the funerary cult.... This obligation impelled the Arab to procure for the names of the dead this last satisfaction, to give him to drink the blood of his enemy.... One cannot help but see in the victim put to death to satisfy the dictates of blood vengeance a true human sacrifice due to the names of the deceased.”31 This elevation of the blood feud to a religious level endows the virtues surrounding both blood vengeance and bloodwite with a heightened ethical import. However, beyond the quasi-religious adherence expressed in the blood feud, the two virtues that stand out as especially important are the seemingly diametrically opposed

30 Ibid. Translation mine.
31 Quoted in Stetkevych. 57
virtues of courage in executing blood vengeance and success in mediating blood feuds with bloodwite.

This “duty of filial piety,” beyond having a religious aspect, was closely bound up with conceptions of Arab honor, posing serious impediments to negotiating bloodwite, especially when the person slain was of political or familial importance. In a short invective (ḥija’) by Umm ‘Amr bint Waqdah, the poet slings insults against the men of her clan who have accepted bloodwite saying,

If you will not seek vengeance for your brother,
Take off your weapons
And fling them on the flinty ground.
Take up the eye pencil, don the camisole,
Dress yourselves in women’s bodies!
What wretched kin you are to a kinsman oppressed!
You have been diverted from avenging your brother
By a bite of minced meat,
A lick of meager milk

The throwing down of weapons called for in the opening hemistich should be read as calling in to question of the courage of the men of the tribe. Indeed in the final lines of the poem, the poet implies that the men would rather sit and eat than fight. However it is the second hemistich that is most damning. The poet’s emasculating lines are aimed precisely at the Arab notion of murū‘ah, which, though translated as honor, has the equally valid meaning of “manliness” (indeed that these two concepts are expressed in a single word indicates the gendering of this ethical construct).

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32 Ibid. P. 196.
The ethical importance of the faithful performance of blood vengeance is confirmed in the *Ritha’* (elegy) of Ta’abbat Sharram.\textsuperscript{33} The opening verses:

On the mountain path that lies below Sal’
   lies a slain man whose blood
   will not go unavenged.
He left the burden to me and departed;
   I have assumed that burden
   for him.
Bent on vengeance am I, his sister’s son,
   a steadfast warrior,
   his knot not to be loosed.

confirm first the implicit claim in Chelhod, made explicitly by Stetkevych that vengeance was a form of inheritance that also ensured the material inheritance. Furthermore, we find in the second hemistich the proclamation of courage on the part of the poet who goes on to tell in the *fakhr* of the extent and violence of the vengeance “wreaked” upon the offending tribes. Finally, having fulfilled his vow, the poet’s ascetic oath is lifted and the sacrificial rite completed:

In me Hudhayl have been burned by a bountiful man
   who does not weary of evil
   till they weary,
Who gives his lance a first draught,
   then, when it has drunk,
   a second.
Lawful is wine now that once was forbidden;
   by great effort it came
   to be lawful.
So give me a drink, O Sawad ibn ‘Amr,
   for my body, after my uncle’s death,
   has wasted away.\textsuperscript{34}

\textsuperscript{33} Although the provenance of this poem is controversial, and it is often viewed as a forgery from the very early Islamic period, its relevance as an exemplar of the “literary milieu” justifies its use. Ibid. 57-58
\textsuperscript{34} Ibid. p. 58-60.
Here, the drinking of wine as restoring the poet continues the drinking metaphor established as his sword and lance “drink” the blood of his foes. Thus the blood of the sacrificed, like the poet’s wine, is an elixir of rejuvenation and nourishment for the poet’s tribe.

While honor is closely bound up with courage in executing blood vengeance on the part of the offended clan, from the standpoint of the clan from which vengeance is sought, there is a clear value in the successful negotiation of bloodwite. While this virtue was listed in the poem of Muhalhil, it is not widely discussed in the poetry because of its rather inglorious nature. Bloodwite, normally 100 camels, would traditionally only be accepted when the blood feud was between clans within a single tribe. Because the literature of the pre-Islamic era is dominated by and often written with the express intent of bolstering a sense of tribal pride and stature, it would have been unlikely for a poet to air out his tribe’s dirty laundry as it were. However to explain away the lack of documentation and to still maintain the claim that successful negotiation of bloodwite was considered an ethical virtue is unsatisfactory. Certainly, to the extent that it is a virtue, it cannot be held on the same level as courage in executing vengeance. The reasons for this are found in the invective poem by Umm ‘Amr, cited above and expressed eloquently in Stetkevych’s analysis of the final lines in which the poet speaks of the “minced meat” and “meager milk” which has been accepted as bloodwite:

Her contempt for meat and milk must also be understood in its ritual context. The institution of blood vengeance is based on the principle of the revitalization of the kin through the blood of vengeance. Meat and milk, apparent and more palpable sources of nourishment, are ultimately of little or less value. The immediate gratification of food in the end will not guarantee the survival of the kin group, which depends, above all else, on its prowess in battle, its ability to establish a reputation for avenging its kin so that its blood will not be shed with impunity.

So, while the individuals may have made a perfectly rational choice in accepting bloodwite that is capable of materially nourishing them, it was also a profoundly unethical decision in that it placed the safety and security of the entire tribe in jeopardy for the sake of a few individuals.

It is precisely this concern with the wellbeing of the tribe that not only supersedes, but also underwrites the entire ethical framework of the pre-Islamic era. In the discussion of generosity as a pre-Islamic virtue, the key emphasis was placed not simply on helping individuals, but targeting such generosity at the most marginalized members of the tribe: orphans and indigent women. In this context, generosity was clearly bound up with maintaining the tribe intact. Similarly, the performance of the quasi-religious sacrifice of the she-camel, while perhaps nominally a submission to an external divinity, was in fact an act of submission to the group. That this tribal devotion reaches its highest expression in the blood feud is not surprising, however the degree to which blood vengeance was both ritualized and imbued with a quasi-religious meaning can only be understood as stemming from the ethical *sine qua non* of pre-Islamic Arabia, the tribe.

However the very nature of the tribe was at this very moment being called into
question by the social transformations taking place at the urban centers of Arabia.

**THE PECULIARITIES OF LIFE AT MECCA**

It is difficult, after such a long explication of the ethical structures of pre-Islamic Arabia, which supposedly are the material from which the Qur'an would construct its own set of ethico-religious norms, to admit that there may be one very large caveat. While the story told so far focused on the norms of the desert Bedouin, Islam was born in the semi-urban milieu of Mecca, and flourished first in the settled centers of the Hijaz. While this might call into question the validity of pre-figuring Quranic ethics in the virtues of the pre-Islamic era, the Meccan merchant economy was not a site of entirely new ethical norms as much as it was a troubling of the still widely felt ethical imperatives of the desert Bedouin.

While Mecca was likely settled as late as the early-fifth century ce, by 570 (the “Year of the Elephant” and the popularly believed year of the Prophet’s birth) Mecca had grown to be sufficiently important in the power dynamics of the peninsula that the Abyssinians besieged the city with an army that included at least one war elephant—hence the epithet (105:1-5). As Crone has pointed out, the place of Mecca as a “center of trade” on the peninsula has become so widely accepted as to be self-evident in Middle East scholarship.36

36 Crone. 3.
Indeed, though the reasons for and nature of this trade are up for debate, Mecca’s importance as an economic and spiritual center are fundamental to understanding the birth of Islam which took place there.

As has been noted earlier, Mecca was home to the haram (spiritual sanctuary) known as the Ka’ba. Until the clans of the Quraysh settled the relatively barren valley at Mecca, the Ka’ba was of only minor importance as a site of pilgrimage in the religious life of the Arabian Peninsula. The Quraysh, who recognized that the success of their burgeoning caravan trade and market fairs depended on a widely held spiritual respect for the ethical injunction against the spilling of blood in the area around Mecca, actively sought to house the idols of central Arabian tribes and clans within the Ka’ba. With the Ka’ba’s newfound—or in the Quranic tradition, rediscovered—religious importance, Mecca’s economic position as a center of Arabian trade was firmly cemented.

As the importance of the four yearly market fairs and sacred truce months that accompanied these events grew, the cultural and social aspects of these events, as Lapidus has remarked, came to occupy a central role in the construction of Arab identity. The pinnacle of this phenomenon was the poetic competitions that yielded the so-called mu’allaqat. These poems, whose name derives from their being suspended from the Ka’ba in recognition

39 Lapidus.. 15.
of their excellence, were the glorification of the Bedouin ideals which were at the heart of Arab society but which were also undergoing significant changes at Mecca. Indeed, these poems, which were often odes to the glory of the tribe from which the poet descended, were stark reminders of just how extensively this settled merchant community had reshaped the nature of kinship relationships in Arabia. And while the centrality of ‘ird and muru‘ah would remain, the Meccans “would tend to maintain their connection with the masters of the steppe and indulge in a subservience to Bedouin ideals which from genuine participation degenerated to a romanticism with features characteristic of the myth of the ‘noble savage’.”

The institution of relatively intricate systems of credit and partial ownership which emerged in tandem with the growing caravan trade were crucial to creating a new type of social relation among the Arabs at Mecca. While patron-client relationships had existed among the desert Bedouin, this form of long-term alliances between individuals from different kin groups was rare. And although the ta‘r, or law of retaliation, applied to such clients, the acceptance of bloodwite or the severing of ties with an accused client would not be out of the question. However at Mecca, such relationships were elevated to a new level of significance and seriousness. The nature of this transition is well summarized by Eric Wolf:

Credit, pricing, and wages set up relationships between individuals and groups of individuals that were not comprised within the preceding system of kin relationships. Under the impact of

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commercial development, Meccan society changed from a social order determined primarily by kinship and characterized by considerable homogeneity of ethnic origin into a social order in which the fiction of kinship served to mask a developing division of society into classes, possessed of considerable ethnic diversity.”

This “fiction of kinship” was, however, constructed within the existing religious and ethical structures to the greatest extent possible. Such patron-client relationships were sealed with a ritual mixing of blood at the site of Bedouin religious pilgrimage, the Ka’ba, and the duty of ta’r was explicitly extended to such ritual kin.

On the other hand, these new social structures, coupled with the growing centralization of worship, entailed the creation of a new religious system. Chief among the religious innovations at Mecca was the reimagination of the pre-Islamic deity, “Allah,” precisely along the lines of the patron-client relationship. Allah, as the god of non-kinship-based social relations, demanded that people “fulfill their contracts, honor their relatives by oath, and feed their guest.” And in exchange for his worship at the Ka’ba and the upholding of his ethical injunctions, Meccans expected a certain degree of protection from their God.

Despite the sacralization of these non-kin relations, “differentiation of status, minor among the pastoral nomads, assumed major importance in Mecca.” These ritually constructed fictional kin relationships increasingly

41 Wolf, p. 334
42 Ibid. p. 335.
44 Wolf. p. 335
became a mask for exploitative class relationships. The degree to which individuals of low status were disenfranchised within the Meccan system is evidenced by the fact that such Meccans were the bulk of Muhammad’s early converts.45

The ethical implications of these relationships relative to the requirements of murū’ah and the cessation of raiding by the Quraysh, which was so central to Arab honor, indicate the extent to which economic considerations had come to dominate life at Mecca. Yet despite all of this, “the Meccans seem to have offered the only effective Bedouin-based alternative to assimilation to the settled cultures.”46 Unlike the agrarian Arabs who had increasingly organized themselves into strict-hierarchical political structures under the sway of the confessional kingdoms surrounding the peninsula, Mecca maintained itself based on the principles of tribal solidarity, belief in the pagan religious structures of the Bedouin, and a continued admiration of the old ethical structures.47 And it was in this context that Muhammad began to preach Islam.

47 Ibid.
3. THE QURANIC CONSTRUCTIONS OF ‘JUSTICE’

Unlike the major prophets who came before him Muhammad, figures prominently in history not only because of his prophetic revelation but also as a real, historical personage. Perhaps it is because of this that there is a tendency to ignore the fact that little to no evidence exists about Muhammad that is not in some sense religious. Scholars have accepted the Qur’an as a fairly accurate source of information about Muhammad’s life—the argument being that those to whom he was preaching would have been familiar with his personal history, and therefore any fabrications would have been rejected as false—however the other standard sources for information about Muhammad were not written until centuries after his death.¹ In broad outline then, we can say with confidence that Muhammad was orphaned at a young age and raised by his uncle in Mecca; that in his twenties he married a wealthy widow,

Khadijah, for whom he had worked as a successful merchant; and that in the year 612 ce, while meditating in a cave on a hill outside of Mecca, he heard a voice say:

Proclaim (or Read) in the name Of thy Lord and Cherisher, Who created—Created man out of A (mere) clot Of congealed blood: Proclaim! And thy Lord Is Most Bountiful— He Who taught (The use of) the pen— Taught man that which he knew not. (96:1-5)

Claims about the uprightness or excellence of Muhammad’s character, while likely true given his success as a prophet, are ultimately impossible to corroborate. And while greater or more reliable information about the life of Muhammad would certainly be welcome, ultimately it is not the prophet with whom we are concerned, but rather his message. And the success of his message is much more closely tied to the historical context in which it was proclaimed than to the identity of the messenger.

The situation at Mecca in the early seventh century, as has already been noted, was one of emerging, complex social relations, which, though tied to a relatively new and vibrant religious tradition, lacked a fully articulated set of functional norms. Despite the best attempts at modification, pre-Islamic ethics based in Bedouin culture were maladapted to the settled merchant life at Mecca, and especially to the growing class stratification and the competition of loyalties between kinship ties and economic relations. The demise of the tribal system at Mecca was especially problematic, as so much

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of pre-Islamic individual identity had been based in notions of ancestry and tribal belonging.³

At the same time, Central Arabia was increasingly penetrated by exotic and specifically monotheist cultures. Indeed, in the supposed year of the Prophet’s birth, an army was sent to Mecca to destroy the Ka’ba in an attempt to make the Christian church at Sana’a the primary religious, and hence economic, destination in the Western Peninsula.⁴ Certainly the ideas of the Irano-Semitic monotheistic religions had spread sufficiently in the Arabian Peninsula that when Muhammad spoke of Hell, Paradise, one God, and revelation, most Arabs would have understood him.⁵

SOCIAL EQUALITY AND THE APPEAL OF ISLAM

The great innovation of Islam which made it so appealing to the Arabs of the seventh century was not primarily the introduction of an Arab(ic) monotheism—i.e. a monotheism which drew its religious references from pre-Islamic Arab religious life and which asserted itself as a uniquely Arabic revelation—but rather the reimagination of tribal solidarity which would address precisely the problems of pre-Islamic Mecca, and Arabia more broadly. As Toshihiko Izutsu has framed it, “in the social system of Jahiliyah the weak and oppressed, the base-born and slaves had no share at all in the

⁵ Hodgson. 157.
glorious ‘honor’ handed down from generation to generation.”6 Thus, the Qur'an, having in its very first revelation insisted that all of us have come from naught but a clot of blood:

stressed from the very outset the universal grace and goodness of Allah. The awful lord of the Last Day is at the same time the most merciful and the most compassionate God, who makes no distinction at all between rich and poor, the powerful and the uninfluential. In the presence of this God, all men are equal, irrespective of distinctions of rank and lineage. Nay, He even prefers the weak and insignificant to the arrogant aristocrats.7

This notion, that Allah prefers the weak, is reinforced in an early-Meccan Sura, which was revealed after Muhammad turned away a believer of low social standing who sought the Prophet’s guidance. The prophet chose instead to speak with group of important Quraysh.8 God is clear in his rebuke of Muhammad saying:

(The Prophet) frowned and turned away, Because there came to him the blind man (interrupting). But what could tell thee but that perchance he might grow (in spiritual understanding)? Or that he might receive admonition and the teaching might profit him? As to one who regards himself as Self-Sufficient, To him dost thou attend; Though it is no blame to thee if he grow not (in spiritual understanding). But as to him who came to thee striving earnestly, And with fear (in his heart), Of him was thou unmindful. By no means (should it be so)! For it is indeed a message of instruction. (80:1-11)

While it is important to note the elevation of the weak and indigent in the eyes of the Muslim community, what is of more immediate import here is the rejection of the Meccan norms of communal organizations and social

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6 Izutsu. 65.
7 Ibid. 65.
8 Watt. 294.
status and their replacement with a religiously grounded conception of kinship:

The Believers are but a single Brotherhood: So make peace and reconciliation between your two (contending) brothers; and fear Allah, that ye may receive Mercy. (49:10).

In his commentary on the phrase, “single Brotherhood,” Muhammad Yusuf Ali notes, “the enforcement of the Muslim Brotherhood is the greatest social ideal of Islam. On it was based the Prophet’s Sermon at his last pilgrimage, and Islam cannot be completely realized until this ideal is achieved.”

Indeed, Muhammad reiterates the sentiment expressed in the verse above almost exactly in his Farewell Sermon, delivered during his final Hajj in 632 ce, saying:

Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood....
Do not, therefore, do injustice to yourselves. Remember, one day you will appear before God (The Creator) and you will answer for your deeds. So beware, do not stray from the path of righteousness after I am gone.

While the previous Semitic religions had often conceived of themselves as communities, the focus on the idea of a brotherhood of faith in the Qur’an took on a special meaning in the still tribally based society of the Hijaz. The Qur’an demands not only that one take fellow believers as one’s kin, it simultaneously rejects the foundational element of pre-Islamic social structure, warning:

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O ye who believe! Take not for protectors your fathers and your brothers if they love infidelity above Faith: if any of you do so, they do wrong (hu al-ẓalimūn). (9:23)

Thou wilt not find any people who believe in God and the Last Day, loving those who resist God and His Apostle, even though they were their fathers or their sons, or their brothers or their kindred. For such he has written Faith in their hearts and strengthened them with spirit from Himself and He will admit them to Gardens beneath which Rivers flow, to dwell therein (forever). God will be well pleased with them, and they with Him. They are the Party of God. Truly it is the Party of God that will achieve Felicity. (58:22)

The fact that by simply maintaining traditional tribal relationships with one’s kin who were kufr (non-believers) one becomes a ẓalimūn (from the root ẓlm, which should be understood as “injustice”, and which will be discussed in the next chapter), and hence hell-bound, “implies the most radical break with the social pattern of Jahiliyah based on the natural bond of kinship by blood.”

Though Izutsu is right to point out here the radical break with blood-based kinship, the implication that this is a total upheaval of the pre-Islamic social structures is problematic given that the kinship-ties of faith did mirror in important ways these traditional structures.

And this is the fundamental paradox of the birth of Islam, Muhammad insists that “[f]aithfulness to Allah and obedience to His will outweigh loyalty to the clan and to its traditional rules of honor and justice: it is better to break with one’s family than with Allah,” but, “while fighting these traditional norms, Muhammad could not ignore their value and their persistence.”

11 Izutsu. 171.
In fact, it was precisely the leveraging of tribal norms that made Islam a viable alternative. As Izutsu argues, citing Gustave Von Grunebaum, “[i]t is of supreme importance for the right estimation of Muhammad’s religious movement to realize that it was just in such a circumstance [the tribal-based social structure of Jahiliyah] that he declared the definite superiority of religious relationship over the ties of blood.”\textsuperscript{13} Von Grunebaum had argued that, “the most effective factor in attracting adherents to the new faith was its ability to serve as a point of crystallization for a novel sociopolitical unity;” the need for which was the result of the fact that Mecca’s “not inconsiderable economic and social organization had been developed under the shadow of the norms and sanctions of the desert.”\textsuperscript{14} This new unity was the “superseding of tribal affiliation as the only effective identification of the individual by identification with the social body of Islam, which was at the same time more comprehensive in its terms of admission (and therefore potentially more powerful) and superior in its ideological adaptation to actual conditions in the focal points of Arabian life.”\textsuperscript{15} As the Qur'an reminds the new adherents of Islam:

\begin{quote}
O ye who believe! Fear God as He should be feared, and die not except in a state of Islam. And hold fast all together by the Rope which God (stretches out for you), and be not divided among yourselves; and remember with gratitude God’s favor on you; for ye were enemies and He joined your hearts in love, so that by His Grace ye became brethren; and ye were on the brink of the pit of
\end{quote}

\textsuperscript{13} Izutsu. 58
\textsuperscript{15} Ibid.
Fire, and He saved you from it. Thus doth God make his Signs clear to you: that ye may be guided. (3:102-3)

Yet for all this novelty and rupture, Ruben Levy can argue that Muhammad, “made comparatively few changes in the ordinary mode of life of his converts, and although he introduced certain important reforms ... he was content to accept the common moral ideas of his tribe. What they were is comprised in the term muruw‘ah (literally ‘virtue’), to which ‘chivalry’ in many respects corresponds, but which is more fully represented by ‘honour and revenge’.16 Though the argument is seemingly in direct opposition to the claims of Izutsu and von Grunebaum, the fact is that the norms that made the new social structure viable were not created ex nihilo, but were rather the transformation of the pre-Islamic ethical norms which had been implicit and had operated mechanically and which, with the advent of Islam, were made explicit and were represented by the Quranic concept of justice.

**MA’RUF AND ETHICAL CONTINUITY IN THE QUR’AN**

The most effective representation of the nature of the shift from the implicit norms of tribal solidarity to the explicit ethico-religious code of Islam is expressed in the Quranic term ma’rūf (just, right, or good), a participle formed from the root ‘rf, from which words for “knowing” are constructed. The term, which appears numerous times in the Qur’an, expresses as “just”

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that which is familiar, or recognizable, and presumably would have conjured the notion of tribal norms at the time of the Prophet. Indeed Izutsu points us to the verse from the pre-Islamic poet Musafi' al-'Absi (presumably ‘Antarah ibn Shedad al-‘Absi, an author of one of the *mu‘allaqat*, as no other reference to the cited poet exists in the literature), in which the poet presents the fallen Banu ‘Amr tribe as a moral exemplar saying:

> Those were people of both good (*khayr*) [for their friends] and evil (*sharr*) [for their enemies] at the same time, they used to be [the cause] of *ma‘ruf* [for their friends] that befell the latter and of *munkar* [for their enemies].

The pairing of *ma‘ruf* and *munkar*, which is widely found in pre-Islamic poetry, appears repeatedly in the Quran:

> The Believers, men and women, are protectors one of another: they enjoin what is just (*ma‘ruf*), and forbid what is evil (*munkar*): they observe regular prayers, practice regular charity, and obey God and His Messenger. On them will God pour His mercy: for God is Exalted in power, Wise. (9:71)

> Let there arise out of you a band of people inviting to all that is good (*khayr*), enjoining what is right (*ma‘ruf*), and forbidding what is wrong (*munkar*): they are the ones to attain felicity. (3:104)

> (They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin The right (*ma‘ruf*) and forbid wrong (*munkar*): with God rests the end (And decision) of (all) affairs. (22:40)

The importance of the ethical construction, “commanding what is *ma‘ruf* and forbidding what is *munkar*,” cannot be underestimated as it precisely expresses the ethical structure of Islam and its deep roots in pre-

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17 Quoted in Izutsu. 213-4
18 See Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (New York: Cambridge University Press, 2000). 566-9, for a discussion of these terms’ appearance in pre-Islamic poetry and some examples.
Islamic Arabia. This is true not merely in the affirmative sense of what is right being equated with that which is known, but also in the negative sense of *munkar* which means literally “unfamiliar, strange, unrecognized” and, along with other terms, stands for the notion of evil or wrong in the Qur’an. It is thus easy to assert that these terms, as Levy argues, represent the “adopt[ion of] the tribal terminology for good and evil” by the Qur’an and are perhaps the strongest evidence for an ethical continuity with the pre-Islamic period.

However the use of this rhetorical construction of “commanding what is *ma’rūf* and forbidding what is *munkar*,” which the Qur’an so often deploys, to refer to broad notions of right and wrong is an entirely new invention of the Qur’an. No examples of this type have survived in the corpus of pre-Islamic literature, nor has Cook been able to identify either “commanding what is *ma’rūf*” or “forbidding what is *munkar*” expressed as individual values prior to the Qur’an. Cook does, however locate the notion of forbidding wrong as a communal responsibility established in Mecca in the *ḥilf al-fūdāl*, an alliance of Qurayshi clans who swore an oath to ensure the righting of wrongs, and specifically to ensure payment of debts. The alliance, likely made around 590 (“when Muhammad was in his twenties,” according to the traditions), was created when a member of the Quraysh cheated a trader from Yemen—at the time, a place with which the Meccans were actively seeking to expand their

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19 Izutsu. 213
21 Levy. 194
22 Cook. 565, 568
23 Ibid. 565.
The alliance was sealed with a ritual washing of the Black Stone of the Ka’ba with each group drinking the rinse-water, and swearing to be “like a single hand with the oppressed and against the oppressor,” to have justice done to all victims whatever their situation and to afford mutual aid and assistance.” Cook gives a slightly different version of the oath as, “if anyone is wronged in Mecca, we will all take his part against the wrongdoer until we recover what is due to him from the one who has wronged him, whether he is noble or humble, one of us or no,” with the words for wrong derived from the root ẓlm. The only account of this story that employs munkar is almost certainly apocryphal.

While the Qur’an uses ma’ruf to express good in its broadest, “thin” sense, it also represents, along with its cousin ‘urf, the more strictly defined and “thicker” concept of “customary,” especially with regards to interactions between men and women and family law:

When ye divorce women and they fulfil the term of their (‘iddat), either take them back on equitable terms (bil-ma’rūf) or set them free on equitable terms (bil-ma’rūf); but don’t take them back to injure them (or) to undue advantage; if any one does that he wrongs his self (ẓalama nafusahu).... (2:231)

The mothers shall give suck to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms (bil-ma’rūf). No soul shall have a burden laid on it greater than it can bear.... If ye decide on a foster—mother for your offspring, there is no blame on you, provided ye pay (the mother) what ye offered, on equitable terms

26 Cook. 565-6
But fear God and know that God sees well what ye do. (2:233)

...(hear The command), ‘Show gratitude to Me and to thy parents: to Me is (thy final) Goal. But if they strive to make thee join in worship with Me (shirk) things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice (bil-ma’ruf)...’ (31:14-15)

While Yusuf Ali’s tendency is to translate ma’ruf in these passages with terms such as just or equitable, a more fitting contextual translation would be “in a manner that is proper” or “as is the custom.”

While this usage seems to solidify a semantically grounded argument for a Quranic continuity with pre-Islamic ethical norms, the example that Izutsu takes as his paradigm for the Quranic usage of the term, may in fact trouble this assertion. In a verse addressed to the wives of the Prophet, the Qur’an enjoins:

O consorts of the Prophet! Ye are not like any of the (other) women: if ye do fear (God), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech (which is) just (ma’ruf). (33:32)

And while this would seemingly corroborate the notion of an equivalency between ma’ruf and customary, the very next verse goes on to warn:

And stay quietly in your houses, and make not a dazzling display, like that of the former Times of Ignorance (Jahiliyah): and establish regular Prayer, and give regular Charity; and obey God and His Apostle. And God only wishes to remove all abomination from you, ye Members of the Family, and to make you pure and spotless. (33:33)

This discordance between ma’rūf understood as custom and the negative portrayal of the customary way of life allows us see that ma’rūf is

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Izutsu. 214
more than a marker of ethical continuity. Traditionally, the “known” to which 
*ma’rūf* refers is a way of thinking that establishes right and wrong based on 
communally held norms. But the Quranic deployment of *ma’ruf* imbues what 
had been unselfconsciously felt as just or right by the community prior to the 
proclamation of Islam with an ethico-religious relevance and an ultimate 
meaning.

However, it is too facile an analysis of the Quranic ethical code to 
claim, as some scholars have done in the vein of Hodgson that “the specific 
moral ideals were in no case unprecedented and rarely departed from moral 
norms upheld, in principle, in the older Bedouin society. (The Qur’an made 
no attempt to lay down a comprehensive moral system; the very word for 
moral behaviour, *al-ma’ruf*, means ‘the known’.) What was new was the 
conception of the place of these norms in a man’s life.”

Perhaps Hodgson is 
right that, to an extent, the Quranic use of *ma’rūf* is a means to preserve some 
of the ethical structure of pre-Islamic Arabia and to smooth the radical 
transformation that Islam demanded from its new adherents. However the 
claim that the there exists no “comprehensive moral system” in the Qur’an is 
simply untenable. The analytical problem to which Hodgson refers is that, in 
terms of its semantics, the Qur’an lacks a “fully developed system of abstract 
concepts of good and evil,” relying instead on vocabulary of “descriptive or 
indicative words” to construct its ethical code.

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28 Hodgson. 163.
29 Izutsu. 203.
large, there are three roots especially important to constructing a Quranic conception of justice in addition to *ma’rūf*: ‘*dl*, *qṣt*, and ħsn.

Though these ethical terms are not merely the monotheistic rebranding of the status quo, in some ways, it is only possible to understand the moral code of the Qur’an in reference to “a restoration of some of the old Arab ideals and nomadic virtues which had degenerated in the hands of the wealthy merchants of Mecca before the rise of this religion.” 30 Many of the ethical ideals which had characterized pre-Islamic Arabia, which were explicated in the previous chapter, are fundamental to the Quranic construction of justice precisely because those virtues were the result of the ethical primacy of tribal solidarity; however in the Qur’an these ideals underwent significant modification and adaptation to the changing nature of the community. And while the proclamation of Islam sought to eradicate these old tribal ties, tribal solidarity was not destroyed, but rather transformed into a “brotherhood of faith.”

**THE QUR’ANIC TRANSFORMATION OF GENEROSITY**

As I argued previously, generosity in the pre-Islamic era had served not only as a means of making conspicuous one’s prodigality, as a sign of nobility but was also a way of maintaining the integrity of the tribe by supporting its vulnerable members. The Qur’an, seizing on this practice, made almsgiving

30 Ibid. 74
(zakat) a central aspect of faith as “a new outlet for the old instinct of generosity that was deeply rooted in the Arab soul, but it was so calculated, at the same time, as to work as a powerful regulator of its excessive energy.” In numerous Quranic passages, charity is made a central element of true belief, which is also to say, true belonging to the new community:

The Believers, men and women, are protectors one of another: they enjoin what is just (ma’ruf), and forbid what is evil (munkar): they observe regular prayers, practice regular charity, and obey God and His Messenger. On them will God pour His mercy: for God is Exalted in power, Wise. (9:71)

Believe in God and His messenger, and spend (in charity) out of the (substance) whereof He has made you heirs. For, those of you who believe and spend (in charity), for them is a great Reward. (57:7)

However such charity cannot resemble the wasteful and extravagant generosity of the pre-Islamic era, indeed such prodigality undermines its ethical value entirely:

O ye who believe! cancel not your charity [in the eyes of God] by reminders of your generosity or by injury, like those who spend their substance to be seen of men, but believe neither in God nor in the Last Day. They are in parable like a hard, barren rock, on which is a little soil: on it falls heavy rain, which leaves it a bare stone. They will be able to do nothing with aught they have earned. And God guideth not those who reject faith. (2:264)

In all of these passages we see charity and true faith being aligned, which is fundamental to the Quranic message that belief is not belief without the outward practice of good deeds:

And they have been commanded no more than this: To worship God, offering Him sincere devotion, being true (in faith); to

31 Ibid. 78
establish regular prayer; and to practise regular charity; and that is the Religion Right and Straight. (98:5)

Thus, with the introduction of “alms,” the Qur’an elevates the idea of generosity from its pre-Islamic context as an act of manliness (murū’ah) to an explicitly stated ethico-religious norm, both grounded in and oriented towards the two poles of communal solidarity and divine judgment.

As in pre-Islamic Arabia, the Qur’an placed special value on charity towards those individuals on the periphery of the community who are most likely to be separated from the flock in an adverse shock. As in the poetry of Chapter 2, the Qur’an singles out orphans and the indigent and adds to this list slaves and the recently converted, while also maintaining the pre-Islamic tradition of hospitality to strangers:

Alms are for the poor and the needy, and those employed to administer these (funds); for those whose hearts have been (recently) reconciled (to Truth): for those in bondage and in debt; in the cause of God; and for the wayfarer: (thus is it) ordained by God, and God is full of knowledge and wisdom. (9:60)

And [the righteous] feed, for the love of God, the indigent, the orphan, and the captive, (Saying) “We feed you for the sake of God alone: no reward do we desire from you, nor thanks. We only fear a Day of distressful Wrath from the side of our Lord. (76:8-10)

The Qur’an even deploys the uniquely economic rhetoric of credit and debt, recalling the patron-client conception of Allah from the pre-Islamic Meccan religious milieu, in order to make clear the eschatological implications of charity:

For those who give in Charity, men and women, and loan to God a Beautiful Loan, it shall be increased manifold (to their credit), and they shall have (besides) a liberal reward. (57:18)
While in this passage there is a clear correlation between the ethical injunction towards generosity and the maintenance and expansion of the community, it would be wrong to assume that the Qur'an locates the justification for generosity in this semi-tribal consciousness, or even in pre-Islamic tradition. All that is ethical in Islam is ethical only because God has ordained it so and all actions are justified not by their use in this world but in their value on the Day of Judgment. The Islamic moral code is inseparable from the Islamic eschatology, as is made clear repeatedly in these verses.

Indeed, as was noted above with the Quranic verse 2:264, the performance of charity in the vein of the pre-Islamic virtue of prodigal generosity cancels its own value on the scales of Judgment.

Though we see in the Qur'an the same ethical mechanisms of generosity, interpersonal-dependency, and pastoral tendencies that had defined the pre-Islamic tribal system, the newly constructed religious grounding for these was more than just a recasting of the pre-Islamic way of life. The ethical norms on which this life had been based, murū‘ah and ‘ird, were both expressions of a kind of vainglory and had been maintained out of a “tribal inertia”. And while the Qur'an might be seen as echoing this in the injunction to “strive as in a race in all virtues,” this race is one whose “goal” is God, not the recognition of ones peers. This ethical reorientation is expressed by the new semantic structure of ethics in the Qur'an that envisions “justice” as the basis for the Quranic ethical framework.

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32 Ibid. 214.
33 (5:48)
**THE NATURE OF DIVINE JUSTICE**

The Quranic conception of absolute justice is ultimately located in God’s judgment on the Last Day, when every person shall be judged for their deeds and rewarded or punished accordingly. The idea of resurrection and God’s judgment was certainly one of the most radical at the time of the proclamation of Islam. Among the pre-Islamic Arabs, death had been conceived of as a kind of permanent “sedentary” state (*muqadim*)—in contradistinction to the nomadic nature of life—and was closely associated with abandonment by one’s companions and ultimately with the corporeal decay into dust. The idea is repeatedly expressed in pre-Islamic poetry, though one example by Ka‘b ibn Malik should suffice:

He (i.e., ‘Utman) became in the evening ‘sedentary’ in the Baqi’ (the cemetery at Medina), and they (i.e. the people who accompanied his dead body to his grave) dispersed already in the next morning, having resolved to hurry on with their wanderings....

The Quranic transformation of death into a temporary state that would be ultimately reversed through the resurrection was met with a significant skepticism to which the Qur’an attests:

That [the Fire of Hell] is their recompense, because they rejected Our Signs, and said, “When we are reduced to bones and broken dust, should we really be raised up (to be) a new Creation?” See they not that God Who created the heavens and the earth, has power to create the like of them (Anew)? Only He has decreed a term appointed of which there is no doubt. But the unjust (*al-ẓalimūn*) refuse (to receive it) except with ingratitude (*kufuran*). (17:98-99).

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35 Quoted in Ibid. 293.
If thou dost marvel (at their want of Faith), strange is their saying: “When we are dust, shall we indeed then be in a creation renewed?” They are those round whose necks will be yokes (of servitude). They will be Companions of the Fire, to dwell therein (for aye)! (13:4-7)

While news of the ultimate judgment is sent down as warning to those who do not believe, the Qur‘an makes clear that just as wrong deeds shall count against you, right deeds shall count for you, and the only basis for judgment shall be God’s scales:

We shall set up scales of justice (qiṣṭ) for the Day of Judgment, so that not a soul will be dealt with unjustly (la tuzulimu) in the least, and if there be (no more than) the weight of a mustard seed, We will bring it (to account): and enough are We to take account. (21:47)

Every soul that hath sinned, if it possessed all that is on earth, would fain give it in ransom: They would declare (their) repentance when they see the penalty: but the judgment between them will be with justice (qiṣṭ), and no wrong will be done unto them (la yuzulamun). (10:54)

Though belief in the resurrection and judgment of the Last Day are here clearly presented as fundamental to true belief in Islam, the idea of justice through ultimate judgment is not purely eschatological. God’s perfect justice on the Day of Judgment is also clearly tied up with the idea of creation, as is expressed in the preceding passages and again here:

And the Filament has He raised high, and He has set up the Balance (of Justice), In order that ye may not transgress (due) balance. So establish weight with justice (bil-qiṣṭ) and fall not short in the balance. It is He who has spread out the earth for (His) creatures ... [and He has provided sustenance] ... He created man from sounding clay like unto pottery. (55:7-14)

To Him will be your return—of all of you. The promise of God is true and sure. It is He Who beginneth the process of creation, and repeateth it, that He may reward with justice (bil-qiṣṭ) those who believe and work righteousness; but those who reject Him will have
draughts of boiling fluids, and a penalty grievous, because they did reject Him. (10:4)

That justice is thus not exclusively a characteristic of the End Times, but rather is inherent in creation makes human justice possible. And though the perfect justice of God expressed as an exact reckoning is unattainable by humans, the striving towards and emulation of God’s fair dealings is a commandment of the Qur’an:

‘So fear God and obey me. No reward do I ask of you for it: my reward is only from the Lord of the Worlds. Give just measure (bil-qiṣṭ), and cause no loss (to others by fraud). And weigh with scales true and upright. And withhold not things rightly due to men, nor do evil in the land, working mischief. And fear Him Who created you and (Who created) the generations before you.’ (26:179-184)

Indeed, the warning to do justice is the message that God has sent through previous messengers, as is evidenced by the warning of Shu’aib to the people of Madyan:

‘And O my people! give just measure and weight (bil-qiṣṭ), nor withhold from the people the things that are their due: commit not evil in the land with intent to do mischief.’ (11:85)

That the trope of giving fair measure and weight—an idea strongly rooted in the marketplace—is used for both divine and human justice is of key importance in understanding the Quranic conception of justice. Unlike the construction ma’ruf, which, though at least partially indicative of justice as custom, implied a kind of self-evidence of Quranic ethics, the use of qṣṭ in these passages provides a more exacting definition for just action. The word is often used “as a forensic term for justice, or impartiality in dealing with
others” and might be understood as ‘giving what is due.” Hence, we often see the construction of “judging with qiṣṭ” in the Qur'an, as above and again:

(The Jews are fond of) listening to falsehood, of devouring anything forbidden. If they do come to thee, either judge between them, or decline to interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in equity (bil-qiṣṭ) between them. For Allah loveth those who judge in equity (al-muṣṣitin). (5:42)

Similarly, qṣṭ is deployed in this exceedingly long verse on the writing of contracts:

O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing Let a scribe write down faithfully (bil-‘adl) as between the parties ... If the party liable is mentally deficient, or weak, or unable Himself to dictate, Let his guardian dictate faithfully (bil-‘adl) ... Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is juster (aqṣat) in the sight of Allah ... So fear Allah; For it is God that teaches you. And Allah is well acquainted with all things. (2:282)

Although the other term used in this passage, ‘adl, is an important cornerstone of the Quranic conception of justice, the meaning of qiṣṭ has not yet been exhausted.

Qiṣṭ’s root in the marketplace is clear not only in its contextual usage as a marker of a fair scale and fair dealing, but also in the way in which it recalls elements of the economically based Meccan ethical system. The ethical imperative of qṣṭ recollects the ideals underlying the hilf al-fūdūl, which was established in Mecca to ensure the just payment of debts; however, the ideal of equitable treatment embodied by the term certainly extends beyond the strict confines of commerce. The function of the antonym of qṣṭ used by the

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36 Izutsu. 209.
Qur'an, ẓlm (to which the next chapter is devoted), meaning injustice or wrong, locates the idea of equitable treatment not merely in the idea of fairness, but extends the meaning to “fairness in accordance with revelation.”

Thus judging with qst must be understood as judging based on God’s will:

... If any do fail to judge by (the light of) what God hath revealed they are (no better than) Unbelievers (kafirun). We ordained therein for them “Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal.” But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what God hath revealed, they are (no better than) wrong-doers (zalimun). (5:44-45)

Hence, doing justice becomes not only the imitation of God, in which the individual strives to use scales as fair as God’s, but also the active performance of God’s will on earth.

In this passage we see also an ethical recasting of the ta’r (lex talionis). Whereas pre-Islamic virtues had made vengeance a cornerstone of honor and looked with disdain upon bloodrite, the Qur’an elevates forgiveness above vengeance while simultaneously allowing for the continued practice of blood-vengeance, as reiterated here:

O ye who believe! the law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude, this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty. (2:178)

However we see again, that the practice is ordained not because, but almost in spite of its traditional value; it is only because God has revealed that vengeance within limits is acceptable that it can be considered just.
While the idea that God’s revelation establishes what is just might
seem to be merely a statement about the source of the Islamic ethical code, in
fact the idea is much more deeply implicated in the ways in which one does
justice. Doing justice in Islam requires that following of the path of Islam,
and this is the core concept expressed by the term ‘dl, which has been featured
in many of the preceding verses.

This concept is in many ways a much more complex notion of justice
than that expressed by qṣt. Whereas God acted as the ultimate exemplar of
qṣt, God’s relationship to ‘dl is less certain, and the term is used only rarely to
describe God’s justice. This is because the implications of the term are
fundamentally inter-personal and cannot be understood as a form of
imitating God. This important distinction between qṣt and ‘dl is illustrated by
the way in which the Quran uses these two terms in conjunction:

O ye who believe! stand out firmly for God, as witnesses to fair
dealing (bil-qīṣṭ), and let not the hatred of others to you make you
swerve to wrong and depart from justice (‘adl). Be just (‘adl): that
is next to piety: and fear God. For God is well acquainted with all
that ye do. (5:8)

O ye who believe! stand out firmly for justice (bil-qīṣṭ), as
witnesses to God, even as against yourselves, or your parents, or
your kin, and whether it be (against) rich or poor: for God can best
protect both. Follow not the lusts (of your hearts), lest ye swerve,
and if ye distort (justice) or decline to do justice (‘adl), verily God is
well acquainted with all that ye do. (4:135)

In his commentary on these passages, Yusuf ‘Ali remarks that “justice is God’s
attribute and to stand firm for justice,” which in both cases is specifically qṣt,
“is to be a witness to God.” 37 Thus, God and qst become integrally connected in the constructions of the opening lines of these two verses. On the other hand, ‘dl, while observed by god, is not given as an attribute of God; rather, ‘dl is used in the negative as a description of human action.

In both of the passages cited above the words used to negate ‘dl, “swerve” or “depart,” are peculiarly directional in their usage, implying the notion of justice as a kind of “path.” The Arabic here employs words derived from the root ‘dl for both “swerve” and “justice:” “la ta’dalu a’dilu.” This complex semantic construction is a result of the fact that the root ‘dl is derived from the verb ‘adala which means “first to straighten or sit straight, amend or modify; second to run away, depart or deflect from one (wrong) path to the other (right) one; third to be equal or equivalent, to be equal or match, or to equalize; fourth to balance or counter-balance, to weigh or to be in a state of equilibrium.”38 And despite the seeming contradictions inherent in this definition, the concepts are perhaps the most central in understanding the Quranic conception of justice.

There are numerous passages in the Quran which present Islam as a path or way whose destination is either implicitly or explicitly Paradise:

This is an admonition: whosoever will, let him take a (straight) path to his Lord. (76:29)

Verily, it is thy Lord that knoweth best, which (among men) hath strayed from His Path: and He knoweth best those who receive (true) Guidance. (68:7)

God sets forth (another) Parable of two men: one of them dumb, with no power of any sort; a wearisome burden is he to his master; whichever way be directs him, he brings no good: is such a man equal with one who commands justice (bil-'adl), and is on a Straight Way? (16:76)

We might take ‘dl then simply to mean the leading of unbelievers to the way of Islam. This would certainly correspond to the ethical pastoral impulse, grounded in pre-Islamic society, which has already been identified. The focus on another person’s adherence to the path of Islam is identical with maintaining their membership within the community, whose membership is defined by faith. However ‘dl is not used to indicate a simple “calling to the faith,” but rather carries a host of expectations beyond this. The denotative meaning of ‘dl remains primarily “leading to a path”—which is in itself a form of justice, but also suggests a complication in the conception of the path itself. As I argued earlier, belief is insufficient in the eyes of God without just acts, thus the path becomes that of justice in the service of God:

He may say (boastfully): Wealth have I squandered in abundance! Thinketh he that none beholdeth him? Have We not ... shown him the two highways? But he hath made no haste on the path that is steep. And what will explain the path that is steep? (It is) freeing the bondman, Or the giving of food in a day of privation To the orphan with claims of relationship, Or to the indigent (down) in the dust. Then will he be of those who believe and enjoin patience, (constancy, and self restraint,) and enjoin deeds of kindness and compassion. Such are the companions of the Right Hand [i.e. those judged worthy of Paradise]. (90:6-18)

This list of acts that mark the “path” is, in fact, a concise summary of the very acts that have been previously identified as justice. Hence, through ‘dl the Quranic conception of justice takes on the meaning of leading one to the path of Islam which is synonymous with justice.
While it might seem that this is as much a task for God as it is for humans, ‘\textit{dl}’ in this sense is a purely human endeavor. Though God establishes this path, as is seen in the next chapter, it is not God’s purview to lead humans to that path, for doing so would usurp the possibility for human justice.

On the other hand, ‘\textit{dl}’ is also associated negatively with the notion of seeking equivalence, and is used with the meaning of holding something as equal with God:

\begin{quote}
\textit{Praise be to God, Who created the heavens and the earth, and made the darkness and the Light. Yet those who reject Faith (\textit{kafaru}) hold (others) as equal (\textit{y’adiluna}) with their Guardian Lord. (6:1)}
\end{quote}

\begin{quote}
\textit{Say: ‘Bring forward your witnesses to prove that God did forbid so and so.’ If they bring such witnesses, be not thou amongst them: Nor follow thou the vain desires of such as treat our signs as falsehoods, and such as believe not in the Hereafter: for they hold others as equal (\textit{y’adiluna}) with their Guardian Lord. (6:150)}
\end{quote}

In both cases here, ‘\textit{dl}’ is used to describe \textit{shirk}, or associating things with God, something, an idea anathema to the Quranic conception of justice. In this representation of unjust equivalencies, ‘\textit{dl}’ comes to serve as a perversion of \textit{qist}:

\begin{quote}
\textit{Leave alone those who take their religion to be mere play and amusement, and are deceived by the life of this world. But proclaim (to them) this (truth): that every soul delivers itself to ruin by its own acts: it will find for itself no protector or intercessor except God. If it offered every ransom (\textit{t’adil kul \ ‘adlin}) (or reparation), none will be accepted: such is (the end of) those who deliver themselves to ruin by their own acts: they will have for drink (only) boiling water, and for punishment, one most grievous: for they persisted in rejecting God. (6:70)}
\end{quote}
Unlike *qst*, which dealt with the notion of fairness or accuracy in searching for equivalency, ‘*dl* comes to imply the equivalence of things which are incommensurate.

Positively this idea of the need for equivalencies of incommensurables is expressed as judgments that humans are incapable of and only God can reconcile:

Ye are never able to be fair and just (*’adl*) as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practise self restraint, God is Oft-forgiving, Most Merciful. (4:129)

Oh ye who believe! kill not game while in the Sacred Precinct or in pilgrim garb. If any of you doth so intentionally, the compensation is an offering brought to the Ka’ba, of a domestic animal equivalent to the one who killed as adjudged by two just men (*’adulin*); or by the way of atonement, the feeding of the indigent or its equivalent (*’adulu*) in fasts: then he may taste of the penalty of his deed.... (5:95)

Thus Wagner understands that “the particular ‘coloration’ of the terms formed from the root ‘*dl*’, when they express the idea of justice, is given by the related concepts of equality, balance, fairness, moderation, and impartiality.”

While Wagner’s assessment is accurate, ‘*dl*’ remains a problematic and confusing idea. This is precisely because the root itself does not mean justice, but only comes to mean justice through its Quranic connotations, and indeed is elevated to the position of the primary marker for “justice” in post-Quranic literature. While on the one hand, ‘*dl*’ is clearly understood as the act of

39 Wagner. 185. Translation mine.
remaining steadily on and leading others to the path of justice, its dual role as both a just and sinful search for equivalencies of unlike things troubles the prospects for a “pure” definition of the term. It is in this sense that we cannot “define” what the Qur’an means by justice, but rather must seek to reconstruct its meanings through the interplay of these Quranic ethical terms.

**İhsân and the Quranic Modes of Justice**

In order to resolve the problem of ‘adl, we might look at the specific ethical term, İhsân, with which ‘adl is closely associated in the Qur’an. The term, in its most indicative sense means kindness. Thus it accompanies ‘adl in the verse:

> God commands justice (‘adult), the doing of good, and liberality (İhsân) with kith and kin and He forbids all shameful deeds, and injustice and rebellion: He instructs you that ye may receive admonition. (16:90)

The kindness herein enjoined is deeply rooted in God’s kindness towards humans. Thus these acts of justice as kindness are a reiteration of the idea of the imitation of God, which while clearly present in qst, was markedly absent with ‘adl:

> But seek, with the (wealth) which God has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world: but do thou good (ahusîn), as God has been good (ahusîn) to thee, and seek not (occasions for) mischief in the land: for God loves not those who do mischief. (28:77)

> Is there any Reward for Good (İhusân)—other than Good (İhusân)? (55:60)
Thus God reciprocates good for good, but only if humans reciprocate God’s kindness with kindness to fellow humans. This idea of reciprocity in good deeds as a form of justice extends also to actions among humans. Thus kindness is enjoined to one’s parents given the difficulty entailed in raising a child:

We have enjoined on man kindness (iḥsān) to his parents: In pain did his mother bear him, and in pain did she give him birth. The carrying of the (child) to his weaning is (a period of) thirty months. At length, when he reaches the age of full strength and attains forty years, he says, "O my Lord! Grant me that I may be grateful for Thy favour which Thou has bestowed upon me, and upon both my parents, and that I may work righteousness such as Thou mayest approve; and be gracious to me in my issue. Truly have I turned to Thee and truly do I bow (to Thee) in Islam. (46:15)

And similarly, in the case of blood vengeance, which we already have seen moderated by the Qur’an:

O ye who believe! the law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude (bil-ḥusanīn), this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty. (2:178)

In this sense, iḥsān is understood as defining kindness as a mode of justice not only because of the content of the deeds which the term describes, but also in the reciprocal performance of these deeds. This idea must also be read relative to the pastoral impulse, which is central to aspects of justice as communal solidarity.

Indeed, in all of the terms that have been explored here, the reciprocal nature of just action has been stated either explicitly or implicitly. Though sometimes this has been expressed through the transformation of a patron-
client relationship with God into the imperative to imitate God, it is also understood as a deeply constitutive element of interpersonal justice. The reciprocal elements of blood vengeance—which was so important to maintaining tribal solidarity in the pre-Islamic period—and of the familial bond are just two examples of the functioning of justice on the social plane. In its dual nature, *iḥsān* serves to integrate these two ideas of the imitation of God and communal solidarity under the heading of justice.

**The Quranic Construction of Justice**

As much as these ideas may have seemed radically new at the time of the proclamation of the Qur’an, they also must have been in some real ways familiar. Confronted with the dual limitations of language and history, the Qur’an was forced to express these new ideas within old semantic frameworks. And while some terms achieve a wholesale redefinition, in most cases, words never quite lose their previous meanings and connotations. The Quranic vocabulary of justice embraces this indeterminacy to paint as rich and as thick a definition as possible, elevating previously only quasi-ethical indicative terms, to the level of primary value terms.

*Ma’rūf* explicitly reveals this semantic dilemma, simultaneously affirming and rejecting the pre-Islamic ethical framework. While *ma’rūf* implies that what is “known” is just, it does so within the narrowly defined limits of the Qur’an itself, demanding justification beyond the presumed justness of custom and tradition. It is only the revealed word of God that
characterizes \textit{ma’rūf} as justice. Thus, even as \textit{ma’rūf} seems to affirm the idea of an ethical-continuity with the pre-Islamic era, it forces a fundamental reorientation of the ethical concept of justice such that it becomes an “ethico-religious” concept, dependent on God for meaning.

The roots \textit{qṣt} and \‘\textit{dl}, which had not been properly ethical in the pre-Islamic era, had certainly carried positive connotations. The former represented a virtue in the marketplace, expressing fair scales and fair dealing. The latter would have been associated with life in the desert, standing for the straightness, and hence relative ease, of one’s trek across the peninsula. The Qur'an adopted these ideas and redeployed them in a religious, and hence ethical, context in order to underpin the Quranic conception of justice.

However the Qur'an never unifies these ethical ideals into a singular idea of justice, but rather constructs justice as a field of concepts. This field is anchored on the one hand by the imperative to imitate God, embodied by the divine “fair-dealing” of \textit{qṣt} that the Qur'an demands humans seek to emulate. On the other hand, the pastoral imperative represented by \‘\textit{dl} establishes communal solidarity as equally important in the Quranic construction of justice. While the two ideas are qualitatively different, their significant overlap is evident in the idea of \textit{iḥsān}, which represents justice, through kindness, as the simultaneous fulfillment of the pastoral and divine-mimetic ethical imperatives.

Yet justice is not, as in a Venn diagram limited to this point of overlap but exists also in its individual elements. One approach to achieving a greater
integration of these concepts and hence a fuller definition of the Quranic conception of justice is through their shared semantic antithesis, ḥilm.
4. THE QURANIC CONSTRUCTION OF ‘INJUSTICE’

It may seem otiose to say that the concept of injustice in the Qur’an is deeply bound up with the idea of transgression, and specifically the transgression of what is just. However to take this view assumes the idea—which is manifest in English by the construction of the word—that injustice is simply that which is not just. And while it is not wrong to say that what is just cannot at the same time be unjust, neither can this exclusionary relationship between the two concepts define them. Indeed there exists in Arabic a root which would be rightly characterized as an exact translation of this idea, *jwr*, which came to denote injustice in later Islamicate thought because its definition, “he declined, or deviated, from the right course,” is the exact

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opposite of that of ‘dl, which came to signify justice in the broadest sense.\(^2\) However the Qur’an uses this term only once, and it generally employs other roots to denote injustice. Like the Quranic vocabulary of “justice,” the Quran uses indicative rather than value terms to construct the ethical concept of injustice.

No doubt, this is part of the rejection of the pre-Islamic ethical framework—a rejection, which I have already pointed out is rhetorical to a significant degree. Nonetheless, the semantic field of injustice must be read as part of the Quranic construction of a new ethical “weltanschauung” in the same way that we read its positive counterparts in the preceding chapter.

The concept of injustice is associated in the Quran with a host of negative indicative terms, including ones derived from the roots \(kfr\) (unbelief), \(su’\) (sin), \(dll\) (lead astray), and \(shrk\) (associating that which is not God with God) and negated positive terms, including \(qs\), ‘\(dl\), and \(shkr\) (gratitude). Although these terms are important building blocks for the Quranic conception of injustice, they should be seen as secondary or elucidative terms that support a central set of constructions derived from the root \(zlm\), which appear in the Qur’an some 286 times.\(^3\) However at the same time that \(zlm\) serves as the primary marker of the concept of injustice, it need not be translated as “injustice” precisely because the word denotes


significantly more than this. The commonly used English translation “wrong” points more directly to the overarching trope of transgression which is at the core of the semantic field of injustice.

The root ẓlm “signifies the putting [of] a thing in a place not its own” and also transgressing “by exceeding or by falling short, or by deviating from the proper time and place.” This can be meant as something being out of place or time both in a literal, material sense, such as in describing the consumption of milk that has not been given sufficient time to “mature,” or it can be meant in the figurative sense of a thing being other than its true nature, such as in the proverb, “He who asks, or desires, the wolf to keep guard surely does [ẓalama].” Furthermore, the root appears in pre-Islamic poetry denoting prevention from doing something, such as traveling. Each of these ideas, which all in some way fall under the overarching notion of transgression, are magnified, specified, and expounded by other terms which constitute the semantic field of injustice in the Qur’an.

As with the concept of justice, which functions along divine, eschatological, and interpersonal planes, injustice functions in multiple registers, often at the same time. In the Qur’an, injustice between God and humans exists only rhetorically, because God simply does not do injustice and is simultaneously beyond human injury or injustice. Rather divine injustice is expressed only negatively, as what God does not do, and human injustice

\[\text{\textsuperscript{4}} LL\]
\[\text{\textsuperscript{5}} “Zulm” in EI\}; Cragg and Kamil Hussain. 198.\]
towards God is in fact reflexively injustice towards oneself (ṣulm al-nafs, a construction to which I will return). In this sense of wronging oneself, injustice is eschatological, as human injustice towards God and towards other humans is a major factor in the Final Judgment. This theodicean turn is fundamental not only in explicating God’s nature, but in establishing the ultimate, cosmological balance, symbolized by the scales of Final Judgment, which serves as the expression of absolute justice in the Qur’an.

On the human level, injustice is the wronging of other humans either materially or in relation to their religious experience; however this too is ultimately the wronging of oneself. Kamil Hussain goes so far as to claim that ultimately every form of injustice is a wronging of oneself and is thus inseparable from its eschatological implications. While the Qur’an recognizes the harm done to an individual or a group through another’s injustice towards them, and establishes guidelines for addressing such injustice, the reestablishment of justice as a rectification of injustice is ultimately only achieved through God’s ultimate judgment. Thus, human injustice is an inexact antithesis to human justice except in the eschatological moment.

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6 Cragg and Kamil Hussain. 198–9.
THE NATURE AND (IM)POSSIBILITY OF DIVINE INJUSTICE

The Qur’an quickly dispenses the possibility of divine injustice. Although this issue would result in some of the most important theological debates in the classical period of Islam—primarily between the Mutazili and their opponents—these debates were properly focused not on the nature of justice and injustice, but rather on the nature and power (qadîr) of God. Whether or not God is capable of doing injustice, the Qur’an makes clear that God does not do injustice:

God is never unjust in the least degree: If there is any good (done), He doubleth it, and giveth from His own presence a great reward. (4:40)

God created the heavens and the earth for just ends, and in order that each soul may find the recompense of what it has earned, and none of them be wronged (la yuẓlamūna). (45:22)

The Word changes not before Me, and I do not the least injustice (ẓallam) to My Servants. (50:29)

The repeated deployment of the denial of the idea of God’s injustice in the Qur’an, though exclusively negative constructions, are key to understanding the Quranic conception of injustice.

In the previous discussion of justice and divine judgment, I showed that God expressed absolute justice in the “fair dealing” of the Last Day. In multiple Quranic passages, God’s qâṣt is emphatically reinforced by an oppositional phrase insisting that God does no ẓlm:

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7 Khadduri. 46.
We shall set up scales of justice (qīṣt) for the Day of Judgment, so that we will not deal unjustly (la ṭūzulīmu) in the least, and if there be (no more than) the weight of a mustard seed, We will bring it (to account): and enough are We to take account. (21:47)

In this passage, ẓlm serves exclusively as an antonym for qst, without providing any real additional information except to affirm the statement about God’s justice. The term only derives a concrete meaning from the supporting clauses that give context to God’s justice.

In this verse, ẓlm is in opposition to qst defined as “giving just weight and measure,” an aspect of justice which I have already discussed at some length in the preceding chapter. However the hypothetical negation of God’s justice in the passage yields one important nuance. In this context, doing injustice consists specifically of failing to include every item in the reckoning of a person’s life: no distinction is made between an omission that would weigh in favor of or against the one being judged. Hence the wronging implied by injustice in this passage is not merely a question of partiality but one of incompleteness.

This economic metaphor, which posits justice as accurate measure, is further expanded upon by the inclusion of the idea of payment rendered based on these just measurements. These verses again highlight impartiality as an aspect of justice through the lens of the impossibility of divine injustice but with the new vocabulary of payment:

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8 Izutsu.
9 Ibid. 165.
That Day will every soul be requited for what it earned; no injustice (la ṭulma) will there be that Day, for God is Swift in taking account. (40:17)

And the Earth will shine with the Glory of its Lord: the Record (of Deeds) will be placed (open); the prophets and the witnesses will be brought forward and a just decision (bil-ḥaqiqi) pronounced between them; and they will not be wronged (in the least) (la yuẓlamūna). And to every soul will be paid in full (the fruit) of its Deeds; and (God) knoweth best all that they do. (39:69-70)

Here injustice corresponds not only to the idea of violating impartiality or unfair dealing, expressed not in measurement but in God’s recompense for one’s deeds in life. In the second passage ṭlm also corresponds to ḥaqq, which denotes “truth” or “fact,” and is related to the idea of accuracy expressed by qsṭ.10 Hence ṭlm comes simultaneously to stand for both inaccurate accounting and inappropriate or incomplete payment.

The eschatological implication of these two ideas of accounting and payment are encapsulated in the Qur’an by the single term ḥisab (“reckoning”), which serves as appellation for the Last Day in the term yauwm al-ḥisab (“the day of the reckoning”).11 However divine justice is not limited to the Final Judgment, but, as I have already remarked, divine justice is endemic to creation and eternal:

God created the heavens and the earth for just ends, and in order that each soul may find the recompense of what it has earned, and none of them be wronged (la yuẓlamūna). (45:22)

Nevertheless, its ultimate and absolute realization is eschatological, and the phrasing employed in the two verses cited previously illustrates the deep

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intertwining of divine justice and the economic tropes of measurement and payment.

**GOD’S GUIDANCE AND THE POSSIBILITY FOR HUMAN INJUSTICE**

While these commercial constructions underscore one of the major aspects of the Quranic conception of injustice, this terminology, which deals explicitly with God’s Final Judgment, only expresses (the impossibility of) absolute and ultimate injustice. While it would be ẓlm for God to fail to account for so much as the weight of a mustard seed, such a minute failure would not constitute human injustice. As with divine justice, the possibility of divine injustice is not limited to the aspects of God, but rather is present in the world, made possible through divine guidance or the divinely ordained path. While this notion of the relationship between justice and the path was expressed positively through ‘dl, as noted earlier, the predominant use of the notion was the pastoral one of justice as leading another to this path or of making others aware of this divine guidance.

On the other hand, ẓlm, in this regard, expresses injustice as straying from or failing to head God’s Criterion itself:

Who doth greater wrong (azlamu) than one who invents falsehood against God, even as he is being invited to Islam? And God guides not those who do wrong (al-ẓalimīna. (61:7)

Those who reject Faith (kafarū) and keep off (men) from the way of God, have verily strayed far, far away from the Path. Those who reject Faith and do wrong (kafarū wa ẓalamū), God will not forgive
them nor guide them to any way, Except the way of Hell, to dwell therein for ever. And this to God is easy. (4:167-169)†

At first glance ẓlm here would appear to oppositionally correspond to ‘dl, however this is not as exact as it might seem. Whereas ‘dl is other-regarding in the sense of bringing some other person into the fold, ẓlm is primarily self-regarding. And rather than focusing on the idea of enjoining justice as justice, ẓlm implies that justice is the path itself. Thus God’s message is the “Criterion” which establishes both human and divine justice:

And remember We gave Moses the Scripture and the Criterion: There was a chance for you to be guided aright.” (2:53)†

While the Qur’an implies, as with ma’rūf, that to a certain extent justice should be self-evident—though self-evident justifications for what is justice are not sufficient to establish what is actually just—the idea that God’s word is the only Criterion of justice and injustice makes impossible any knowing of what is justice without divine guidance. In the Qur’an, which recognizes the prophets of the other Abrahamic traditions and several other monotheistic religions, guidance is sent down to each people through “warners,” “messengers” and “prophets,” from whom each people receives its own message:

It is He Who sent down to thee (step by step), in truth, the Book, confirming what went before it; and He sent down the Law (of Moses) and the Gospel (of Jesus) before this, as a guide to mankind, and He sent down the Criterion. (3:3)†

To every people (was sent) a messenger: when their messenger comes (before them), the matter will be judged between them with justice (bil-qisti), and they will not be wronged (la yuẓlamūna). (10:47)
We have already seen that the oppositional pairing in the second verse cited of qatl and zlm refers to the metaphorical-economic construction of justice. In this case it is specifically the divine justice of the Last Day, indicated by the phrase, “when their messenger comes,” an allusion to the Quranic claim that on that day the prophets will sit with God in judgment. While this phrase serves to identify the subject of the verse, it also establishes divine justice as in some way dependent upon the divine message.

The implication that justice is constituted by the divine message and its corollary that without this divine message, God’s judgment of humans would be unjust is made clear in the Quranic verses, cited already above:

The Word changes not before Me, and I do not the least injustice (ẓallam) to My Servants. (50:29)

The Qur’an affirms that divine Judgment, which, as already noted, is the realization of absolute justice, is rendered relative to the divine message as the Criterion of justice. The Qur’an uses examples of previous peoples who were given God’s messages in order to make this point, reminding the new believers of Islam that there is no room for differing on God’s revealed message and that those who differ will be judged in absolute justice according to the message as it was revealed:

And We granted [the Children of Israel] Clear Signs in affairs: it was only after knowledge had been granted to them that they fell into schisms, through insolent envy among themselves. Verily thy Lord will judge between them on the Day of Judgment as to those matters in which they set up differences. Then We put thee on the (right) Way of Religion: so follow thou that (Way), and follow not the desires of those who know not. They will be of no use to thee in the sight of God: it is only Wrong-doers (al-ẓalimīnā)(that stand
as) protectors, one to another: but God is the Protector of the Righteous. (45:17-19)

Hath not the story reached them of those before them? the People of Noah, and ‘Ad, and Thamud; the People of Abraham, the men of Midian, and the cities overthrown. To them came their messengers with clear signs. It is not God Who wrongs them (lī-yazlimuhum), but they wrong their own selves (anfusahum yazlimūna). (9:70)

While it is clear that divine justice is both embodied in and constituted by the divine message, this message is also constitutive of human justice and injustice. In both of these passages, at the very same time that divine justice is created by the Criterion, the Criterion also creates, or at least provides the possibility for human injustice.

**HUMAN INJUSTICE AND THE TRANSGRESSION OF GOD’S GUIDANCE**

In both of the Quranic passages cited at the end of the last section, humans are characterized by ḥzm to the extent that they reject the signs or guidance of God. Though it is easy to draw the conclusion that ḥzm is in this sense the same thing as kfr or shrk (the former being a term for those who are ungrateful for and reject God’s guidance and the latter being blasphemy in the form of “associating”), two words which are certainly in ḥzm’s semantic field, this conflation of negative value terms serves to mask rather than explain the nature of injustice in the Qur’an.¹²

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¹² Cragg and Kamil Hussain. 197.
Izutsu has argued that *kfr* should be read as the central and most important root in understanding “all negative ethico-religious values in the Qur’an” and that “it functions as the very center of the whole system of ‘negative’ properties.” However, the capability for injustice is not limited to non-believers, and *ẓlm* must be understood as a primary value construction in its own right in order to fully probe the idea of injustice in the Qur’an.

The relationship between these three terms is not that *kfr* and *shrk* are commensurate with *ẓlm* but rather that all of these terms share the common idea of transgression, either through the crossing of limits or the rejection of the guidance establishing these limits. It is this idea of transgression that is fundamentally constitutive of the Quranic conception of injustice, first in the sense of transgressing the limits set by God through divine guidance, which corresponds to the idea of the Criterion as justice, and second, in the sense of transgressing the limits of the community and thus violating the principle of tribal solidarity which was discussed at length as central to the Quranic conception of justice in the previous chapter.

As in the other Abrahamic traditions, the seminal transgression in the Qur’an expressing the human capacity for injustice is that of Adam and Eve. The Quranic telling of the Adam and Eve story is in fact a succinct summary of the structure of the Quranic construction of injustice:

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We said: ‘O Adam! dwell thou and thy wife in the Garden; and eat of the bountiful things therein as ye will; but approach not this tree, lest ye become an evil-doer (al-ẓalimīna).’ Then did Satan make them slip from the (garden), and get them out of the state in which they had been. We said: ‘Get ye down, all, with enmity between yourselves. On earth will be your dwelling-place and your means of livelihood—for a time.’ Then learnt Adam from his Lord words of inspiration, and his Lord Turned towards him; for He is Oft-Returning, Most Merciful. We said: ‘Get ye down all from here; and if, as is sure, there comes to you Guidance from me, whosoever follows My guidance, on them shall be no fear, nor shall they grieve. But those who reject Faith and belie Our Signs, they shall be companions of the Fire; they shall abide therein.’ (2:35-39)

We see in this passage two examples of ẓlm; the first, stated explicitly, is the transgression of Adam, the second, implicit, is the transgression of his descendents who, by rejecting God’s guidance, are condemned to Hell.

God sends to Adam the most simple guidance, warning him that if he approaches the tree which God has forbade him to approach he will do ẓlm, however there is no explanation of why this tree is forbidden and why approaching it would make Adam a doer of ẓlm. Indeed it is not what the tree is that matters but rather that God has established a limit that Adam must not violate. In transgressing the command of God, Adam dooms his descendents to be divided into the just and the unjust. Like Adam, subsequent generations will be given God’s guidance establishing certain limits, and like Adam, these people will have the choice to adhere to God’s limits and receive their reward as those who do justice, or to ignore and violate these limits and receive their recompense in fire. Hence the world is divided “with enmity” between the
just, understood as those who accept God’s guidance which is constitutive of justice, and the unjust, who reject this guidance.

This dichotomy is seen repeatedly in the Qur’an especially with regards to the respective eternal fates of these two groups:

One day We shall call together all human beings with their (respective) Imams: those who are given their record in their right hand will read it (with pleasure), and they will not be dealt with unjustly (la yuzlamūna) in the least. But those who were blind in this world, will be blind in the hereafter, and most astray from the Path. And their purpose was to tempt thee away from that which We had revealed unto thee, to substitute in our name something quite different; (in that case), behold! they would certainly have made thee (their) friend! (17:71-73)

And among them are some who look at thee: but canst thou guide the blind even though they will not see? Verily God will not deal unjustly (la yazlimu) with man in aught: It is man that wrongs his own self (anfusahum yazlimūna). One day He will gather them together: (It will be) as if they had tarried but an hour of a day: they will recognise each other: assuredly those will be lost who denied the meeting with God and refused to receive true guidance. (10:43-45)

That both of these passages represent those who do ẓlm as blind points clearly to the function of God’s revealed message as the Criterion of justice. God, through establishing this Criterion, does justice to humans and those who are “blind,” and those who have gone “astray” have not been dealt with unjustly, but rather have done ẓlm to themselves* (nfs). This idea is deployed repeatedly by the Qur’an:

* The translation of nfs as “self” is not the standard translation found in nearly every translation of the Qur’an nor in the theological literature. It is normal practice to use “soul” as the translation however the implication of a distinguishing of self and soul only arose in 9/e-3/ce century with the translation of Greek texts under the Abbasid Caliphate and the introduction of Greek dualism. Prior to this, nfs stood simply for the idea of the self, and thus
Evil as an example are people who reject Our signs and wrong their own selves (yażlimūna). (7:177)

To the Jews We prohibited such things as We have mentioned to thee before: We did them no wrong (ma zalamnahum), but they were used to doing wrong to themselves (anfusahum yażlimīnā). But verily thy Lord—to those who sin in ignorance, but who thereafter repent and make amends—thy Lord, after all this, is Oft-Forgiving, Most Merciful. (16:118-119)

This construction, wronging oneself, is of the utmost importance to the Quranic conception of injustice. It points both to the eschatological implications of injustice, as doing injustice leads to damnation, and to the impossibility of human injustice towards God.

In numerous passages, the Qur’an rejects the idea that humans have the capacity to do źlm to God, making clear that injustice done to God is in fact wronging oneself:

Then We raised you up after your death: Ye had the chance to be grateful (tashukurūna). And We gave you the shade of clouds and sent down to you Manna and quails, saying: ‘Eat of the good things We have provided for you:’ (But they rebelled); to us they did no harm (mā zalamūnā), but they harmed their own selves (anfusahum yażlimūnā). (2:57-58)

Let not those grieve thee who rush headlong into Unbelief (al-kufri): Not the least harm will they do to God (lan yadurrū Allāh): God’s plan is that He will give them no portion in the Hereafter, but a severe punishment. Those who purchase Unbelief (al-kufri) at the price of faith, not the least harm will they do to God (lan yadurrū Allāh), but they will have a grievous punishment. (3:176-177)

As was noted earlier, Kamil Hussain posits that because every act of injustice is weighed against one at the Final Judgment, there is no źlm that is not the

this translation more accurately expresses the idea as it was revealed. “Nafs” in EI; “Soul” in Jane Dammen McAuliffe, Encyclopaedia of the Quran (Leiden: Brill, 2001).
wronging of oneself (ẓulum al-nafs); an idea which also excuses those to whom injustice is done from needing to seek revenge in the current life. However ẓlm is not limited to the wronging of oneself, but is also present in human relations.

**THE NATURE OF SOCIAL INJUSTICE**

In the previous section, ẓlm was characterized as injustice towards oneself through the rejection of God’s guidance. However, because God’s guidance establishes the limits that constitute justice, the rejection of these limits is not merely injustice in this sense, but also in the sense that those who reject justice qua divine guidance are also likely to do ẓlm to others by violating these very limits. This idea of interpersonal injustice, expressed primarily through the social laws of the Qur’an, is one that, while in its own right is constitutive of a specific meaning of ẓlm, cannot be separated from ẓlm relationship to its eschatological and divine meanings.

The dominant trope of social ẓlm remains that of transgressing limits, such that injustice is constituted by the transgression itself, not by the harm done to others, as demonstrated by this verse from the Quranic telling of the story of Yusuf (Joseph):

14 Cragg and Kamil Hussain. 200.
He said: ‘God forbid that we arrest other than him with whom we found our (stolen) property: indeed (if we did so), we should be acting wrongfully (li-zalimūna). (12:79)†

What is at stake here relative to ẓlm is not whether the person arrested is the one who actually stole the thing in question but rather whether or not the accuser is acting in accordance with the limits ordained by God. Indeed, it would be ẓlm to use any metric for justice, in the juristic sense, other than that ordained by divine guidance.

However ẓlm does not only deal with the existence of these limits, but is also constructed by their specific content. Although in constructing the idea of justice the Qur’an uses different words to denote different types of just action, the Qur’an consolidates the corresponding unjust actions under the single heading of ẓlm.* Because of this multiplicity of terms for justice, the Qur’an makes a hierarchy of these concepts a difficult and potentially speculative task; however, the relative singularity of ẓlm as the expression of social injustice allows us both to make a claim that there exists a primary concept of social injustice, and provides a solid footing for making similar claims about the nature of justice.

As with divine ẓlm, the idea of fair dealing among humans has a specific economic connotation, which divides the world into the just who deal

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* The one exception to this claim is the opposition of ma’ruf and munkar, discussed in the previous chapter. Munkar, in the sense of “unknown,” properly corresponds to improper bases for establishing a criterion of justice—the only proper one being divine guidance—rather than the substantive elements of injustice.
fairly and those who do ẓlm. King David succinctly divides the world along these terms saying in judgment of two brothers who have come before him:

(David) said: ‘He has undoubtedly wronged thee (ẓalamaka) in demanding thy (single) ewe to be added to his (flock of) ewes: truly many are the partners (in business) who wrong each other: Not so do those who believe and work deeds of righteousness, and how few are they?’ ... (38:24)

The nature of the ẓlm done by the man with the flock of ewes in this passage is exceedingly difficult to deduce, especially because this verse is not about the content of the dispute, but rather David’s pride in the face of these brothers who David should have recognized as a test from God. That the dispute was so manifestly an artifice by God in the obviousness of its outcome, forcefully establishes that wealth bestows no rights over the property of the poor, and that to claim such rights is an act of ẓlm.

This concern with economic inequality and potential for ẓlm is echoed in this Quranic injunction against usury:

O ye who believe! Fear God, and give up what remains of your demand for usury, if ye are indeed believers. If ye do it not, Take notice of war from God and His Messenger: But if ye turn back, ye shall have your capital sums: Deal not unjustly, and ye shall not be dealt with unjustly (la taẓulimūna wa la tuẓulamūna). (2: 278-279)

This rejection of usury—a practice linked to the class stratification and disenfranchisement of the poor and vulnerable prior to the proclamation of Islam—while confirming injustice as unfair dealing, also points to the ways in which fair dealing and communal solidarity are deeply intertwined.

As was noted in the previous chapter, the Quranic construction of justice pays special concern in this regard to women and orphans, groups who
were most vulnerable to the whims of those around them. *Ẓlm* echoes this concern to a significant degree:

Those who unjustly (*ẓulman*) eat up the property of orphans, eat up a Fire into their own bodies: They will soon be enduring a Blazing Fire! (4:10)

Because orphans lack clear protectors they are the most likely to go astray from or be kicked out of the group in times of hardship. Their only protection against this fate is generosity and whatever property they have amassed for themselves. While *ẓlm* here certainly pertains to these ideas, stressing the injustice of perpetuating vulnerability at the periphery of the community, it should also be noted that the Qur’an implies here a distinction between using an orphan’s property and using it unjustly. The Qur’an, in other verses, makes clear that the guardians of an orphan may use the property of that orphan to cover the cost of caring for the orphan as needed.\(^\text{15}\) Hence the use of an orphan’s property is not in itself unjust, but rather it is unjust to the extent that it exceeds the limits set by God; it is unjust to the extent that it lacks justification.

Similarly, Quranic rules of divorce whose justification could be secularly determined can only be understood relative to justice to the extent that they are established by God:

O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods: And fear God your Lord: and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness, those are limits set by God: and any

\(^{15}\) (4:6)
who transgresses the limits of God, does verily wrong his self (ẓalama nafsah): thou knowest not if perchance God will bring about thereafter some new situation. (65:1)

This focus on protecting divorced women, another potentially vulnerable group, but not necessarily so, is partially the product of the fact that a divorce during a pregnancy (“situation”) could result in questions of paternity and, therefore, inheritance, which could jeopardize the integrity of the family unit.16

However this concern with familial solidarity is not as absolute as the concern with the integrity of the larger community. To the extent that a marriage might in fact be a detriment to the community as whole it is ẓlm:

A divorce is only permissible twice: after that, the parties should either hold Together on equitable terms, or separate with kindness (bil-iḥsān. It is not lawful for you, (Men), to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by God. If ye do indeed fear that they would be unable to keep the limits ordained by God, there is no blame on either of them if she give something for her freedom. These are the limits ordained by God; so do not transgress them if any do transgress the limits ordained by God, such persons are wrong-doers (ẓalīmūn). (2:229)

The picture of ẓlm that emerges, it seems, is ultimately an extension of the trope of transgression and limits, understanding limits to mean not only the Criterion, but in a more material sense, the boundaries of the community. Gaston Wagner, who is specifically concerned with the social aspects of the Quranic idea of justice, argues that the “primary reality” upon which injustice

is constructed is the idea of the “integrity of the clan.” And while the other ideas, such as fair dealing and reciprocity, which constitute justice, are also expressed negatively by ẓlm, they serve only secondary and elaborative roles to this dominant idea in his work.

In several places, the subordination of these secondary modes of justice to the integrity of the clan is made explicit, as with blood vengeance:

> We ordained therein for them: ‘Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal.’ But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what God hath revealed, they are wrong-doers (al-ẓalīmūn). (5:45)

> The recompense for an injury is an injury equal thereto (in degree): but if a person forgives and makes reconciliation, his reward is due from God: for (God) loveth not those who do wrong (al-ẓilīmīn). (42:40)

In this instance, in which the two modes of justice, as reciprocity and as group integrity, compete, the limits respectively establishing these two ideas as justice are not mutually exclusive; however clear privilege is given to the latter in its eschatological implications. Indeed, the injustice here is hardly thought of as harm to another person.

While the integrity of the clan remains the dominant idea underlying ẓlm in its social context, what is at stake is ultimately not on the social plane. Just as justice was understood as the imitation of God, injustice is defined by divine directive and truly recompensed only through the final judgment. Injustice cannot be righted by human action; rather, it is only possible for

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17 Wagner. 190f. Translation mine.
humans to bring one another back within the limits of justice. Seeking justice to rectify injustice remains a purely divine imperative.

**JUSTICE AND THE QURANIC CONSTRUCTION OF INJUSTICE**

The complex and multifaceted operation of ẓlm in the Qur’an, like that of the various terms for justice, establishes injustice not as a singular, concept, but rather as a conceptual field. Though not exact antitheses, the foundational elements of these conceptual fields of justice and injustice correspond. The correspondence of these fields converges at the two points that I identified as the anchors of the concept of justice in the previous chapter: the idea that God is constitutive of justice and the idea of communal solidarity. Thus, the Quranic construction of injustice, though worthy of analysis in its own right, can be used to strengthen and consolidate our understanding of the Quranic conception of justice as well.

With ẓlm, that idea that God is constitutive of justice—expressed as the imperative to imitate God with regard to justice—becomes more than simply positing God as the ultimate exemplar of justice. God constitutes justice not only, or even primarily through His actions but also through direct intervention in history by means of divine revelations. While these revelations carry within them examples of justice in God’s actions, this is secondary to revelation’s function as the Criterion. It is in establishing limits
that God makes possible human justice, and while these limits correspond to God’s just action, the two are not commensurate.

The idea of fair dealing, for example, expressed positively by qṣt, is understood as justice in that doing qṣt mirrors the actions of God. However through ẓlm, the idea of fair dealing is understood as meaning justice only because qṣt represents a limit established by divine revelation. Indeed, ẓlm affirms the limit-nature of qṣt through the definition of fair dealing as accuracy, and fairness expressed in this sense as neither falling short nor exceeding in the balance. The non-performance of qṣt is injustice not because one wrongs others nor because one fails to mirror God’s actions, but rather because failing to do qṣt is a transgression of the Criterion.

With ‘dl in the sense of “leading to the path” of Islam, justice was understood as the obliging of others to do justice. However, in light of ẓlm it becomes clear the positive imperative for which ‘dl stands is the affirming of the limits established by divine revelation. While ẓlm could be seen simply as an antithesis of ‘dl in that it implies leaving or causing others to leave the path, this idea is in fact a metaphor for the breaking of the Criterion. The refusal to accept God’s guidance and the similar dissuading of others from doing so are not ẓlm only in that they entail the transgression of God’s established limits, but also in that it weakens the functioning of these limits in social life. In this sense, ẓlm becomes self-perpetuating and jeopardizes the integrity of God’s revelation, forcing God to send new prophets in order to reestablish human justice.
In another sense, ḥlm is an exact antithesis to justice understood as the maintenance and strengthening of communal solidarity. As demonstrated by secular justifications for the limits established by God, ḥlm is manifested as social interactions that jeopardize the integrity of the community. This construction of injustice as the rejection of the pastoral imperative confirms this imperative as the social function of qṣt, ṣdl, and ḥsn. Thus ḥlm comes also to mean transgression in the sense of violating the periphery of the community.

Though in this sense, ḥlm acts as an undoing of human qṣt, ṣdl, and ḥsn, the reverse does not hold true. Human justice cannot rectify injustice; it can only further advance justice. Because human justice is incapable of righting wrongs, as this function is reserved for divine justice, the function of human justice is the fulfillment of its own aims of affirming God’s Criterion and of protecting the integrity of the community. In part, this serves to strengthen communal solidarity by alleviating the imperative of retaliation that had been so strong prior to the proclamation of Islam. While the Qur’an does not completely eradicate this impulse, it removes it from the realm of ethical imperatives. Ethical retribution through the just repayment of injustice is an exclusively eschatological possibility reserved for God.

The ultimately divinely oriented resolution of the idea that God is constitutive of justice and that communal solidarity is the dominant imperative of justice, means that the individual is not the principal concern of justice. Harm done to an individual can be just or unjust, but not in the sense
that claims on justice can be made based on the integrity or inherent value of
the individual. The reflexive nature of ẓlm in the construction “wronging
oneself” effectively ignores the personal implications of the wrong one has
done to another, and the impossibility of rectification except through God’s
judgment means that the harmed individual is required to give over their
grievances to God. The interplay of justice and injustice is virtually
inoperative at the human level.

It may appear that ẓlm, rather than simplifying and clarifying the
Quranic conception of justice, serves only to further complicate the idea.
However it is this very complexity that we must acknowledge when we
attempt to speak about the Quranic conception of justice. It is not a simple
construction, but it is fully formulated and rich with meaning.
5. CONCLUSION

By the standards of the analytical tradition, it is extremely difficult to “define” a Quranic conception of justice. The Qur’an provides a host of modes of justice whose synthesis is more one of agglomeration rather than conceptual unification. And while the discovery and preservation of the Hellenistic tradition in the ninth century under the Abbasid Caliphate led many Islamicate scholars to seek the kind of systematic definitions of justice towards which the Greeks had striven, the Qur’an makes no attempt to provide these kinds of statements.¹

However, to say there is no unitary definition of justice in the Qur’an is not the same as claiming that the Qur’an fails to define justice. Thus Yusuf Ali characterizes justice in the Qur’an as “a comprehensive term” which Islam constructs as “warmer and more human” than “cold philosophy.” It is “the doing of good deeds even where perhaps they are not strictly demanded by justice, such as returning good for ill, or obliging those who in worldly

language ‘have no claim’ on you: and of course a fortiori the fulfilling of the claims of those whose claims are recognized in social life.”² Yet this characterization seems to stem not from the text of the Qur’an itself, but rather from the centuries of exegesis and Islamicate philosophy which grew out of the Qur’an.

In fact, it is not entirely clear that the Qur’an considers justice as an ethical category, relying instead on multiple ethical constructions, which can only retroactively be grouped together under the heading of “justice.” Much in the same way that the ethical framework of the pre-Islamic era was a kind of pastiche of virtues only loosely organized under headings such as murū‘ah and ‘ird, the Qur’an employs indicative terms whose meanings are thick but which also point towards thin ethical constructs like “good” and “bad,” and “just” and “unjust.” The duality of these terms, many of which were devoid of ethical import in the vocabulary of the pre-Islamic era, is the result of the transformation wrought by the Qur’an, which imbued them with their ethical meanings. And these terms do ultimately resolve themselves, when grouped appropriately, into certain shared overarching ideas, which can be categorized and related to the ethical categories of other cultures and languages, even if no clear, one to one relationship can be established.

In the examination of ma’ruf, qst, ‘dl, and ḥsn, there emerged two dominant ethical constructs. The eschatological orientation of these terms, which yielded the imperative to imitate God, also lent them their properly

ethical status; and the socially oriented pastoral imperative gave them their ethical function. In this way, these terms took on a bidirectional aspect, representing ethics as operating both between God and humans and among humans. These ideas, through their negation in ẓlm, were elaborated upon and solidified in both directions.

Whether or not “justice” and “injustice” is the appropriate ethical taxonomy for these terms, it is the one with which we are confronted by the necessity of translation. While it might be ideal to express these ethical constructs only in their indigenous, Arabic form, the preclusion of cross-cultural dialogue this would entail is unacceptable. The solution to this problem is not a kind of moral isolationism, but rather, when in dialogue across cultures, a decoupling of words from their culture-specific meanings such that their content and meaning are open for debate.

In examining these Quranic ethical terms as part of an examination of the Quranic construction of justice, it has been my aim first, to convince the reader that there exist alternative means of thinking about not only the content of justice but also its very nature as an ethical construct. Though the ideas that God is constitutive of justice and that maintaining the integrity of the community is the primary function of justice are not entirely foreign to a Western reader, the process by which the Qur’an unfolds these ideas is in many ways fundamentally different from Western modes of thought.

I have also sought to provide a Western reader with a standpoint from which to begin an engagement with the Islamicate world, particularly on issues of ethical import. While the conception of justice that I have outlined
may only have been “true,” in the lived sense, for the few decades after 612ce, it has also survived intact in the text of the Qur’an, the basis (or “trunk”) of the various branches of Islamic ethical thought. Just as the Qur’an transformed the ethical structures of pre-Islamic Arabia, imbuing them with a universal, religious meaning and mediating some of their excesses, later reinterpretations of the meaning of justice have been forced to confront the ethical framework of the Qur’an.

The work done here is not the ending point from which one can begin a dialogue with members of the Islamicate World with full and mutual comprehension of what is meant by “justice.” Yet in many ways it would be enough to merely open oneself to the possibility of justice meaning something other than its Anglo-American definition that the English word carries with it. Though having more background when coming to the table will make the dialogue easier, true dialogue is in itself sufficient to provide its own background.

That the discourse of “human rights” has, to an extent, housed this dialogue has meant that non-Westerners have been forced to do the vast majority of the work in trying to reconcile differing cultural understandings of justice. Human rights is too much an outgrowth of the uniquely Western experience of Classical Liberalism to house this dialogue, as it allows Westerners to remain within their own comfort zone. We must be forced through the real, productive discomfort that is inherent in dialogue to reexamine our own positions and thus become open to progress.
When I was first formulating this thesis and I would describe it to those who asked as an exploration of “the conception of ‘justice’ in the Arab-Muslim World,” I was disappointed, though not surprised by the number of times the response I received was some variation of, “Do they have one?” or, “You won’t find one there.” It was this very sentiment that solidified my need to write this thesis.


