



Sabri Orman. *Ghazâlî, Adalet ve Sosyal Adalet* (*Ghazali, Justice and Social Justice*)

Istanbul: Ikisat Publications, 2018, 82 Pages

Reviewer: Kamola Bayram

Justice, particularly social justice is one of the most significant challenges in today's capitalist system based world. More and more scholars and researchers are stressing on social finance as an alternative to the existing financial system where wealth is accumulated in hands of a minority and causes a hostile relationship among the people.

Sabri Orman's timely book titled "Ghazali, Justice and Social Justice" elaborates the concept of justice referring to the works of Abu Hamid al-Ghazali (1058-1111). The author elaborates the concept of social justice in five different dimensions namely, priority and advancement of social; individual and justice, public and justice, government and justice, social with double-subject and double-sanction. In this book review, the reader will be introduced to each of the above mentioned segments.

Social Justice (1): Priority and Advancement of Social

In this subsection, the author writes about Ghazali's unique definition of human behaviour. Motivated with Arabic grammar, Ghazali divides human behaviour into two parts and builds a religious and moral hierarchy. In Arabic language, the verbs are categorized into two groups; *Lazim* and *muteaddi*.

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Lazim verbs are synonymous to intransitive verbs in English grammar meanwhile *muteaddi* verbs are equivalents of transitive verbs. Therefore, according to Ghazali, religious and moral acts are like intransitive and transitive verbs i.e. transitive religious and moral acts are more accepted compared to the intransitive counterparts. When applied to goodness and evil, intransitive goodness and evil's effect will be limited on the subject meanwhile the effect of the transitive goodness and evil is going to be transformative.

Social Justice (2): Individual and Justice

Individual and justice section is elaborated as "Justice and Oppression among the individuals" and "Justice and oppression between the individual and the society". According to Ghazali, justice among the individuals is best explained when a person does not desire the things for others which he does not desire for himself. And anything which brings harm to other person is considered oppression. When it comes to *muamalat* and trade justice among individuals acquires: Not over praising the goods for sale, not hiding defects and flaws of the goods, being just in measurement and weight, and not hiding the market price. Meanwhile to explain justice and oppression between the individual and society Ghazali gives an examples speculation and counterfeiting. According to Ghazali speculation is illegitimate and therefore should be prohibited. However, it is suggested to classify actions, which are considered as speculation specifically according to two criteria namely time and type. For example to speculate with mandatory goods (type criteria) during the depression (time criteria) is prohibited.

Counterfeiting, on the other hand, can be considered as an individual action, however Ghazali sees it as an action with a domino effect and therefore *Haram* and prohibited. Even donating one dirham, which is fake, is equivalent to stealing seventy dirhams due to the knock-on effect. According to Ghazali to decide whether an action is haram or not or to identify the 'haramness' level of the action depends on the level of harm it brings to others.

Here, the author gives a special stress on the fact that monetary justice forms one of the most important segments of the social justice which is justified with the indirect effect of monetary policies such as inflation, deflation and money supply on the social classes, income distribution, moral values and other social phenomena.

Social Justice (3): Society and Justice

Ghazali interprets social justice using two approaches. First of these is *Fard kefayah* approach and the second one is *Maqasid al-Shariah*. In the first approach the society

is seen as a subject of justice who is responsible to maintain justice as one of the most important and crucial aspects of Islam and civilization. It is justified with the idea that the society in general is liable and responsible for issues related to religion and law. Responsibility of the society in Islam is referred as *Fardh kefayah*.

In Islam, religious and legal duties are classified in two categories: *Fardh a'in* and *Fardh kefayah*. Meanwhile *Fardh a'in* represents individual responsibility towards obligations, duties and liabilities, while *Fardh kefayah* represents the social responsibility towards the listed aspects. Under this topic the author defines justice as *Fardh kefayah* which means that justice is the responsibility of the whole society.

Second approach is *Maqasid al-Sharah*. One of the grand contributions of Ghazali as a Muslim scholar is that he formed the theory of *Maqasid al-Sharah*. The concept is translated as the "Objectives of law" and Ghazali classified them in five domains such as: preservation of religion / faith (*din*), life (*nafs*), lineage / progeny (*nasl*), intellect (*'aql*) and property / wealth (*mal*). Further, Ghazali identifies the preservation of these five basic objectives as *Maslahah* and introduces "Theory of *Maslahah*" which in contemporary terms can be interpreted as the theory of human needs. So, based on these "five essentials" each society should guarantee to its citizens the basic rights to have a freedom to lead their religion, be able to provide their livelihood, to have lineage and be able to raise them, be able to acquire property and have a control over that property. However it still needs identification of who shall be the guarantor or the object of these rights. According the author, conceptually the object should be the body which is responsible for the legal system in general and that in any case the society should be part of it.

Social Justice (4): State and Justice

This section addresses the social justice system which is the closest in nature to the contemporary social justice concept, and elaborates types of justice such as justice between state and community as well as justice between social groups and individuals.

The author brings work of Ghazali titled *Nasihatu'l Muluk* which was written upon the request of and dedicated to the Seljuk Sultan, Sencer. Ghazali mentions that there are two types of deeds; first is between the Sultan and the Creator where Sultan can expect forgiveness from Allah. Another type of deeds is between the Sultan and his people where any shortcoming is considered as *zulm* and will be carried on to the Judgement day. Immediately after the warning, Ghazali lists ten fundamentals of justice.

In *Nasihatu'l Muluk* Ghazali addresses Sultan Sencer throughout the book.

However, the author of the book under review shares with the reader some general advices:

1. First of all the importance and risk of administration is highlighted. Ghazali says and supports his viewpoint with *hadith* that governance is a blessing from Allah (swt) and those who overmaster this task will be rewarded abundantly meanwhile those who fail will be punished.
2. Ghazali stresses on the importance of *Ulema* to guide and advice the administration. On the other hand it is crucial to keep distance from scholars with bad intentions, also known as *ulemaus-su*.
3. A governor is responsible also for the oppression conducted by his employees and therefore these employees should be trained and educated accordingly.
4. It is common that governors and rulers are arrogant. Arrogance, leads to discontent and the later give birth to the feelings such as revenge. Anger is the enemy of the reasoning; therefore, when angry, the governor should try to be merciful and forgiving.
5. The governor should have empathy to the people under his ruling.
6. The governor should put the needs of Muslims above the vain religious practices.
7. The governor should avoid luxury life and embrace frugality. Since without frugality it is impossible to have justice.
8. The governor should embrace mildness and kindness.
9. The governor should gain peoples gratification without violating rules of *Shariah*.
10. The governor should not try to please anyone with the methods which contradict with *Shariah*.

As can be seen, Ghazali mainly stresses on *sympathy* and *empathy* meanwhile talking about social justice.

Social Justice (5): The Social Justice with Double Subjects and Double Sanctions or Zakat

Zakat, is one of the main segments of social justice in Islam. The author states that *Zakat* should be considered as a main institution of the social justice and supports his argument with facts that *Zakat* is firstly one of the pillars of Islam, it is a religi-

ous practice which redistributes the income hence improves income inequality, and in the classical way it is collected and distributed by the government.

Later on, the author explains in three steps why *Zakat* was specified as a double-subject social justice example. Firstly, when *Zakat* is considered as an obligation it is a liability to the Muslim who has a certain amount of wealth. The *subject* of *Zakat* is the wealthy Muslim, while the *object* of *Zakat* is wealth which is to be distributed to the needy Muslim who is considered *article* in this system. Even though it is not practiced today, in classical times the collection and distribution of *Zakat* was an obligation upon the government. So, in *Zakat* system there are *two different subjects*: government which collects and distributes *Zakat* and *Zakat* payer or the wealthy Muslim. Secondly, *Zakat* is not only the redistribution of wealth but it is a wealth transfer from the wealthy to the needy. Hence, it is obvious that *Zakat* is the double-subject type of social justice.

The author concludes the book with the statement that it is the responsibility upon the whole population to provide basic necessities to those in need. It should start with taking responsibility for the family members and then for other members of the society.

Many major problems societies are facing today are the by product of unjust wealth distribution. If the suggestions given in the book are followed the societies can live in harmony and piece. Islam indeed has solutions for all problems.

