Qāḍī ʿAbd al-Jabbār's Theory of Justice: Its Implications for Public Law and Contemporary Political Governance in Islam

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Abstract

In light of the evolving nature of modern legal systems, certain aspects of Islamic law, such as the *khums* (one-fifth tax) and *zakāt* (alms tax), as well as discussions surrounding taxation and gender equality, have sparked debates within the realm of Islamic jurisprudence. This research aims to propose a suggestion that could potentially facilitate the rational integration of Islamic law with a Mu'tazilite approach, fostering greater compatibility between Islamic law and the legal requirements of public law in contemporary political communities. By focusing on the concepts of "rationality" and "human will," which hold paramount importance in Qāḍī 'Abd al-Jabbār al-Mu'tazilī's theory, we aim to provide a legal and positive interpretation of the elements of his justice theory. This perspective may facilitate the coexistence of Islamic legal principles and the enacted regulations of modern legal systems.

Keywords: *kalām* (Islamic theology), public law, Qāḍī 'Abd al-Jabbār, Mu'tazilite, theory of justice.

Introduction

Modernity has brought about significant transformations in the structures of traditional civilizations and societies. By embracing the rationality inherent in modernist elements, a new civilization has emerged, accompanied by appropriate structures. However, this new societal formation poses direct challenges to traditional rationality, as well as the established rational and legal foundations of traditional religious law. These challenges extend to devotional actions, interpersonal conduct, contracts, and unilateral acts.

In the realm of politics, the society is governed by a novel legal framework that includes parliamentary or presidential systems, elections, separation of powers, a reformed judiciary

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system, and a diverse array of executive institutions such as municipalities, tax bureaus, and treasuries. The question arises: can a legal system rooted in traditional law coexist with the factors of modern life? Is it feasible in today's societies to comply with secular laws enacted by competent legislative bodies while remaining devoutly committed to religious and devotional practices in accordance with the rules set by the Sacred Legislator?

Ideas do not emerge *ex nihilo*. They are intricately tied to the socio-political context in which they arise, and they often represent attempts to respond to and transform that context. Dismissing the emergence of the Mu'tazilites as solely influenced by external cultural factors, as some scholars, including certain orientalists, have done, would be tantamount to disregarding the prevailing conditions. At best, it would attribute a purely reactionary role to these ideas. Conversely, denying any external influence, as some Arab scholars have done, contradicts historical and scientific facts (Kamal 2013, 36).

When studying the interaction between two cultures or civilizations, it is crucial to recognize that ideas entering a culture or civilization can only flourish if they find a hospitable and receptive environment (Waines 2003, 11). This same principle applies to the Mu'tazilite ideas and the circumstances that facilitated their growth within Islamic thought. Once the Mu'tazilite school had matured, its principles could be summarized into two main tenets: 1) the oneness of God, and 2) the just and merciful nature of God's judgments ('Abd al-Jabbār 1974, 13-14). The concepts of "justice/*ʿadl*" and "divine unity/*tawḥīd*," along with other Mu'tazilite ideas or their five principles, can be traced back to these two fundamental principles. For instance, "divine promise and threat (*waʿd* and *waʿīd*)" can be considered a manifestation of the principle of justice (*ʿadl*). According to this principle, if God has promised to reward good deeds and punish evil deeds, it is a matter of justice that God fulfills these promises without fail, as going against one's promise would contradict the concept of justice.

Furthermore, the doctrine of "enjoining the good and forbidding the evil" can be placed within the framework of "the position between two positions" ('Abd al-Jabbār 1965, 123). The concept of the "position between two positions" tackles the complex matter of individuals who commit grave sins and how the Mu'tazilites have introduced a new categorization that goes beyond the binary classification of believers and unbelievers.

The rise of the Mu'tazilite School and the evolution of its doctrines hold significant importance in the intellectual history of Islam (Gibb 1953, 107). This school of thought emerged as a response to the intricate political and doctrinal challenges during the initial two centuries of Muslim history. Its profound impact on the shaping and perpetuation of Islamic thought was so notable that even after the decline and disappearance of the school from the intellectual landscape of Islam by the fifth/eleventh century, Muslim thinkers from diverse schools continued to be influenced by its ideas (Mohsen 2017, 17).

Qāḍī 'Abd al-Jabbār b. Aḥmad al-Hamadānī al-Asadābādī (d. 415) is renowned as one of the most distinguished scholars in the field of Mu'tazilite theology. He received his education under prominent figures such as Abū 'Abdullāh al-Ḥusayn b. 'Alī al-Baṣrī

(d. 369) in Basra and Abū Isḥāq Ibrāhīm b. 'Ayyāsh (d. 336) in Baghdad. In the realm of *kalām* (theology), he is recognized as a representative of the Basran Mu'tazilite school,[4] while in the field of fiqh (jurisprudence), he followed the Shāfi'ī school of thought.

The majority of 'Abd al-Jabbār's writings focus on *kalām*. To delve into Qāḍī's theory of justice, one can explore several of his significant surviving works. One such work is *al-Mughnī fī uṣūl al-dīn* (The sufficient book in the principles of religion), which is available in a fourteen-volume edition. Another important source is *Sharḥ al-uṣūl al-khamsa* (Explaining the five principles). In a *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl* (Reynolds 2005, 12), he extensively elucidates the concept of justice and provides the theoretical foundations for this subject.

Qāḍī, highlighting the significance of "will" and the concept of "reason," placed himself in opposition to deterministic ideologies.[5] Elaborating on his theory of human free will and reason, Qāḍī employed the customary theological approach of the Mu'tazilites (Heemskerk 2000, 33). This method relied on negative propositions that relied on negation and affirmation. Through a step-by-step negation of unfavorable alternatives, Qāḍī eventually arrived at the favored alternative. He argued that determinism leads to injustice, presenting two potential outcomes: either there would be no punishment despite its existence, or one would have to believe that God is unjust. According to Qāḍī, human beings are the true creators of their actions, not merely metaphorically, and they may be rewarded or punished based on their deeds. Continuing his exploration of human free will and upholding the principle of attributing justice to God, he stressed the logical correlation between the understanding of justice and injustice, which constituted a fundamental aspect of his theory of justice.

Qāḍī maintained that the notion of justice and injustice should precede the belief in the principle of the "impossibility of God performing unjust actions" as a matter of order. In other words, he advocated the ontological precedence of ethical principles over legal or jurisprudential rules, thus promoting the belief in the essential goodness or badness of actions and the necessity of understanding their moral quality independently from religious legislation (Ibrahim 2018, 17-18). Qāḍī 'Abd al-Jabbār emphasized the interconnectedness and mutual entailment of determinist theological beliefs and the policies of the Umayyad regime. In his view, upholding the concept of divine justice and proposing a theory of justice required denying injustice to God and attributing it to human beings. When applied to the realm of political power and the ruler's responsibility for combating injustice, the same principle applied. This Mu'tazilite perspective provides an avenue to examine Qāḍī's theory in terms of its influence on jurisprudential and legal processes, enabling a scrutiny of the viewpoints of theologians, including Qāḍī himself, from the standpoint of public law.

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4. For more biographical details of the Baṣran Mu'tazilī, a valuable resource is Margaretha T. Heemskerk's work titled *Suffering in Muʿtazilite Theology: ʿAbd al-Jabbār's Teaching on Pain and Divine Justice* (2000).
5. For more about determinism in Islam, see Haeri and Nasr (2014) and De Cillis (2014).

The Concept of Justice in Philosophy of Law

Justice, as the fundamental starting point in the realms of philosophy of law and political philosophy, has always been at the core of intellectual pursuits. Contemplation of justice dates back as far as the history of human thought itself. Our understanding of the rituals, traditions, and legends of early human societies, as well as the observation of less complex contemporary communities, attests to the enduring importance of grappling with the concept of justice across different times and places. Despite this lengthy history, however, justice remains a complex and contentious subject of debate within the realms of political philosophy and philosophy of law. Questions arise regarding the foundations of social and moral obligations and why individuals should adhere to rules that often do not align with their personal preferences. Furthermore, at a deeper level, the inquiry emerges as to why one ought to be virtuous. In this regard, justice occupies a central position among the topics explored within the philosophy of law.

Throughout the course of intellectual development concerning justice, analyses conducted in the fields of political philosophy and philosophy of law have pursued diverse objectives. One such objective has been the quest to determine, by transcending subjective conceptualizations and focusing on objective considerations, what constitutes justice and injustice (Kymlicka 2002, 44).

Throughout history, numerous thinkers have argued that justice serves as the foundational virtue, giving rise to all other virtues. Consequently, there arises a need to construct a reliable understanding of justice that encompasses developmental, evolutionary, and dynamic aspects. This notion has provided a fertile ground for Muslim thinkers from diverse schools of thought to freely expound their ideas. Consequently, it becomes crucial to address the objectives of establishing a legal system, which stands as one of the most contentious subjects within the realm of philosophy of law. This is because justice can be regarded as the most comprehensive political objective, one that has been approached by scholars of philosophy of law and political philosophy with differing, and at times conflicting, perspectives.

Over its historical development, in Roman political thought, the concept of justice was influenced by the legal approach and the Stoic school of thought, particularly in relation to politics and governance. Superseding the Aristotelian idea of slavery, Stoicism paved the way for human perfection and the essential equality of human beings. Along that line, Cicero employed Stoic ideas to argue for the equality of humans and introduced justice as an exalted virtue to which every human being is equally entitled. During the Middle Ages in Christian political philosophy, there was a merging of Stoic thoughts and Christian theology and a bridging between religion and philosophy. As a result, topics within political philosophy were examined from a theological standpoint. Concepts such as justice and law were assigned a supra-human, divine status, to the extent that Augustine found it impossible for absolute justice to be realized on the earth, reserving it exclusively for the *City of God*, which he envisioned as a utopia.

The development of ideas surrounding justice resulted in a detachment of the concept from Logos as a Divine intellect and will. Consequently, philosophers began to focus their efforts on establishing a rational foundation for justice. Starting from the seventeenth century, the notions of law, natural rights, and natural equality gained prominence within the framework of modern political concepts. John Locke, for instance, regarded natural law as the standard by which the fairness of positive law should be assessed. Utilitarian philosophers, on the other hand, sought justice in actions that could promote the common good. In essence, this group viewed utility as the criterion for justice, as individuals have a shared understanding of their own well-being, whereas determining the nature of justice remains a subject of contention.

From a broader perspective, the debates among political philosophers regarding justice, both in classical and modern political philosophy, can be seen as arising from three distinct viewpoints, each rooted in one of the following principles: 1) equality, 2) merit, and 3) need.

It goes without saying that the notion of justice as articulated within Qāḍī 'Abd al-Jabbār's intellectual framework differs significantly from our contemporary understanding of justice. However, given the rational basis of his perspective, the ethical, social, political, and legal implications of his theory of justice can serve as a basis for bridging the modern elements of justice with those acknowledged in countries governed by Islamic legal systems. By examining and incorporating the relevant aspects of his theory, it is possible to establish meaningful connections between contemporary notions of justice and the principles upheld within Islamic legal contexts.

By placing great emphasis on the concepts of "free will" and "reason," Qāḍī took a stance that directly challenged the Ash'arite ideas. In his work *Sharḥ al-uṣūl al-khamsa*, he delved into the subject of the "creation of acts" within his exploration of justice. Additionally, in *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*, he established the fundamental principles of his theory of justice (Khadduri 2001, 63).

Within his work *Sharḥ al-uṣūl*, Qāḍī explicitly links the exploration of justice to the ongoing debate between free will and determinism. He does so because he contends that despotic rulers have historically favored determinism and exploited the concepts of divine decree and providence to justify their actions ('Abd al-Jabbār 1967, 8:4). According to 'Abd al-Jabbār, Mu'āwiya was the first notable figure to openly endorse determinism, using it as a pretext to justify his deeds and assert that God had appointed him a leader with the responsibility of governance. This belief in determinism then became an established doctrine among the Umayyad rulers, leading to the persecution of those who advocated for free will. As an example, Hishām b. 'Abd al-Mālik executed Ghīlān of Damascus due to his belief in free will (Abd al-Jabbār 1967, 8:14).

Key Elements in Qāḍī ʿAbd al-Jabbār's Theory of Justice
A. Reason

According to Qāḍī 'Abd al-Jabbār, reason itself generates binding principles and is not in conflict with faith. Therefore, once reason identifies the moral value of actions, it does not require an additional prescription referred to as the "description of inherence through concomitance." Rather, reason's discernment itself serves as the prescription. While 'Abd al-Jabbār views the Universal Intellect as one of the immediate rational perceptions, its derivation originates from external objects. Experience and analysis serve as tools for applying the notions of goodness and badness to specific external situations.

According to this perspective, the status of acts as obligatory or impermissible is inherent within the acts themselves, just like their goodness or badness. Therefore, there is no need for additional divine obligations or prohibitions. This allows everyone to benefit from this understanding, unlike the Twelver Shiite approach, which involves deducing the divine obligations or permissibility of acts and often requires religious experts, such as jurisprudents.

In Qāḍī 'Abd al-Jabbār's view, the prescriptions derived through reason hold definitive authority and serve as motivations for action. All mentally mature individuals, considered reasonable (*ʿāqil*), are capable of utilizing reason. Only those who lack reason, such as the insane (*mahjūr*), children, and animals, are deprived of this capacity. Although every immature person possesses the potential for reason, Qāḍī defines reason as a collection of knowledge that enables individuals to discern between good and bad.

In 'Abd al-Jabbār's Mu'tazilite thought, reason itself is considered sacred, rather than relying solely on religion. This differs from the Twelver Shiite approach, where reason is deemed sacred only if it discovers religious prescriptions, with religion being the sacred entity and reason serving as a means for its discovery.

As a result, moral rules, social norms, and laws discovered through reason are inherently sacred, and there is no need for individuals or groups to declare them as such. Consequently, all human beings deserve social respect by adhering to rational-social rules.

According to 'Abd al-Jabbār, determinism leads to injustice. If determinism is accepted, then either punishment should not exist (even though it does) or one must acknowledge that God is unjust. He firmly believes that human beings are the true creators of their actions, in a literal sense and not merely metaphorically. Therefore, they deserve appropriate punishment or reward in proportion to their deeds. In his argument supporting human free will and the principle that God cannot be unjust, Qāḍī emphasizes the logical connection between understanding injustice and justice, which is a crucial element in comprehending his theory of justice ('Abd al-Jabbār 1967, 20:315).

To elaborate further, it is essential to note that according to his perspective, one must first grasp the concepts of justice and injustice before accepting the principle that it is impossible for God to commit injustice.

'Abd al-Jabbār extensively discusses various arguments that establish the significance of reason and how reason comprehends the goal of cognition. This goal includes understanding the Obligator (i.e., God), the attributes of the Obligator, such as unity and justice, and subsequently, the commandments and prohibitions that facilitate the fulfillment of religious and legal obligations. Naturally, these arguments are categorized based on their epistemic order. Some arguments enable humans to comprehend the concept of unity, while others serve the same purpose in relation to justice, prophethood, or religious laws. Hence, there are three distinct types of reasons, each corresponding to a specific stage of cognition:

> There are three kinds of reasons. Some of them imply permissibility and obligation; some imply motives and options; and some imply by way of stipulations (muwāḍa'a) and intentions (maqāṣid). Some of them imply by way of accuracy, which is what guides towards knowledge of divine unity. This is followed by what implies by way of motives, namely that through which justice is known. This is then followed by what implies by way of stipulation, which attains knowledge of prophethood and religious laws ('Abd al-Jabbār 1967, 16:349)

B. Free Will

According to 'Abd al-Jabbār, human actions can be categorized into two types: direct deeds (*mubāshir*) and indirect deeds (*mutawallid*). A direct deed refers to an action performed directly by a human being. On the other hand, indirect deeds surpass human agency. An example of an indirect deed is throwing a rock into water, resulting in the movement of the water. The act of throwing the rock is a direct action performed by the human, while the movement of the water occurs as a consequence of the rock's motion.

The question of human responsibility for indirect deeds arises, raising further inquiry into the concept of human accountability emphasized by Qāḍī. In this regard, 'Abd al-Jabbār argues that "the servant's acts are not created in them [by God], and they are the ones who bring them about" ('Abd al-Jabbār 1967, 20:154).

Regarding the main dispute between the Ash'arites and the Mu'tazilites, Qāḍī posits that the crux of their disagreement lies in determining the underlying cause behind a human's actions. Is it a result of personal acquisition (*kasb*) or divine creation (*ḥudūth*)? The Ash'arites assert that human actions are products of divine creation, and individuals merely acquire these deeds. In contrast, the Mu'tazilites contend that the cause lies in divine creation, but humans are the active agents responsible for their actions ('Abd al-Jabbār 1965, 301).

Another point that Qāḍī makes about free will is as follows:

> It would not be correct if we attributed all acts to divine decree and providence. In other words, if what one means by decree and providence

was announcement, then decree and providence would be true. However, if by decree and providence one means obligation and compulsion, it will be true in some cases and false in some, and if one means creation, we do not admit the creation of acts by God. Hence, decree and providence are acceptable only with regard to what God has created, not human acts. ('Abd al-Jabbār 1967, 7:420)

Implications of Qāḍī ʿAbd al-Jabbār's Theory for Public Law

The field of law that governs the operations of public entities, commonly referred to as "public law," specifically deals with the concept of governance in its truest form. Public law primarily focuses on the abstract notion of government, which is synonymous with the term "state." The idea of the state can be understood and distinguished in two distinct ways. Firstly, from a constitutional perspective, it encompasses the concept of "government." Secondly, it involves the relationship between the government and the citizens. In this context, the government serves as the tangible representation of the state. As such, public law primarily regulates the interactions between the government and the citizens. The central aspect of public law revolves around the "issue of governance" or the exercise of political authority, which is utilized by the government as the primary asset of the state to govern the political society and public affairs. Consequently, the primary focus of this legal field lies in regulating and administering the relationships between the government and the citizens. When considering the concepts of the "state" and the "government," two approaches can be assumed.

Initially, the descriptive approach primarily focuses on inquiries regarding the nature of the state and its functions. This is a description of the political and holds a significant position among the fundamental principles of public law.

Secondly, the normative approach is primarily concerned with the question of how the state should be structured in order to be deemed suitable or eligible. It also focuses on how the relationships between citizens and the government should be regulated to meet the criteria of eligibility. This approach primarily revolves around determining the ideal form of government and governance. The present article specifically addresses this aspect of public law.[6]

The question of whether God's word is created or uncreated is not within the purview of public law. Public law, instead, focuses on the domain of *kalām* (Islamic theology) that pertains to ethical concerns, societal matters, and justice. When theologians have turned their attention to the issue of government and the methods of governance, they have explored the normative aspects. Their aim has been to discern a form of government that is deemed suitable and the means to achieve it. This represents the starting point for the intersection of public law and *kalām*.

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6. For a detailed discussion of public law, see Loughlin (2004).

The liberal attitude of the Buyids, with whom 'Abd al-Jabbār was contemporary, had provided a fertile ground for Muslim thinkers from various schools to freely elaborate on their thoughts along with their rival schools. Among these rivals, the prevailing deterministic school of thought of that era posed a significant challenge to the Mu'tazilite philosophy of free will. As mentioned earlier, building upon the endeavors of the early Mu'tazilites, 'Abd al-Jabbār endeavored to restore the notions of human autonomy and honor.

'Abd al-Jabbār drew a connection between determinism and the Umayyad state, highlighting that Mu'āwiya's rule was founded on deterministic principles. He criticized Mu'āwiya for using determinism to justify his seizure of the caliphate (Abd al-Jabbār 1974, 143). Consequently, Qāḍī refuted the notion of determinism by invoking the principle of justice. He emphasized that justice necessitates refraining from punishing wrongdoers who commit evil due to compulsion and from rewarding doers of good who perform virtuous acts without their own free will. Qāḍī contended that expanding the concept of divine justice and developing a theory of justice would only be feasible by denying the attribution of injustice to God and instead attributing injustices to human beings.

When it comes to political power and the specific issue of rulers' responsibility in eradicating injustice, the same line of reasoning applies. This perspective aligned with Mu'tazilite thought highlights the dimension of public law within 'Abd al-Jabbār's theory of justice. Although he discusses justice within the context of divine justice, his ultimate goal is to achieve justice in the broader sense, encompassing both the general populace (citizens) and the rulers themselves. According to 'Abd al-Jabbār, establishing political power and appointing rulers serve the purpose of realizing justice within the Muslim community. From Qāḍī's perspective, justice is not an abstract value but a truth of utmost significance:

> The concept of injustice becomes apparent to those who have experienced
> oppressive rule, and similarly, those who practice justice can understand
> the profound impact it has on people, much like the bitter taste of tyranny
> that victims experience. ('Abd al-Jabbār 1967, 6:34)

Qāḍī perceives justice primarily from a social perspective. He presents an elevated concept of justice, emphasizing that it is inherently linked to other human beings and the common good. His conception of justice revolves around the relationship between "me" and "others," rather than being solely concerned with the individual in isolation. As such, he formulates justice as the complete fulfillment of the rights of others, while also ensuring one's own rights are fully respected. Qāḍī establishes the criterion of benefit and loss based on the good of others or the collective good. According to him, an action can only be considered just if it is primarily directed towards benefiting others. Actions undertaken solely for personal gain or to avoid personal loss would not be regarded as just.

Qāḍī 'Abd al-Jabbār advocated for the complete and unrestricted freedom of individuals in their actions. He firmly believed that every human being is solely responsible for their own acts and has the ability to create them. According to him, no external force, whether

it be God or another person, influences a person's actions. Qāḍī 'Abd al-Jabbār was deeply concerned about the tangible consequences that determinism had on religious beliefs within the Muslim community. His strong emphasis on the principle of absolute freedom ultimately leads him to a significant conclusion.

Firstly, it is important to recognize that any form of praise or reproach, as well as experiences of goodness or badness, and even changes within the realm of human life, particularly when it comes to voluntary actions, are not contingent upon predestination or divine approval. Rather, they are determined by the individual's own decisions, willpower, and capabilities.

Secondly, it is essential to understand that any recompense or penalty for actions is not bestowed through sheer grace, but rather based on merit. Qāḍī attributes the virtues of actions entirely and genuinely to human beings, thereby asserting that humans deserve rewards for their righteous deeds. While emphasizing the absolute freedom of humans, he does not deny the transcendence of the Divine. The ideal human model he strives to establish is one that encompasses all the attributes acknowledged by monotheists for God. Hence, Qāḍī acknowledges the coexistence of two powerful entities, God and humans, in relation to a single act.

The significant conclusion that can be drawn is that 'Abd al-Jabbār recognizes and emphasizes the crucial aspect of philosophical freedom, which is an essential component of political freedom. He firmly believes in the inherent will, intention, and capability of humans in their actions. By establishing the distinct will and potency of humans separate from that of God, he underscores the absolute freedom of individuals. Qāḍī 'Abd al-Jabbār's ideas lay a stronger foundation for upholding fundamental freedoms of citizens than any other perspective. The outcome of his thoughts is the preservation of human respect and dignity. Therefore, for a liberal-minded Muslim who is committed to the law, both religious and secular, and seeks to lead a social and political life in accordance with the principles of modern society, it is advisable to adopt this rational perspective as a framework for understanding the basis of human actions and defining rights and obligations within modern legal systems.

From the preceding discussion, it becomes evident that one of the pivotal subjects within *kalām* is the examination of normative and value-based behaviors of individuals and societies. Consequently, this field of knowledge is inherently connected to governance and public law. Public law, in its exploration of the concept of the state, governs the relationship between the government and its citizens. It is at this intersection that the discussions in *kalām* and those in public law converge, with a focus on providing prescriptive guidance. Within the realm of value-based discussions, the theory of justice serves as a critical juncture between *kalām* and public law. Scholars of *kalām* scrutinize questions regarding rulership and governance through the lens of justice and morality. Topics such as the political freedom of citizens, the dynamics between states and individuals, the notions of public and private interests, and the

characteristics of an ideal state, as viewed by 'Abd al-Jabbār, are all part of his theory of justice and directly relevant to public law.

Conclusion

In Qāḍī 'Abd al-Jabbār's intellectual analysis, the society shaped by Umayyad Islam is depicted as a closed society characterized by oppression and coercion. The outward displays of faith during that time held no true substance. In contrast, what Qāḍī 'Abd al-Jabbār considers to be the true Islam is a comprehensive ideology where all religious principles and teachings serve a higher purpose. This purpose, broadly stated, encompasses the dignity of humans, their proximity to God, and ultimate happiness. Consequently, according to Qāḍī's theory of justice, it is impossible to discuss human dignity without placing individual will as a priority. The only valid constraint on this will is a just decree derived from the free wills of the individuals who constitute a given society (secular laws). Therefore, it is prohibited for a society to impose religious pressure on its members in the name of religion and religious law.

Furthermore, Qāḍī's theory of justice explicitly acknowledges the role of "reason" as a foundation for deducing and issuing decrees. Recognition of reason becomes a prerequisite for religious belief, and rejecting reason is considered a grave sin. This belief directly opposes the "superficial Umayyad Islam" in which reason is marginalized and limited to determining legal decrees. In contrast, Qāḍī's theory allows religiously committed individuals to live in harmony with the secular rules of modern legal systems while upholding religious law. It enables human reason to comprehend the objectives of religious decrees and subjects many legal decrees, particularly those unrelated to devotion, to rational scrutiny and discussion.

For example, based on Qāḍī's Mu'tazilite thought, his theory of justice establishes the relationship between the self and the Other, emphasizing freedom and free will. Coercion and violence in this relationship are deemed abhorrent and reprehensible. Just as I am free to choose my faith and non-dogmatic foundations, the Other is equally free to do so. Even if I perceive the choice of the Other as incorrect, I am not allowed to force them into my own understanding of what is right. Therefore, the conflicts arising from the contradictions between the legal rules of the modern world and the lived experiences of some believers cannot be solely attributed to religious misunderstandings or lack of practice. The root of these problems appears to lie in the disregard for reason, the inner prophet.

The Mu'tazilite approach, particularly in Qāḍī 'Abd al-Jabbār's perspective within his theory of justice, may offer the most effective means of reconciling the contrasts between modern secular law and traditional religious law. Understanding and applying Qāḍī's theory of justice, including its limitations on the efficacy of reason and methods of evaluation, suggests that this rational approach aligns closely with the rational foundations of modern legal systems. It establishes a conception of justice that incorporates religious law and can be classified within modern frameworks of justice.

Acknowledgment

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