Kom, 2022, vol. XI (2) : 19–40

UDC: 284-748
284-423.78
DOI: 10.5937/kom2202019A
Original scientific paper

Individual Justice in Shi'ah School of Thought

Amanallah Alizadeh

Faculty of Philosophy, Al-Mustafa International University, Qom, I. R. Iran

In this essay, I discuss individual justice to illustrate the negative sovereignty of lust and cupidity of soul over intellectual faculty, and to show the manifestations of greediness of people in external world, in which they prioritize their appetite of eating and drinking, and their eagerness for possessing property – over rational demands. This unjust order is against what is supposed to be. In this explanation I use Islamic philosophy, ethics and jurisprudence as three fields of Islamic studies to determine justice in thought, justice of inner faculties and justly treatment of people in society because each of these three – thought, inner faculties and behaviours – determines part of justice. It seems that without individual justice it is impossible to achieve perfection and establish justice in society.

Keywords: *justice, individual justice, moderate states of inner faculties, Shi'ah, natural order*

Introduction

Justice is human lost in the whole history and primary duty of prophets who are designated by Almighty God is to establish justice in society. Justice consists of governmental justice, individual justice, and justly-treatment of family, neighbours and people in community. None of them can be neglected when we want to dispense justice in community because individual justice and justly-treatment of people and governmental justice are three pillars and principals of social justice. In this writing, I will deal solely with individual justice as the main pillar of justice because it seems that people who do not have control of their faculties, behaviours and their desires won't be able

Corresponding author: alizadehamanallah@gmail.com

to establish justice in society. In Shi'ah reading of Islam, individual justice has been discussed in philosophy, ethics and jurisprudence.

In philosophy, the foundation of individual justice has been discussed, but in ethics, we see a little bit different approach relate to individual justice because it mainly deals with inner faculties as origins of moral vices and virtues. When we come to jurisprudence, it has fairly dissimilar approach relating to individual justice compared to philosophy and ethics because it mostly focuses on manifestation of justice in our behaviours. Furthermore, in philosophical perception, we see principles of individual justice that refers to thought and notion, in ethic, it refers to inner faculties as origins of moral vices and virtues, but in *Fiqh*, the focus is on our conducts. Thus, individual justice will be discussed in this essay based on Shi'ah school of thought with three different approaches of philosophy, ethics and jurisprudence.

A. Individual justice in Shi'ah philosophical perspective

If we ponder on individual justice from philosophical perspective, we will find two distinctive ideas relating to that. First, individual justice means to obey inner faculties of soul from theoretical intellect that instructs practical reason which in turn guides inner faculties to do not go toward excess or defect. Furthermore, if inner faculties of human being obey the intellect's order, they will lead to moderate behaviour of people because practical wisdom, which is called 'scientific cognition' by Aristotle, 'beautiful science' or 'practical philosophy' by Farabi and 'practical wisdom' by Avicenna, prevents inner faculties from excess and defect and distinguishes ugly behaviour from the beautiful, worthy from the unrighteous, true from false and oppression from justice. It guides man in choosing what to do and what not to do (Asadi & Badrkhani 2008: 29). Since practical reason obtains its instructions from theoretical reason, it won't make a mistake what is wrong and what is right, what is good and what is bad. It instructs inner faculties to have moderate behaviours. Thus, a man, whose inner faculties obey his practical reason that obtains its instructions from theoretical intellect, is a just-man because the reason won't lead inner faculties to go toward the extreme, whether it is excess or defect. Avicenna in his book *al-Nafs min al-Shifa* explains hierarchy of intellects and describes that practical reason serves for theoretical intellect to purify man: "If we consider theoretical reason to know how it rules over others, we will find out that intellect-Adaptus (*Aql bil Mustafad*) rules over all intellects. Then intellect-Habitus (*Aql bil-malakah*) serves Actual intellect (*Aql bil-fi'l*) and intellect of potency serves Actual intellect. After that practical intellect (*Aql Amali*) serves all those above mentioned intellects due to purify and refine theoretical intellect" (Ibn Sina 2002: 69).

From this saying of Avicenna, we can infer the duty of practical intellect that is serving theoretical intellect to purify man. Because the perfect men are those who developed their theoretical and practical intellect together simultaneously. The purification of theoretical reason is possible via help of practical reason. Avicenna has a clear statement in this regard: "The best and perfect men are those whose souls became perfect into two aspects of theoretical and practical. From theoretical aspect, the perfect man is the one who obtains scientifically all rational things or nearly all rational things. In this case, his/her soul becomes like a polished mirror that reflects the image of all things … but in terms of practical intellect this is such that to be purified from every vice, bad and ugly habits and adorning with good and noble features" (Neyshaburi 2004: 513). Mulla Sadra also divides rational faculty of human being into theoretical and practical reasons. He introduces the purpose of theoretical intellect to become man-'rational world' likewise real world, and defines the purpose of practical reason to have supremacy over body which in turn is obedient to intellect (Mulla Sadra Shirazi 1984: 20). Thus, Justice, in philosophical perspective, means obedience and imitation of inner faculties from practical reason that obtains its instructions from theoretical reason. In other words, justice consists of obedience of inner faculties from reason and rational faculty.

The second opinion in this connection is that justice is called for moderate status of inner faculties. Contrary to the first interpretation of justice, which focused on imitation of intellectual reason, the second reading of justice emphasizes on moderation status of inner faculties. The second meaning of justice has two interpretations. Plato takes into account four virtues including; wisdom, bravery, chastity and justice. He considers justice as lofty virtue for all faculties when they all do their duties without interfering in other's affair. Justice as fourth virtue comes from moderation of all faculties of reason, anger and concupiscence. But Aristotle takes a different position that observes justice as a moderate condition between two states of faculties that are excess and defects. Justice is not an independent virtue.

When we come to Muslim scholars, we see numerous opinions regarding justice. Some of them mixed Plato and Aristotle's ideas and introduced it as a new idea, but some others distinguished between two and prioritize one of them. Shia scholars defined justice as giving each person what he or she deserves/ giving each person his or her due (Atrak 2013: 115). If we pay more attention to the meaning of justice presented by Shia scholars, we will find numerous ideas drawn from pervious philosophers like Plato and Aristotle or they mixed them with each other and introduced as new ideas. For instance, Ibn Miskeweyh divided virtues of inner faculties of human beings into four types; including wisdom, bravery, chastity and justice,

which is the same division as Plato's in his book *Tahzib al-Akhlaq va Tathir al-A'raq* (Naraqi 1998: 18), but Avicenna in his book *Kitāb al-Shifā* has another division. He believes in: practical reason, bravery and chastity. Justice is the moderation of three portions of practical reason and considers the moderation for theoretical reason, nonsense (Ibn Sina 1984: 457). Thus, Ibn Miskeweyh considered justice as fourth and independent virtue, but Avicenna takes into consideration justice as moderation for practical reason that dominates on three inner faculties of reason, anger and concupiscence. The second meaning of justice, which has two interpretations, is continued by ethic scholars with a little bit different approach. I will explain it in the following part.

B. Ethics and Individual Justice

Muslim ethic scholars have continued second philosophical definition of justice with different classification and distinctive approach. They neither gave up philosophical opinions relating to justice nor did they ignore Islamic teachings. They tried a lot to present an interpretation to be in harmony with Islamic teachings and philosophical ideas like Plato and Aristotle. Mulla Mahdi Naraqi, Ibn Miskeweyh, Khwaja Nasir al-Din Tusi and some other scholars defined justice as moderation of inner faculties. They tried a lot to organize all ethical teachings based on the state of soul whether it has moderate condition or excess and defect condition. They apply the attribute of justice to moderate condition of inner faculties with distinct classification for inner faculties and different approach compared to philosophy perspective.

Mulla Mahdi Naraqi, as prominent scholar in ethics, divides inner faculties of human beings into intellectual faculty, anger, and fancy or satanic, and his interpretation is welcomed by many ethic scholars. He maintains that justice is moderate condition for faculties and is an attribute of all these faculties (Naraqi 1998: 69). In the following paragraph, I will deal with three main inner faculties of mankind to explain their moderation, excess and defect, and virtues and vices initiated from those conditions by invoking *Quran*, tradition and rational argumentation.

1) Status of Theoretical Intellect

Although some Shi'ah scholars consider the moderation for theoretical intellect meaningless because they consider the intellect's duty to comprehend realities, distinguish good and evil, order goodness and prohibit badness; however, some others maintain that it is feasible to attribute the moderation to theoretical reason and consider it as perfect status of intellect. I

will deal with these two ideas in this part to verify whether it is feasible to have defect, excess and moderation for theoretical intellect or it merely has one status that is understanding reality. It is explained by some scholars as following: "Some ethical scholars believe that there is no meaning for theoretical intellect to be attributed to moderation because its purpose is to motivate people to search of truth and encourages them to achieve unknown things through thinking. There is no meaning for moderate status of intellectual-faculty to receive knowledge or limitation of that. The more theoretical intellect achieves, the more virtues are obtained and come close to perfection. To believe in moderation for theoretical reason means to limit intellect to do not perfect and to do not understand any more … Some other scholars maintain that theoretical intellect can be attributed to moderation (justice) within two interpretations: first, justice means that all practical reason and faculty of anger are obedience for theoretical faculty, but the second meaning for justice is that all faculties are in moderate circumstance, in line with theoretical intellect and obedience to theoretical intellect" (Naraqi 1998: 97).

Therefore, we can apply the attribute of justice and moderation to theoretical intellect by these two interpretations; first, inner faculties (like anger and practical reason) should be in harmony with theoretical intellect and obedience to that, second, all inner faculties should be in fairness and moderate condition. Mulla Mahdi Naraqi and almost all scholars after him maintain the second interpretation of justice that all inner faculties should be in moderate condition. Yes, we find some of their discussions which deal with moderation as obedience of faculties to theoretical intellect.

a. Moderation of Theoretical Intellect (Wisdom and Moderation)

If we accept the second interpretation of justice which means moderate condition for all inner faculties including theoretical intellect, we need to know virtues originating from moderation of that because as it is mentioned previously from moderate status initiate many moral virtues. The same situation exists for excess and defect condition of theoretical intellect from which emanate many vices. Thus, when we accept this interpretation of justice, there is a virtue for theoretical reason, which is introduced by ethical scholars, as 'wisdom' by which we recognize all existents as they are (Naraqi 1998: 110). But some other Islamic thinkers counted other virtues for theoretical intellect and take into consideration recognition of truth and false in speech, wrong and right in beliefs, and beautiful and ugly in practice. For instance, Ibn Miskeweyh names some other attributes as

virtues for moderate condition of theoretical intellect. He enumerates the following virtues: "There are some subset-virtues for wisdom including: *al-zaka* (cleverness) that is when a man reaches a conclusion easily, *al-zukr* (reminding) is a process of imaging by intellect and illusion from all things, *tafakkur* or thinking, *javdad al-zihn* or perspicacious which is called purity of mind by which a man is able to infer what is intended to learn easily" (Ibn Miskeweyh 2016: 106). If we pay more attention to these mentioned attributes (recognition of truth from false, wrong and right, and beautiful and ugly), we will realize that they are examples of wisdom that shows itself in recognition of truth from false, wrong from right in believes, beautiful from ugly in practice. They are not separate things beyond wisdom. In other words, when a man reaches his/her reason to moderation, he/she attains realities of all existents and has ability to recognize truth from false, right from wrong and ugly from beauty. Mulla Sadra has a nice statement in this regard: "The best faculty of human being is faculty of reason by which man becomes successor of Almighty God in mundane world and the by which man excels all angels is wisdom" (Mulla Sadra Shirazi 1380: 137), which is defined as cognition about truth of things as they are and considers wisdom as an elixir of life that everyone, who drinks it, gets a lot of goodness (Ibid: 275). Ibn Miskeweyh in his book *Tahzib al-Akhlaq* also has the same explanation relate to wisdom and says: "The wisdom, which is the virtue of soul distinguishing man from another animal, gets knowledge about all existents as they are. In other words; it knows about all affairs relating to God and human being" (Ibn Miskeweyh 2016: 105). Almighty God has mentioned repeatedly wisdom in *Quran* and considered it as a purpose for sending Prophets: "Indeed, God bestowed a favour upon the believers when he raised up in their midst an apostle from among themselves, to convey His messages unto them, and to cause them to grow in purity, and to impart unto them the divine writ as well as wisdom – whereas before that they were indeed, most obviously, lost in error" (*Quran* 3: 164). Sometimes the wisdom is considered as abundant goodness in *Quran*: "He grants wisdom to whomever He wishes, and he, who is given wisdom, is certainly given an abundant goodness, and none takes admonition except those who possess intellect" (*Quran* 2: 269).

Therefore, it is accurate to maintain moderate status for theoretical intellect from which emanates wisdom. It means knowledge and cognition that we get about reality of all existents as they are. It includes knowledge about God and human beings, truth and false in speech, wrong and right in beliefs and ugly and beautiful in practice. In *Quran*, people are admired in this way: "anyone who has been given wisdom, he/she has been blessed with great goodness" because he/she achieves realities of all existents.

b. Excess and Defect of Theoretical Intellect

If the theoretical intellect of mankind deviates from its moderate status toward excess and defect, there would be different kinds of vices that originate from deviated reason. There are two main vices, which are called Stupidity and Slyness, initiated from deviated intellect, and can be offspring of infinite vices.

– *Stupidity (Defect and Ignorance)*

Stupidity (*balahat*) means to cease to work on intellect purposefully without any defect in mind, in fact, the offspring of stupidity is the uselessness of intellect that leads to ignorance. Simple-ignorance and multiplex-ignorance are two consequences of uselessness of intellect. Simple ignorance is when a man does not believe in his/her sagacity and knowledge, but contrary to that is the multiplex-ignorance when a man is ignorant, but considers himself/herself knowledgeable. At least two vices of Perplexity (*hayrat*), and scepticism originate from ignorance that in turn originates from stupidity and uselessness of intellect because a man who does not utilize his/her intellect to obtain certainty, would encounter perplexity and scepticism. There are numerous traditions which condemn irrationality (ignorance) and their consequences like perplexity and scepticism, for instance, Imam Ali said: "Irrationality is the worst ailment" (Amadi 1989: 1203). He also said: "Foolishness is an ailment which cannot be remedied and sickness that cannot be cured" (Ibid: 1205). Sometimes Imam Ali lays stupidity and wisdom against each other to show creditability of wisdom and worthlessness of ignorance. He says nicely: "The desire of an intelligent person is in wisdom and the ambition of an ignorant person is in foolishness" (Ibid: 484).

The perplexity and doubt are consequences of stupidity and uselessness of intellectual reason because when a person behaves foolishly, he/she does not really use intellect and stays in astonishment between two things. Perplexity is something that is disapproved of in Islamic religion and Shia denomination. Of course, perplexity in religion and philosophy is fairly different from what is understood in mysticism because in mysticism, perplexity initiates from mysteries of truth. It sounds admirable when mystics encounter mysteries of truthfulness that is not absolutely understandable nor absolutely undeniable, but the perplexity in philosophy and tradition is not acceptable because what is important in both is certainty. Philosophers firmly believe that they are able to realize truthfulness by intellect power. Thus, there is no place and value for perplexity and doubt in philosophy likewise in traditions and holly texts. They are disapproved of there. We have

numerous verses and traditions that encourage man toward certainty. I will quote some examples of disapprobation of doubt from *Quran*: "Only those who do not believe in God and the Last Day ask you for exemption. Their hearts are full of doubts, so they waver in their doubts" (*Quran* 9: 45). In this verse, Allah condemns those whose hearts are full of doubts and they waver in their doubts. We can infer from this verse that doubt is an attribute of some people who do not believe in God and creator of man and universe. Contrary to that are believers who have certainty in Allah likewise a person who has seen Allah. Imam Ali said: "We believe in Him like the belief of one who has seen the unknown and has attained to the promised-rewards of belief, the purity whereof keeps off from belief in partners of Allah, and whose conviction removes doubt". There is an amazing tradition about certainty that is admired by Imam Sadiq, who said: "Certainty promotes man to every lofty and amazing position. Prophet Muhammad talked about lofty position of certainty, when He mentioned Isa Ibn Maryam (Jesus Christ) who was walking over water, and said; if he had more certainty, he would walk over air" (Naraqi 1998: 159).

If you see the above mentioned verses and tradition as examples of Islamic attitude toward certainty, you will realize that certainty is admired and approved. It is considered as a lofty position. The faith in God with certainty is considered as a belief in something you have seen. Contrary to certitude are doubt and scepticism, which initiate from uselessness of intellect and are disapproved of and disgraced in *Quran* and tradition. We should pay attention that there is a distinction between actual usage of doubt and figurative usage of doubt. The actual usage of doubt is ignorance of two sides and having supposition about two sides that is fairly different from figurative meaning of doubt. The actual meaning of doubt can happen even to Prophet Muhammad and can be removed by investigation, but the figurative meaning of doubt is something that is made by man and cannot be removed by research because a doubter in figurative doubt does not want to know the realities to attain certainty. Thus, this type of doubt is disgraced and disapproved of in *Quran* and narrations that locate in opposite of certainty that comes from the usage of intellect. There are numerous verses and traditions in this connection: "So, if you are in doubt, [O Muhammad], about that which We have revealed to you, then ask those who have been reading the Scripture before you. The truth has certainly come to you from your Lord, so never be among the doubters" (*Quran* 10: 94).

There are several traditions that disgrace doubt and praise certainty. Imam Ali considers doubt as the most destructive thing that we should avoid: "The most destructive thing is doubt and uncertainty, and the most constructive is piety and keeping aloof from sin" (Amadi 1989: 1039). Or: "Cling to certitude

and eschew doubt, for there is nothing more regards to his religion that the prevailing of doubt over his certitude" (Ibid: 729). Imam Ali also said: "Doubt is the fruit of ignorance" (Ibid: 1037). If we ponder on these verses and narrations about doubt, we will find out that doubt is disapproved of and disgraced by traditions as well. In some verses, we see that individuals are humiliated and considered as infidels in some cases because of doubt, but contrary to that is the certainty which is praised and admired in *Quran* and narration. Of course, doubtedness is normal affair which can happen to everyone, even Prophet Muhammad; however, what is important is to remove it by investigation to achieve epistemological certainty because the figurative and psychological one won't be removed by investigation and utilizing rational power.

Therefore, stupidity, as a defect side of theoretical reason, means ceasing to work on intellect that leads to ignorance from which initiate numerous vices including perplexity (*hayrat*), and scepticism that are disgraced in *Quran* and tradition. Slyness or sophistry also lies on the excess side for theoretical intellect. I will explain it in the following section to show three conditions for theoretical intellect.

– *Slyness (Excess and Sophistry)*

Slyness or sophistry is also the extreme status of theoretical intellect which is sometimes called *jorbozeh*. The sophistry and *jorbozeh* is an ability to deceive others, and is located on the opposite side of wisdom. It is appropriate to say sophistry instead of *jorbozeh* because sophistry demonstrates clearly the meaning that we intend to say. Sophistry means to mix wisdom with lies and dissimulation to deceive others (Naraqi 1998: 110). Although man uses his/her intellect in sophistry, however, it is not suitable to say wisdom because man mixes wisdom with dissimulation for misleading people. Naraqi discussed on *jorbozeh* and sophistry in the first volume of his book, *Jami' al-Sa'adat*, and defines it as: finding hidden ways to deceive the others, so, it is vice for theoretical intellect and the most lethal factor and mortal sin (Ibid: 426–427). He declares that sophistry causes man's thought to go astray from the right path, and beyond moderate condition because it makes over-nice-distinction among things which does not agree with reality, goes beyond truth, and does not have any stability. In some intellectual affairs, it leads to infidelity, negation of realities as sophists did scrupulous in Sharia's affairs (Ibid: 151). He has a nice statement related to vice of theoretical intellect: "There are two vices against wisdom which are *jorbozeh* (sophistry=ability to deceive) and stupidity. The first one is in excess side that man utilizes his/her intellectual power more than what deserve to use or more than what deserves to be. The second one is related to defect side that man ignores to use

theoretical faculty or ceases to utilize it ... It is better to use sophistry instead of *jorbozeh* and ignorance instead of stupidity because the real meaning of wisdom is recognizing realities as they are. It is obtainable by moderation of intellectual faculty. For this reason, if intellectual power goes beyond moderate condition to infer some minuscule affairs (sophistry-excess) or stays in doubt and stupidity which is unable to obtain any reality (ignorance-defect), it would locate against wisdom and rationality" (Ibid: 110–111).

When Ibn Miskeweyh defines wisdom as a moderate condition for intellectual power, he defines *safah* (*jorbozeh*) as utilizing theoretical faculty in inappropriate way: "But the wisdom is between *safah* (slyness) and *bulha* (stupidity). Here, slyness means to utilize the intellectual power in some inappropriate affairs as they are inappropriate. It is called *jorbozeh*. The stupidity (*bulha*) means to cease to work on the theoretical power. It is not appropriate to perceive stupidity in here as teratogens (*nuqsan al-khilqah*), but to stop rational faculty purposefully" (Ibn Miskeweyh 2016: 110). Therefore, *jorbozeh* or *safah* means mixing wisdom with lies to deceive other people. It is considered as deviation for theoretical intellect toward excess like stupidity which is a deviation for intellectual faculty in defect side. As stupidity is disgraced in religious teachings, slyness and sophistry are disapproved of, as well. There are several traditions disapproving sophistry and deceit, for example, our prophet said: "Whoever deceives Muslim is not one of us" (Naraqi 1998: 247). Imam Ali also said: "Had it not been the deceit and slyness on Hellfire, I would have been the most deceiver of all men and He repeatedly sighed and said: Wow! They play trick (deceit) on me and they know that I understand their trick and I know more than them the ways of deceit, but because I know that the consequence of deceit is on Hellfire, I endure their deceit and do not commit what they did" (Ibid).

Sophistry and *safah* play the role of offspring from which originate several unpleasant vices such as *vasvas* (scrupulous, obsession) and *makr* (ruse). Obsession and *vasvas* is when a man ponders on every affair scrupulously that results in negation and rejection of truth and realities. One of the clear examples of obsession is the 'obsessive-compulsive disorder with dirt and filthiness' because man does not get certainty to stop washing things. He or she considers them unclean. The origin of obsessive-compulsive disorder traces back to rational obsession that man excess in usage of intellect in every affairs scrupulously.

2) The Faculty of Anger

The second inner faculty of human being is 'anger faculty', that has three statuses of excess, defect and moderation, like theoretical faculty, but the mod-

eration status for 'anger faculty' is 'bravery' and the excess and defect are called *tahavvur* (temerity) and *jubn* (cowardice). Each of these conditions for 'anger faculty' can be an offspring of different attributes. It is said by a scholar: "There are two vices against bravery: temerity and cowardice. The temerity is located in excess side, which means it takes action about affairs that must be avoided, but cowardice is located in defect side, which means to fear to do and avoid to do some things that must be done" (Naraqi 1998: 111).

a. Temerity or Tahavvur

He mentions this confrontation in the following page as well: "But the two kinds of vices for the power of anger are: *tahavvur* (temerity) and *jubn* (cowardice) and you know that the opposite of these two vices is 'bravery'" (Naraqi 1998: 114). Temerity (*tahavvur*) is defined as an opposite attribute of bravery by ethical scholars in this way: "Temerity is taking an action that should be avoided and being exposed in dangerous situation that is forbidden by the reason and *Sharia*. The proof for avoiding such dangerous situations is narrations and verses" (Ibid: 251). Naraqi documents his assertion by verse of *Quran* that disapproves of temerity in Islamic doctrines like: "And do not cast yourselves with your own hands into destruction" (*Quran* 2: 195).

In this case, if you cast yourselves by your own hands into destruction, you will lose your life that is not allowed in religious doctrines. It is forbidden in religious teachings to destroy the God's deposit that is bestowed upon you. He also invokes his claims by the intellect which orders us to protect ourselves from danger, and mentions that those individuals, who cast themselves in danger, are somehow mad and foolish, because wise people won't expose themselves to danger. For example, a man who falls down from a mountain or someone who does not fear rapacious animals, plays with unsheathed sword or swims in a whirlpool, is venturous because normal people do not bear to commit such frightening actions. There are many narrations that define temerity as excess side for 'anger faculty'; I will mention one instant from Imam Hassan who says: "There is limitation for economy; if it goes beyond that, it would be jealousy, and there is boundary or bravery, if it goes beyond that, it would be temerity" (Naraqi 1998: 136).

b. Cowardice

The other side of bravery is cowardice which also originates from 'anger faculty', but it is contrary to temerity and courage because it is located at the defect side which refers to laziness and fearfulness as it is defined by a Shia scholar: "Cowardice, which is located in the defect side of bravery

and temerity, means that man does not do anything when the priority for him/her is revenge. Wrath (*ghazab*) is an excess in this action. Therefore, cowardice, from one aspect, is opposite to wrath and, from the other aspect, is opposite to temerity. In both aspects, cowardice is located in the extreme side and is a big destruction that man will be attributed to as a despicable feature; like, self-contempt, lowliness, terrible-life and they will become lazy, complacent and unstable in his/her jobs. People will have views upon his life and wealth. So, he/she will be prevented from salvation. An oppressors will invade his/her life and impose different kinds of infamy on a cowardly person. A cowardly man will hear various curses and accusation, but will become careless about all things that cause infamy and shame. He/she will abandon his/her lofty goal and affairs. It is disgraced in *Shariah*" (Naraqi 1998: 252). The infallible Imams disapprove of cowardice and pusillanimity in many cases, as Imam Ali said in *Ghurar al-Hikam*: "Be wary for cowardice for it is indeed disgraceful and is a deficiency" (Amadi 1989: 5660). Or he says: "Extreme cowardice stems for impuissance of the self and weakness of conviction" (Ibid: 5662).

Thus, temerity and cowardice are located in excess and defect sides for 'anger faculty' from which originate several vices, but from the moderate status of 'anger faculty' initiates several virtues. In Islamic teachings, particularly, in Shi'ah understanding of Islam, bravery is a condition which is advised repeatedly for Muslim who want to achieve salvation. To get to individual justice, it is vital to moderate people their anger faculty and do not lead their anger faculty to deviate toward excess and defect in bad circumstance. If they control their anger faculty in moderate condition, they won't sustain a loss. Let's learn more about the essence of bravery in the following paragraph.

c. Bravery

Bravery or *shaja'at* is the moderate state of 'anger faculty' of man which has two other status as mentioned in the above paragraphs. Ibn Miskeweyh defines it as following: "As concerning to bravery, it is a virtue for anger faculty of soul which appears for man when it obeys the intellectual faculty and the application of which results in admiration on significant affairs; that is to say, a man does not feel frightened to do fearful things because of greatness of its action and praiseworthy of its endurance" (Ibn Miskeweyh 2016: 105). Naraqi does not define bravery in a logical way, but compares and contrasts it with two of its opponents, which are temerity and cowardice. He mentions: "As you knew, the opponent for temerity and cowardice is bravery. Remember the nobleness of bravery, and persuade your soul to its require-

ments in order to become the second nature (*malakah*) for it and remove the effects of all of its two opponents. You understood that the bravery is the best and the noblest habit of soul, and those who are disqualified of bravery, in fact, are free from manliness" (Naraqi 1998: 253).

Imam Ali considers the most courageous people who defeat ignorance with forbearance (*hilm*): "The most courageous of people are the ones who defeat ignorance with forbearance" (Amadi 1989: 6387). He also says: "Generosity and courage are honoured instincts which Allah, the Glorified, puts in the one whom He loves and has subjected to trials" (Ibid: 8443). Anyway, *shaja'at*, courage and bravery, is a virtue which comes into existence from the moderate condition of 'anger faculty'; that is to say, a man would be courageous when his soul has balance and moderate states. Without that the soul of man would go toward excess and defect which are temerity and cowardice. It is attainable for individuals when they control their anger faculty, obey rational commandments and achieve to moderation status. When a man achieved moderate states of soul, from which would emanate many other virtues including greatness of soul, self-confidence, chivalrous, constancy, tolerance, forbearance, calmness, bravery and physical endurance (Ibn Miskeweyh 2016: 107). Khwaja Nasir al-Din Tusi also enumerates above mentioned virtues in his book that originate from the 'anger faculty' (Tusi 1977: 112–113). I suffice to discussion more in this connection, but I'll quote a fairly nice explanation from one of Shiah scholar that can help us to better undrestatnd it. He nicely illustrates courage and its two opponent sides: "People are in three groups relating to their anger faculties; excess, defect and moderate. The excess state in anger faculty is when wrath state overcomes man that negates man to follow reason and Sharia's instructions and there does not remain any insight for anger faculty. The defect side of anger faculty is when it becomes so weak so that it does not become angry where it is nessacery to become angry according to religious law and intellect's instruction, but the moderate state of anger faculty is that it becomes angry in appropriate time and does not go beyond reason and *Sharia*. It becomes angry where religion and reason allow it to become angry. In this circumstance, wrath, in fact, is called *shaja'at* and bravery" (Naraqi 1998: 349).

Therefore, we understood that the only way to receive moral virtue of bravery is to control our anger faculty in moderate status by which we can achieve individual justice. In this circumstance, the faculty of anger follows reason's orders from one side and religious law from another side. Of course, a person will not be just-man if her/his intellect, anger faculty and concupiscence does not reach moderate condition. What is the faculty of concupiscence? I will deal with it in the following section.

3) The Faculty of Concupiscence

The third inner faculty of human being is the faculty of concupiscence which can have the main role for man to achieve justice because it helps man to control and monitor his/her desire for lust, for food, for enjoyment of eating, drinking and marriage. It also has three conditions like the faculty of anger and intellectual faculty. The moderate condition for this faculty id called *iffat* – chastity. There are two opposite conditions for the faculty of concupiscence which are called *sharra* (*azmandi*, greediness) and *khamudi* (abstinence). They are located in excess and defect side of moderation.

a. Azmandi and Sharra (Greediness)

Sharra or greediness means that man obeys sexual desire, appetite for eating and drinking and possession of property. Naraqi in second volume of *Jami' al-Sa'adat* explains *sharra* and avidity as following: "Sometimes, greediness and *azmandi* is defined as absolute obedience of man from faculty of concupiscence into all its desires including: appetite for eating and drinking, sexual desire, loving properties and other concupiscent desires. Thus, greediness is more general than other vices for the faculty of concupiscence and is considered as origin of them" (Naraqi 1998: 17). Therefore, greediness is located at the extreme side of chastity which is one of the most significant virtues for man to purify his/her soul and achieve perfection. Greediness naturally attracts people to have properties, eat and drink without any limitation. If a person wants to reach salvation and perfection, he/she should control this unlimited desire. There are several narrations in this connection that disgrace it, such as this Prophet's saying: "Whoever protected him/herself from three evils, he/she has been protected from all evils; tongue, stomach and concupiscence". Imam Ali also has a profound statement connected to avidity: "A greedy person is never found relaxing" (Amadi 1989: 6601). He also said: "Greed humiliates and causes misery" (Ibid: 6610).

The holy *Quran* also disapproves the greediness of Jewish people when comparing Jewish and pagan and it says that Jewish people are more greedy than pagan relating to this mundane life: "And you will surely find them (Jewish) the greediest of people for life (even) more than those who associate others with Allah. One of them wishes that he could be granted life a thousand years, but it would not remove him in the least from the (coming) punishment that he should be granted life. And Allah is seeing of what they do" (*Quran* 2: 96).

b. Khamudi (Doldrums)

The opposite status of greediness for faculty of concupiscent seems *khamudi* or doldrums which means to feel lassitude and listlessness to look for necessary enjoyment of soul that is permitted by religion and reason. Khwajeh Nasir al-Din Tusi and Mulla Mahdi Naraqi considered doldrums as defect side of chastity. For instance, Khwajeh Tusi says: "But the doldrums of concupiscence, which locates in defect side, means listlessness of searching for vital enjoyment that is permitted by intellect and religion" (Tusi 1977: 120). Naraqi defines the doldrums in a fairly complete way: "*Khamud* or doldrums consists of defect and neglect of man for acquiring required food and listlessness for marriage-appetite, so that results in decline of that instinct, destroying of family and cut of generation. Undoubtedly, this is disapproved of and disagreed on in *Shariah* because receiving divine's knowledge, acquiring moral virtues and doing physical worship of God, depend on having physical power. So, the neglect of providing food for body would result to deprivation of its great abilities" (Naraqi 1998: 19). Both doldrums and greediness for faculty of concupiscence are neglected by reason and religion. We have numerous traditions relating to lassitude of this faculty from infallible Imams who encourage human beings to provide food to have power to worship God, acquire knowledge and attain moral virtues from one side and to utilize appropriately the gift of God for making family.

c. Iffat (Chastity)

We have understood from the above mentioned discussion that the moral virtue of chastity comes from the moderate state of faculty of concupiscence, because greediness and doldrums are excess and defect states of faculty of concupiscence. Davudi has a fairly nice lexical and technical definition for chastity in his book, Islamic ethics, as follows: "*Iffat* (chastity) means keeping our soul from disagreeable, bad and ugly deeds in lexical meaning, but in ethics chastity is called for moderation state coming into being for the faculty of concupiscence and protects man from excess and defect" (Davudi 2011: 142). Naraqi defines chastity for faculty of concupiscence to follow the intellectual instruction and to obey from what it prohibits: "You understood greediness and doldrums as two opponents of chastity (self-control and piety) which means the faculty of concupiscence be obedient for intellect in eating, drinking and getting married in quantity and quality, and avoiding what the intellect prohibits us. This is the moderate status that is admired by religion and reason, and disapproved by its two sides of excess and defect" (Naraqi 1998: 21). Therefore, *iffat* or chastity is a

moderate condition for faculty of concupiscence which is in line with rational instruction, and placed between two vices of greediness and doldrums. We have countless narrations and admirations relating to chastity. For instance, Imam Ali says: "The best worship is *iffat* – prudency" (Ibid: 22). He also says: "Chastity is the cornerstone of goodness" (Amadi 1989: 5399). He invites people to espouse chastity and trustworthiness because he considers them as honourable things you can do: "You must espouse chastity and trustworthiness, for verily these two are the most honourable of what you can do in secret and the best of what you can practice openly, and the finest of what you can preserve" (Ibid: 5413). If a man achieves this moderate state of faculty of concupiscence to balance between greediness and doldrums he/she would have several moral virtues that distinguishe good people from the bad ones. Ibn Misekweyh counts following virtues as advantages of a man who reaches prudency and *iffat*. He says: "The attributes, which are under virtue of prudency, are: comfort, patient, generosity, freedom, contentment, gentleness, regularity, reconciliation, solemnity, best guidance and piety" (Ibn Miskeweyh 2016: 106).

To conclude, individual justice is attainable if man tries to moderate his/her three main inner faculties, namely, theoretical intellect, the faculty of anger and the faculty of concupiscence. I benefit from Islamic philosophy to explain justice in thought which is attainable by obedience of inner faculty from the instruction of theoretical intellect. People can achieve wisdom and moderate status of intellect by avoiding going toward stupidity and sophistry as two extreme states of intellectual faculty. Bravery is attainable if we stop going toward temerity and cowardice, and chastity is accessible if we do not incline toward greediness and doldrums as two extreme sides of faculty of concupiscence because slyness and stupidity, temerity and cowardice, and greediness and doldrums are extreme states of inner faculties. Although I began the discussion on individual justice with theoretical faculty and continued my deliberation about anger faculty, and finally end my investigation into faculty of concupiscence; however, to establish these virtues in our soul, we need to reach moderate status of inner faculties. We won't reach prudency, comfort, patient, contentment and gentleness without limiting our desire and appetite. When we make balance in faculty of concupiscence, we would easily control the faculty of anger. When we balance our inner faculties, we can think justly about everything, without interfering in deviated faculty of concupiscence, without interfering in deviated intellect to deceive others or forced other to obey what you desire because in the moderate status of our inner faculties, we even do not think of deceiving others and forcing them. We like for others what we like for ourselves, we reject for others what we dislike for ourselves because our theoretical intellect does not allow us

to think unjustly of others. Neither our theoretical intellect understands beyond truth and justice nor our anger faculty and concupiscence faculty allow us to betray and deceive others in order to achieve our desire. It is urgent to make people aware what they need in modern world where our lust, desire and appetite rule over intellectual faculty and faculty of anger. It is the real life of people in modern world where they become obedient to deviated concupiscence.

C. Individual Justice in Jurisprudence: Meaning, Criteria and Realm of Justice in Jurisprudence

Three main points are needed to be mentioned here to better understand the meaning of justice in jurisprudence. First, the meaning of justice in *Fiqh*, then the criteria of justice in jurisprudence and finally the arenas of justice discussed in *Fiqh* which can be categorized in five themes including justice of leader for a community, *mujtahid*, Imam of congregational prayers or Friday prayers, judge in court and witness to give evidences for or against one.

1) Justice in Jurisprudence

Definition of justice, in jurisprudence, is somehow different from the lexical meaning in dictionary. I do not want to involve in detail about different meanings of justice in jurisprudence and other fields of studies and lexical meaning, but I merely want to mention the main difference between the lexical meaning which is the root for all meanings of justice in all fields of studies and the meaning of justice in jurisprudence. The main difference is that the opposite of justice in lexical meaning is oppression, but the opposite of justice in jurisprudence is debauchery (*fisq*), which is involved in the belief of people in Almighty God, Prophet Muhammad and Judgment day. For instance, if a ruler observes justice completely (does not do oppression) and debauchery religiously, he/she will be a just person lexically, but he/she won't be a just person juridically, because this ruler does not believe in God, the prophet, holy book and Judgment day (Najafi 2012: 145). Thus, the technical meaning of justice in jurisprudence has its own meaning that is not similar to what is defined in lexical meaning.

2) Three Criteria for Justice in Fiqh

Different views are presented relating to individual justice in jurisprudence that originate from various criteria introduced by clergymen who

practice religious jurisprudence. Some jurists introduced *malakah* (habit / the second nature) as standard, but some others reject it. Some scholars, contrary to that, consider doing obligations and avoiding religious prohibition as criteria for justice. For instance, if a person does what they are obliged in religion, they will be just, but if a person commits a mortal sin, they won't be just people. In addition to the two above-mentioned opinions, there is a notion which focuses on fairness as a condition for justice, but some religious scholars negate it. Thus, in the following paragraph, I will deal with the three notions in detail to illustrate three criteria for individual justice in jurisprudence.

a. Malakah (habit) as Criteria for Justice

The first criterion for justice is presented by scholars like Allama Hilli, Sheykh Murtada Ansari and Imam Khomeini who believe that a fairman must have *malakah* of justice, so that it becomes the second nature for a just person. For instance, Sheykh Murtada Ansari, in his book *Risala fi al-Adalat,* said: "The scholars have differed in sayings about the term of justice and its aim in the legislators and jurists' words. The first saying, which is famous for Allama and those scholars who come after him, is that justice is an established quality in the soul that is involved with piety or with piety and fairness". Allahma Hilli also mentions some qualifications for witness and considers justice as fourth condition to be accepted his/her evidence in court to prove or reject a claim: "The fourth (required condition for witness) is justice, which is the second nature quality for soul, involved with fairness and piety. Thus, the witness of debauchery is not acceptable. Obliged people are exempted from being just by doing major-sins, which is promised by Almighty God brings to Hellfire, such as killing, adultery, pederasty, usurping, cursed by parents. Also a witness will exit from being just if he/she repeats venial-sin frequently, but the witness will not exit from just if he/she does venial sin partially. Some say, yes it is harmful" (Allama Hilli 1998: 494). Although there is a slight difference between Allama Hilli's opinion and many others' in detail, they can be categorized in one group which considers justice as an established quality in the soul that automatically leads to good actions. Sheykh Murtada Ansari also requires the habit as a base for justice. Therefore, justice is considered as an established quality in the soul because habit is an existential attribute that penetrates the soul which has stability and duration. If there are no existential attributes like happiness, enjoyment and pain, it will not be the second nature, but it will be the present attribute (Najafi 2012: 146).

b. Doing Obligation and Avoiding Prohibition

Some jurists defined justice as doing obligation and avoiding prohibition. Najafi has a nice elucidation about justice in his article and says: "Justice itself is an external action without invoking to habit and the second nature of soul, that is to say, doing obligatory actions and avoiding prohibited actions in Major-sin and do not repeat the venial-sin" (Ibid: 148). Sheykh Murtada Ansari mentioned the second opinion about criteria for justice as following: "The second opinion about justice is consistent of merely abandon of sin or particularly Major-sin which is quoted from the book *al-Sarayir* while saying: justice is to do not disrupt your obligated action and do not commit obscenity (*qabih*). He even mentioned it in a case, while quoting from the book *al-Vasila* that, in religion, justice is avoiding Major-sin and avoiding insisting on venial-sin" (Ibid).

c. Fairness as a Criterion for Justice

The third criterion mentioned for justice is fairness, which has been defined differently in Shi'ah scholars' books as well. One of the best definitions of fairness as a standard of justice is by the author of *al-Madarik,* who said: "Fairness is purifying of soul from ignobility that is not appropriate for the soul" (Ibid: 163). These types of scholars count eating food in the street, where it is not prepared for that, laughing and telling jokes too much or wearing unsuitable clothes that are forbidden, as unfair, injustice and inequitable conducts. The case of fairness can be different, based on different circumstances and conditions of society where you live because the culture and costumes of community would be different relating to fairness behaviours. Therefore, those behaviours and actions, which are considered as unsuitable and unfair, are destroying fairness and justness of people. For instance, if an Imam laughs a lot or tells jokes too much or eats food while walking in the street, he will not be a suitable person to stand in place of Imam to say a prayer. Thus, in jurisprudence, you see at least three criteria for justice including *malakah* (established quality in soul to become habit), fairness and doing obligations and avoiding prohibitions. Although you see controversial ideas relating to each of these three criteria for justice, those three above mentioned standards are main criteria for justice of people in jurisprudence.

3) Arena of Justice in Jurisprudence

Based on any criteria, justice is a required attribute for the leader of community, *mujtahid*, Imam of congregational prayers, Friday prayers, judge in

court and witness. Sayed Nur al-Din Shariatmadari Jazayeri declares in his essay "Status of justice in political jurisprudence and Imam Khomeini's point of view" is that religious officials, who undertake responsibility of people, need to be just to present their service based on justice. He maintains that: "Since observing justice is absolutely vital in social affairs and social services, religious officials, who undertake responsibility and service of people, need to be just to present their service based on justice. In political jurisprudence, Islamic officials are considered – leader, *mujtahid*, judge, Imam of congregational and Friday prayers, and witness". Seyed Abd al-Fattah al-Hosseini in his book *al-Anavin al-Fiqhiya* mentioned some arenas that require justice: "Yes, what we infer from the apparent sayings of companions that justice is a required condition in every action or saying where a man destroys something of others, bring argumentation against others' property, can be as trustworthy-man for property of other to keep safe, and right of people. These are some cases that justice is required for. It includes justice of witness, judge, writer, translator, charity-agent, distributor, deputy for doing worship instead of (dead/alive) person. Also, it is needed to be trustworthy for prosperity of orphans, absent person and the mad. In addition to that, justice is necessary to be trustworthy-man for endowments and testamentary including guardian of property for orphan and the mad, and also distributor of financial rights as well as depositary, tenant and Imam of congregation prayer" (Al-Hosseini 1996: 726–727).

Therefore, justice has a particular meaning in jurisprudence that is opposite to debauchery (*fisq*) and involves belief of people in Almighty God, Prophets and Judgment day while justice is located against oppression in other fields of studies. Fairness, established quality in soul (*malakah*), observing obligations and avoiding prohibitions are three standards to be counted as justice. It seems that there are various arenas in jurisprudence that need justice as Seyed Abd al-Fattah al-Hosseini mentioned in his book, but the most significant themes that require justice are leaders, *mujtahid*, judge, witness and Imam of congregational and Friday prayers.

Conclusion

To establish justice in society, we are in need of individual justice and institutional justice in inner faculty because without constituting justice in thought and inner faculties, we will not be able to dispense fairness in community. What we see in modern world is the sovereignty of lust, desire and deviated faculty of concupiscence over rational faculty and anger faculty that shows its manifestation in people's behaviour in external world. In other words, there is no justice in our inner faculties to treat with justice the family,

neighbours, and people in society. The disorder we observe in society, in fact, originates from disorder we have in our soul and its faculties. Furthermore, if you see individuals trying so hard to achieve her/his appetite of eating, drinking or possession of properties, it refers to sovereignty of our deviated concupiscence. It is vice versa of natural orders of inner faculties because it is supposed to be the inner faculties be obedience for intellectual faculty that can perceive reality of everything, and can give appropriate instructions for social orders and perfection of human beings. Without considering such order, we will not have justice in our inner faculties and, as a result, we will not have justice in society where it shows its manifestation. Thus, to have justly-treatment of the family, neighbours and people in community, our inner faculty should obey rational faculty and anyone of inner faculty should achieve moderate condition because people would choose the way of sophistry and stupidity instead of wisdom, they would have greed and doldrums inclination instead of chastity, and they would express fearless and cowardly behaviour with people, which are deviated ways. Discussion on individual justice is fairly significant to come out of the appetite of eating and drinking and lust of property. It is possible merely with sovereignty of intellect if it reaches its moderation condition, attains wisdom and perceives realities of every existent as they are, because it is only intellect that can see realities and can issue appropriate instructions for better society and benevolent act towards each other to have acceptable behaviours.

Received: August 19th, 2022
Accepted: November 14th, 2022

References

The Holy *Quran*.

Al-Hosseini, Seyed Abd al-Fattah (1996), *al-Anavin al-Fiqhiyah*, 2nd edition, Qom, Moassese al-Nashre al-Islami.

Allama Ḥilli, Jamal al-Din al-Ḥasan (1998), *Qawāʿid al-aḥkām fī maʿrifat al-ḥalāl wa al-ḥarām*, Qom, Nashre Islami.

Amadi, Abd al-Vahid ibn Mohammad (1989), *Ghurar al-Hikam va Durar al-Kalim*, Qom, Dar al-Kitab al-Islami.

Asadi, M. R. & Badrkhani, G. R. (2008), "Hikmat Amali Dar Falsafeye Sinavi: Jaygah va Mabani va Ellate Kamrangi An", *Hikmat Sinavi* 60: 22–29.

Atrak, Hossein (2013), "Maʿnaye Adalat dar Akhlaqe Islami", *Naqd va Nazar* 18: 115–124.

Davudi, Mohammad (2011), *Akhlaq Islami (Mabani va Mafahim)*, 4th edition, Qom, Daftar Nashre Maaref.

Ibn Miskeweyh, Abu Mohammad ibn Mohammad (2016), *Tahzib al-Akhlaq*, 2nd edition, tahqiq: Seyed Hossein Musavi, Tehran, al-Mahad al-ali lil-ulum va al-Thaqafat al-Islami.

Ibn Sina, Abū ʿAlī al-Ḥusayn Ibn ʿAbdallāh (1984), *al-Ilahiyyat min Kitab al-Shifa*, Qom, al-Maktaba al-Marashiyah.

Ibn Sina, Abū ʿAlī al-Ḥusayn Ibn ʿAbdallāh (2002), *al-Nafs min Kitab al-Shifa*, 2nd edition, research: Ayatollah Hasanzade Amoli, Qom, Bustane ketab.

Mulla Sadra Shirazi, Sadr al-Din Muhammad (1980), *Asrar al-Ayat*, introduction: Muhammad Khajawi, Tehran, Anjomane Hekmat va Falsafe.

Mulla Sadra Shirazi, Sadr al-Din Muhammad (1984), *Mafatih al-Ghayb*, introduction: Muhammad Khajawi, Tehran, Tahqiqate Farhangi.

Najafi, Zeynolabedin (2012), "Mafhum-shenasi va Jaye Adalat Dar Fiqh Imamiyeh", *Do-Faslname Elmi-Pazhuheshi Ensan-pazhuhe Dini* 9: 20–28.

Naraqi, Mulla Mahdi (1998), *Jamiʿ al-Saʿadat: Ilm al-Akhlaq*, 6th edition, translation: Jalal al-Din Mujtabavi, Tehran, Entesharat Hekmat.

Neyshaburi, Fakhr al-Din Esfarayini (2004), *Sharh Kitab al-Najat li Ibn Sina*, introduction: Hamed Naji Esfahani, Tehran, Anjomane Athar va Mafakher Farhangi.

Tusi, Khwaje Nasir al-Din (1977), *Akhlaq Naseri*, Tehran, Ofset.