

# The Concept of Justice and the Status of Women in Islam: A Theological and Philosophical Study.

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## Abstract

Justice is the basis of human life. Justice can be defined as fairness in the treatment to all people assigning rights, duties, honours and opportunities etc. The two supreme mind of ancient philosopher Plato and Aristotle, paid their greatest attentions to this subject. The questions of women status is a fundamental question almost all societies and communities. Women were deprived of their rights on the ground of intellectually, physically, and psychologically weaker than men. For this, main reason is patriarchal social order. Religion by inculcating social virtues like truth, honesty, peace, etc. Among the members of society helps people to become a moral and civilized citizen of the society and give rise to the spirit of brotherhood and humanity and promotes justice in the society. The issue of women status in Islam is much talked subject now and is highly controversial. The conservative Ulama insist on assigning women subservient position to men. But a deeper examination of Qur'anic verses makes it clear that it upholds dignity of women. Today all Islamic societies are experiencing fundamental social change and rethinking on many issues has become very vital. But what is important to keep in mind is such deformations or rethinking should be in the light of Qur'an and Hadith.

## Introduction:

Justice is the basis of human life and the cardinal principle along which human society operates, as it is a source of all noble traits. Justice can be defined as fairness in the treatment to all people assigning rights and duties, honour and opportunities etc. In essence justice means giving everyone what is his or her due. It is a fundamental concept to any ethical system and as such it is one of the most important moral and philosophical concepts. The word 'justice' comes from the Latin word 'jus', meaning right or law. The Oxford English Dictionary defines the 'just' person as one who typically 'does what is morally right' and is disposed to 'giving everyone his or her due,' offering the word 'fair' as a synonym. But philosophers want to get beyond etymology and dictionary definitions to consider the nature of justice as both a moral virtue of individual character and a desirable quality of society, as well as how it applies to ethical and social decision making. Western philosophers generally regard justice as the most fundamental of all virtues for ordering interpersonal relations and establishing and maintaining a stable society. No virtue is of greater importance than justice, as it includes all other virtues. Aristotle in his book 'Nicomachean Ethics' claims that justice in the broad sense is the whole of virtue as 'in justice is every virtue comprehended and it is complete virtue in its fullest sense.' The concept of justice evoked an endless debate among the scholars concerning what really is justice, its scope and how its standard is to be realized in society. Consequently various theories of justice propounded by various scholars came into existence. The two supreme minds of ancient Greek civilization, Plato and Aristotle, paid their greatest of attentions to this subject and perhaps they were the earliest philosophers who developed theories of justice. Plato composed his immortal work 'The Republic' to deal with the question 'what is justice'. For Plato, justice is a supreme virtue establishing rational order and is the condition for the existence of other virtues like wisdom, courage and temperance. It is an ideal virtue according to Plato and as such its accurate form can be seen in an ideal society in which everyone performs his role appropriately according to his virtue and not interfering with the proper functioning of others. Aristotle in his 'Nicomachean Ethics' deals with the moral virtue of justice and asserts that justice consists in what is lawful and fair, fairness involves equitable distributions and the correction of what is inequitable. John Rawls drawing inspiration from Aristotle offers his theory of justice as fairness in

his book 'A Theory of Justice' which has been very favourably received by the people of the world. Rawls offers two principles of justice in which justice is analyzed in terms of maximum equal liberty regarding basic rights and duties for all members of society, with socio-economic inequalities requiring moral justification in terms of equal opportunity and beneficial results for all members of the society including the least advantaged. The question of women's status is a fundamental question almost in all societies and in all communities. It is neither a new issue nor a settled one. Women were deprived of rights on the ground that women were supposed to be intellectually, physically and psychologically weaker than men, needing protection and support rather than equal treatment. Patriarchal social order was the main reason for the weakening of the position of women all over the world. In patriarchal social system males were preferred to hold power, control and opportunities. In such a social system women were deprived of several rights and moreover, several sanctions and cruel practices were imposed on them. To deprive women of their human rights and of fair and equal treatment is to do injustice. Equality in all respects may not be possible. But equality to opportunity to women is desirable and possible and that is nearer to justice. Rawls also holds that rights and duties should be distributed equally among all the members of the society. For Rawls too, inequality in certain grounds is obvious. But social inequalities should be arranged in such a way so that everyone gets benefit. Inequalities between the members and classes of the society in certain grounds may not be used to prove the superiority of one over the other. Women's rights are human rights and therefore, feminism cannot be delinked from human rights. The feminists raise the question about women's rights because women's rights have been violated since the beginning of human civilization. They have been violated not because women are physically and mentally weak but because of social structures framed by men and their attitudes towards women. Thus, it can be rightly said that women's supposed inferiority is a social construct and their subordinate position in society is due to socio-cultural conditioning and patriarchy. Social structure and value systems are important determinants of women's position in society. Main reason for the lower status of women in society and the barriers to change is attitudinal support in the absence of which the reforms to bring about improvement in the status of women have failed to make any definite impact. Religion has a definite role to play in the crises of life. The primary requirement of a society is the possession of social values by which individuals can regulate the action of themselves and through which society is perpetuated. The reason why society needs religion is to regulate human behaviour through inculcating social virtues. Religion by inculcating social virtues, like truth, honesty, peace etc. among the members of a society helps people to become a moral and civilized citizen of the society and thus gives rise to the spirit of brotherhood and humanity and promotes justice in the society. The social restrictions on women, and also the people's attitude about their proper roles in every sphere of life, are largely derived from the religious conceptions of a woman's basic characteristics, her assumed virtues and vices, her proverbial strengths and weaknesses regarding her nature and capacities. Thus, religion still plays a crucial role in determining women's status in the society.

### Objective:

The issue of women's status in general and in Islam in particular is a much talked subject now and is highly controversial. Most of the revivalists maintain that the term feminism is in contradiction. For them feminism is against the teachings of Islam. It is a western phenomenon. However, this attitude is more because of strong influence on their minds of conservative Islam. The conservative ulama insist on assigning women subservient position to men. But a deeper examination of Qur'anic verses makes it clear that it upholds dignity of women. In fact, it was social environment in which Shariah formulations were made that affected Islamists' viewpoint about women in certain issues rather than the Qur'anic teachings. Shariah law is considered quite central to Islam and its centrality and authority is unquestionable in Islam. Among the common Muslims there is general belief that the Shariah is divine and hence, immutable. It is often assumed by those who are not well versed in the origin and development of Shariah. It is true that the conservative Muslims are horrified by the very mention of the word 'change'. But change is the law of Universe. It is inevitable in human life. There is nothing permanent in this world. Everything is changing. In this constant process of changing how can the religious law remain unchanged? Mohammad Abduh of Egypt was a great mujtahid (learned persons) and rose to be the Grand Mufti of al-Azhar, the premier institution of Islam. He was a disciple of alAfghani and despite his orthodox training; he utilized his profound knowledge of Islam to rethink many issues confronting the society. He also criticized the practice of polygamy

which was rampant in Egypt in his time. He laid stress on dignity of womanhood and was in favour of entrusting them higher status. He also emphasized the necessity for their education. Today all Islamic societies are experiencing fundamental social changes and rethinking on many issues has become very vital. Thus, there is nothing wrong in revisiting Shariah formulations regarding women today and attempt to reformulate issues in the light of contemporary social circumstances. But what is important to keep in mind is such reformulations or rethinking should be in the light of the Qur'an.

## PURPOSE:

The subject of women's status has acquired a great importance in the philosophical discussion of different religions. The socio-religious practices of a society determine the status of women in that society. Any attempt to assess the status of women in a society might be influenced by the social framework which is mainly based on the religious traditions. The religious restrictions and injunctions play a vital role in determining the position of women in the society. In every religion there are different factors which have direct or indirect bearing on the status of women. The social restrictions on women are largely derived from the religious conceptions of woman's basic nature and characteristics. Thus, without analyzing the rights and status accorded by a religion to women the study of the status of women in society will be incomplete. In the present research work an attempt is made to highlight the status of women in the light of Islam. No understanding of any aspect of Islam is possible without reference to the Qur'an and Hadith. The present study on the status of women and the concept of justice is based on the Qur'an and Hadith.

## Conclusion:

Islam gets six basic but broad rights for women like spiritual right, economical right, social right, legal right, educational right and political right. In islam men and women are equal but not identical. Because men and women are different like physically, psychologically and biologically. So that we can call they all are different by nature. Many times they play same role and many time does not play same role. Actually in some aspect men are degree of advantage and in some aspect women are degree of advantage. But overall it shows both are equal. Equality does not mean identically. Equality means fairness. Justice can be defined as fairness in the treatment to all people. In the aspect of Qur'an and Hadith the status of women and men are equal in our society.

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