



# Justice in Transportation Pathology of Transportation from the Perspective of Quran

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**Abstract:** *This essay is an effort for conducting a pathology of justice and studying the factors that impedes the fulfilment of justice and based on these indexes we discuss the five chief problems in the field of transportation.*

**Key Words:** *Justice, self-love, relation and rule, wealth accumulation, transportation, management, enmity.*

## INTRODUCTION

### Anthology of Justice

There are various factors that pave the ground for one's deviation from the path of justice and Holy Quran has discussed them. This pathology from the perspective of Divine Word is so accurate that even non-Muslim thinkers also use it for the explication of the foundations and principles of justice. The evidence for this can be provided by referring the reader to the website of the library of Harvard University which has quoted a holy verse of Quran (Chapter 4: 135) that is also carved on the transom of the Harvard Law School<sup>1</sup>. This verse is the motto of the place and the staff and professors of Harvard Law School hope that the fulfilment of these words and promotion of justice will be everyone's top priority. Now we turn to the introduction and explanation of these factors. First factor is having a dependable knowledge in one's work area that will be discussed in full details in its place. The second issue is the debate on self-love and taking the relations and connections into consideration in the administration of justice. The other point is that no individual or collective contention should incur any damage to the administration of justice. The fourth factor is bribery

<sup>1</sup> <http://library.law.harvard.edu/justicequotes/explore-the-room/west/>

Qur'an (622 CE)

"O ye who believe!

Stand out firmly for justice, as witnesses

To Allah, even as against Yourselves, or your parents,

Or your kin, and whether

It be (against) rich or poor:

For Allah can best protect both".

According to Islamic tradition, this surah (chapter), was revealed in Medina after the Prophet's hijra (migration) from Mecca in 622 CE. As the name of this surah implies, An-Nisa' mainly deals with the obligations and responsibilities of women in Islamic society, but it also touches on inheritance and family law along with slavery and temporary marriage. In this verse, the Qur'an is addressing the importance of truthfulness in testimony.

that threatens the structure of justice in every field and will destroy it one day. The other issue is inattention to the accumulation of wealth that can lead to the increase of poverty in the society. And also inattention to selling underweight goods can weaken the foundations of social justice. In this part we will discuss some of these factors and in the upcoming essay we will turn to the remaining factors.

a) Having a dependable knowledge in one's work area (being an expert)

One of the issues that despite its utmost importance has not been sufficiently taken into consideration is having a dependable knowledge as a requirement for undertaking a task. When there is no expertise and knowledge one cannot expect the justice to be administered. The Lord God has reminded this via an example. In the verse 282 of Chapter 2 of Holy Quran better known as Chapter of Cow (Bagharah) which stipulates the conditions of economic transactions the presence of a just scribe is mentioned as a necessary condition for doing a trade. This scribe should be well-versed in the conditions and issues of transaction in order to be able to observe both religious and individual requirements. In *Javameh al-Javameh* commentary of Holy Quran it has been argued regarding this verse that:

*Let a scribe write it down between you with fairness;* this is to say that there should be a scribe who can prepare the documents of the transaction for the seller and buyer based on the terms of justice and fairness. Fairness and justice in this context refers to the scribe's knowledge of the conditions and requirements of transaction documents according to the religious law.

*No scribe shall refuse to write as Allah has taught him;* no one of the scribes should refuse to write the documents because God has already taught them how to arrange such documents. And some have said that by this God intends to remind the fact that in the same way that God has graciously endowed you with the ability to write you have to also share your ability with your fellow men. And many commentators believe that writing is a religious obligation that have to be undertaken by experts who are able to handle it (wajib-e kefaei= the obligation that has to be undertaken by people who are competent for it).

"*As Allah has taught him*" belongs to "to write" and warns the scribe not to refuse to write as God has taught him to write. Then orders the writer or scribe to write the document according to the conditions and should always heed to it. Then one can say that "*As Allah has taught him*" is referring to the act of writing and accordingly the scribe is obliged to write and should never avoid it. After it God has conditioned the writing to some requirements [1].

Unfortunately, there are many people who consider themselves competent to express their opinions regarding the transportation issues only because they are in direct touch with transportation in their daily lives without having any expertise or knowledge in this area. Even considerable number of authorities in transportation field either do not have any academic education at all or have the irrelevant education and this causes numerous problems and difficulties in transportation.

b) Self-love and taking the relations and connections into consideration (egotism and nepotism)

One of those things that are currently popular in the society is taking one's own personal interests into consideration and giving priority to the relatives and acting upon favoritism and nepotism that undermines the foundations of justice because it prioritizes the personal interests over the laws and public interests and people are appointed based on relations and connections without having the necessary qualities.

In the verse 135 of Chapter 4 (woman) God orders the believers to maintain and witness justice even if it is against them or their relatives and this is clearly in contrast with nepotism or egotism and appointing one's close relatives and family members to state offices that damage the society.

In the interpretation of this verse it has been said that this verse asks the believers who have sworn allegiance to Muhammad (peace be upon him) to stand steadfast on their words regarding maintaining justice. That is to say, they are asked to promote justice in all conditions regardless of the

relations and connections. Maintaining as mentioned in this verse implies rising and protecting justice with one's whole power.

Justice in this context denotes maintaining the equilibrium between two sides of the indulgence and negligence and observing the rights of both sides of the contention. Witnessing justice requires one to undergo through various difficulties and this ensures the process as such.

This witness should be for the sake of Allah not for anyone else. This is because it is Allah who is the owner of Truth that has to be witnessed.

This justice administration should be done without considering one's own personal interests and relatives. Justice must be your priority even if it may hurt your parents and relatives. Justice should be loved more than one's beloved ones.

There should be no consideration regarding the financial status of the man who is the subject of the justice. It does not matter if he is poor or rich. This should not overshadow your judgement of them.

*Allah has more rights over both of them;* we should be obedient to the Lord God and never think that if the poor undergoes through hardships and lose and the rich does not.

*So, do not follow desires, so that you are (not) just.* This is to say that in administration of justice you are allowed to follow your carnal and material desires and whims.

*If you twist or turn;* if you change the facts by turning your voice in favor of given people. Turning in this context means being interested in certain people [2].

Moreover, in Khosrawi's exegesis we read: "Believers, be maintainers of justice (get used to acting and speaking based on justice and fairness) and witnesses for Allah, even though it is against yourselves, your parents, or your kinsmen, whether he is rich or poor (you should not be worried if administration of justice hurts a poor or makes the rich richer), Allah has more rights over both of them. So, do not follow desires (do not act out of prejudice and false conceptions or friendship and competition and never trespass the truth and justice), so that you are (not) just. If you twist or turn, Allah is Aware of what you do."

One of the examples of favoritism and self-love is supporting capitalism for the sake of the future interests or having compassion for the poor. This is to say, neither the wealth of the rich nor your affections for the poor should obscure your decisions regarding justice. This shows that all oppressions have their origin in diabolic whims of carnal soul and if a society is purified of these whims there will be no oppression in it! This is so important that God repeats his words and says: *If you twist or turn, Allah is Aware of what you do;* it is very thought provoking the it is said that God knows every single detail of your action instead of saying that God is omniscient. This demonstrates that even the slightest deviation of the path of justice is considered by the Lord and you cannot resort to any excuse to exonerate yourself and you have to be ready to face the divine punishment! This is a clear expression of the hyper-sensitivity of Islam regarding justice and fairness. In many ways the Lord tries to inform and warn the believers in this regard. Of course, we should accept that there is unfortunately a big gap between these beliefs and Muslims' actions. And this is why we are so backward and underdeveloped. [4]

#### **Immunity of Justice from Individual and Collective Contentions**

Another thing that may weaken the foundations of justice in a society is taking the individual and collective contentions into consideration. This has been noted in Holy Quran and the believers have been warned in this regard. This is a little bit different from the issue of self-love. The author of Al-Mizan refers to the verse 8 of Chapter 5 that reads: *Believers, be dutiful to Allah and bearers of just witness. Do not allow your hatred for other people to turn you away from justice. Deal justly; it is nearer to piety. Have fear of Allah; Allah is Aware of what you do;* and compares it with the similar verse that we find in the Chapter 4. The difference between these two verses is that the above quoted verse of chapter 4 warns the believers regarding the deviation from the path of righteousness, justice and fairness and encourages them not to be deceived by the whims of Satan via nepotism and favoritism in justice administration. But the verse 8 of chapter 5 speaks of bearing wrong witness due to one's hatred for another man and seeking revenge in this way.

Clearly speaking, in chapter 5 it is stated that *be dutiful to Allah and bearers of just witness* while in chapter 4 it is stated that *Believers, be maintainers of justice*. In fact, they are speaking of two different things. The verse in chapter 5 speaks of the necessity of observing people's rights and avoiding bearing false witness against one's enemy and describes it as an example of oppression. This is why it says that witness must be just and act upon fairness. *Deal justly; it is nearer to piety*. While the verse in chapter 4 speaks of the necessity of avoiding biased and wrong witness for one's relatives, families and beloved ones because it is far from piety and nurtures oppression in society. Thus in chapter 5 the believers are first ordered to observe fairness and justice in their witnesses and they are told to seek for this fairness through following divine rulings and being dutiful to Allah but in chapter 4 it is maintaining justice that should be prioritized and piety comes after it.

This is also why in chapter 5 the sentence "*Deal justly; it is nearer to piety*" is preceded by bearing just witness because justice is presented here as a means by which believers can reach piety that is the key to salvation but in chapter 4 avoidance of following one's carnal desires in justice administration is relegated to one's witness for Allah and it is said that only those who turn their face to the Lord can be secure against the danger of impiety [5].

In Noor commentary of Holy Quran these issues have been clarified in simpler terms. Professor Qaraati the author of this commentary writes, "the similar point has been discussed in the verse 135 of chapter 4 that reads as follows *be maintainers of justice and witnesses for Allah, even though it is against yourselves, your parents, or your kinsmen*"

The point in chapter 5 is that the believers should not allow the hatred to deviate you from the path of justice and fairness but in the chapter 4 the believers are advised not to be deviated by their emotional and biased affections for their relatives and family members. Indeed, one is deviated from the path of justice and righteousness either by hatred or by love.

Since ignoring one's inner hatred of people is hard, then in this verse we see that God has promised the believers that if they follow divine rules of justice they will be led to the sweetness of piety and salvation. [6]

Professor Qaraati has finally summarized his vision of this verse regarding administration of justice in 9 points as follows, "1- if man is caught with his hatred and acts according to them, then there is no pure intention; but if he is standing for God, the hatred can do nothing in administration of justice [*be dutiful to Allah...*]; 2- continuous justice as a habit is the perfect value although temporary justice is also desirable [*and bearers of just witness*]; 3- believers are both related with God and bearing witness based on justice and fairness; 4- if we accept that God sees our actions we will act justly; 5- those people whose mind and heart are filled with hatred cannot act based on justice; 6- affections must be governed by justice; 7- hatred is among the factors that deviate man from the path; 8- we should be just in our domestic and foreign affairs even with our enemies; 8- just people are nearer to piety and salvation" [7]

In Anwar-e Derakhshan commentary of Holy Quran avoiding individual and collective hatred in administration of justice has been assayed from an education point of view: "one of the moral and practical programs of Islamic religion is devoting oneself to the fulfilment of divine rulings and following the orders of Allah. One of the examples of following divine rulings is avoiding hatred when one is called to bear witness against his enemy. This blind hatred can trespass both social and individual rights and cause irreparable damages and spoil the spirit of justice and fairness. It leads to the spread of oppression in society and weakens people's trust and makes them doubtful of each other" [8].

Another thought provoking point in this regard is that God warns the believers that they are only allowed to punish their oppressive enemy proportionate to his oppressions neither more nor less. In the encyclopedia of Holy Quran this has been elaborated as follows, "a convict's punishment must be based on justice and proportionate to the crime that he has committed. Holy Quran has allowed the blood owner the right to take revenge of the one who has murdered his/her beloved one but has also recommended that there should not be any excessive action: *Do not kill the soul whom Allah has*

*forbidden except by right. If he is slain unjustly, we have given his heir authority. But let him not exceed the limit in slaying, for he will be helped* (Holy Quran, Chapter 17: 33). Since the authority has been strongly recommended not to cross the lines and act moderately for one murder only one man should be killed as the murderer unless there are other people who have been the accomplices of the murder. Justice requires the murderer to be killed in the way that he has killed the victim and no extra torment and harsh treatment is allowed. The body of murderer should not be slayed into pieces. The retaliation must be suspended until the time when the judge issues the final verdict and when the owner of blood or the murdered victim's family accept the atonement and blood money there should be no killing anymore. According to the verses 39-42 chapter 42, retaliation has been considered allowed. Of course, retaliation must be proportionate to the oppression and the believers should avoid extremism; *“and when harmed they become victorious\*The recompense of a sin is a sin like it, but whosoever forgives and seeks to reform, his wage will be with Allah. Surely, He does not love the harmdoers”*. Holy Quran has also allowed the Muslims to hit back the intruding enemies who invade them in the holy months. However, believers are continuously recommended to observe the limits of piety and not to leave the path of moderation: *The sacred month for the sacred month, prohibitions are (subject to) retaliation. If anyone aggresses against you, so aggress against him with the likeness of that which he has aggressed against you. Fear Allah, and know that Allah is with the cautious* (Holy Quran, Chapter 2: 193) [9].

In a book entitled *Merits of Patience according to Quran* it is stated: “Quran is continuously recommends the Muslims to be patient and show good reactions to bad actions and this is described as the highest level of righteousness”

On the one hand, Quran allows Muslims to retaliate the enemies' assaults – of course there should be no extremism – and on the other hand, it does not allow a slap to be answered by two slaps. Because the two slaps will turn the oppressed to an oppressor. We have to be attentive to the word *like* that is emphasized in those verses that are discussing the issue of retaliation. *If anyone aggresses against you, so aggress against him with the likeness of that which he has aggressed against you*. This is the basic egalitarian philosophy of fairness in Islam. [10]

#### **Justice in Dealing with the Infidels**

God has also warned the believers not to cross the lines of justice and act unfairly in dealing with their enemies and infidels who are not agree with their beliefs and also do not fight them over these beliefs. They are told to live by them in peace. In Al-Mizan the verse *“Allah does not forbid you to be kind and to act justly to those who have neither made war on your Religion nor expelled you from your homes. Allah loves the just”* (Chapter 60: 8) has been interpreted as follows, “this verse along with the verse that follows it are explaining the forbidding that has been stipulated in the opening of the chapter. By the infidels who are not battling the Muslims on religion and do not expel the believers they refer to the infidels who live in other places than Mecca, i.e. the infidels who have signed peace memorandums with Muslims. Kindness and justice are two elements that are expected from the Muslims in their actions. God has presented reasons for these kindness and justice in telling: Allah loves the just”.

This is to say that if God says that do not take my enemy as your friend he does not mean to encourage you to leave the path of justice and fairness rather the latter qualities are essential parts of divine rulings as a whole. Then if infidels do not fight you and live in peace with you do not treat them unjustly and unfairly. You should respect them as they do to you. [11].

In Nemooneh commentary of Holy Quran it is said: “the next verses are explanations regarding the issue of breaking one's friendly ties with the infidels. God states, *Allah does not forbid you to be kind and to act justly to those who have neither made war on your Religion nor expelled you from your homes. Allah loves the just*”.

But Allah only forbids you to be guided by those who have fought against you in your religion's cause and expelled you from your homes or have supported others in your expulsion. Whosoever takes them as guides are harmdoers.

Then whoever cooperates with the oppressors is himself an oppressor.

Then non-Muslims are divided into two groups: a group who battle with the Muslims and fight them with their swords, and expel them from their homes by coercion. To put it shortly, this group show their animosity in a very explicit way and Muslims are obligated to cut their ties with this group and never treat them with kindness and friendship. A clear example of this group is the infidels of Mecca and their heads.

The other group hosts the infidels who do not battle with the Muslims and live with them in peace. They neither expel Muslims nor fight them. Some these infidels even had signed peace treaties with Muslims. Muslims can be friends with these infidels and treat them with kindness. They should be also faithful to the treaties that they have sealed with these infidels. [12]

In Noor commentary of Holy Quran some points have also been noted regarding foreign polices along with the aforementioned ones:

Islamic foreign policy is based on attracting others and this can be done via the following things: 1- goodness: you should be nice with them. 2- justice: you should treat them with justice and fairness. 3- They have to be given the opportunity to listen to the Divine Word and make their decisions in this regard. 4- accepting the peace proposal: if infidels are embracing peaceful coexistence you should also accept their proposal. 5- financial aid: part of Zakat must be spent for friendship causes. 6- passing them their trusts: if you seal contracts with them you should be faithful to these treaties and you should treat their parents and elders nicely. Then according to this verse the infidels who are in peace with Muslims have the rights to enjoy social justice and fairness.

Then 1- we have to distinguish between the harmless and harmful infidels. 2- Islam is the religion of goodness and justice even with the infidels. 3- with kindness you can increase the incentives [13].

### **Conclusion**

The following conclusions can be driven based on these discussions regarding transportation issues:

- 1- Some people are appointed as the managers of municipalities, Ministry of Road and its related organizations who are not experts and only have connections inside the system and unfortunately this cause serious financial losses.
- 2- Giving priority to personal interests over the public interests can cause irreparable damages. For example, fixing the roads and transportation systems during the cold seasons of the year cannot help but it may result in great financial losses.
- 3- Some projects are only implemented for providing the needs of particular social classes like building special roads by the public financial sources.
- 4- Some road building projects are damaging the cultural and social structures of the country and they are only implemented for the sake of a particular social class. The contractors of such projects are always the rich people who are only pursuing their own financial plans and do not care about the public interests. They just seek to win a contract via favoritism and nepotistic negotiations.
- 5- When in a project, the managers have problems with the contractor due to some deficiencies they are not allow to fine the contractor more than the loss that has been incurred. This is the first principle of fairness. They are not allowed to cancel the contract by themselves without informing the contractor.

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