DİNİ VE FELSEFÎ METİNLER
YİRMİBİRİNCİ YÜZYILDA YENİDEN OKUMA, ANLAMA VE ALGILAMA

RELIGIOUS AND PHILOSOPHICAL TEXTS:
RE-READING, UNDERSTANDING AND COMPREHENDING THEM IN THE 21st CENTURY

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DİNİ VE FELSEFİ METİNLER
YİRMİBİRİNCİ YÜZYILDA YENİDEN OKUMA,
ANLAMA VE ALGILAMA SEMPOZYUMU
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Distributive Justice: Who Gets What And How

Kabuye Uthman SULAIMAN*

Abstract

Distribution of wealth and income is one of the most important topics concerning the economic life of man, and yet the most controversial. It is due to distribution of wealth and income that great revolutions such as the French Revolution of 1789, and armed conflicts in many parts of the world have taken place. The most fundamental question in the distribution of wealth and income is: What criterion or criteria should be followed to achieve distributive justice? This question has been a big controversy among philosophers, economists, and politicians, and no conclusion has ever been reached. The aim of this paper is to analyze the principles of distributive justice according to Islam and liberal thought. It focuses on the views of Sayyid Qutb, Muhammad Baqir al-Sadr, John Rawls and Robert Nozick. The former two are recognized figures in the contemporary Islamic thought. They have addressed themselves to social, political, cultural and economic problems prevalent among contemporary Muslims and have suggested some ways to overcome them, based on the teachings of the Qur’an and Sunnah. They are regarded among the pioneers of Islamic revival, which is concerned mainly with the establishment of an Islamic State, and the application of the Shari’ah (Islamic law) in all aspects of life. The latter two are contemporary American philosophers who have contributed new ideas to the conception of justice. No study of justice is considered complete without reference to their views.

Overview

The thrust of this work is distributive justice. It enunciates the reasons for distributive justice and analyzes the principles governing the distribution of wealth, income and opportunities with particular emphasis on the views of John Rawls, Robert Nozick, Sayyid Qutb and Muhammad Baqir al-Al-Sadr. John Rawls and Robert Nozick are regarded as the most influential moral and political philosophers of the twentieth century in the Anglo-American liberal thought. They are believed to have made notable contributions to the understanding of justice in general and to distributive justice in particular. Rawls is a social-democrat and Nozick is a libertar-

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ian. These two American philosophers became known to the world (particularly the Anglo-American world) after the publication of their major works; namely *A Theory of Justice* and *Anarchy, State and Utopia* respectively.

Rawls’ *A Theory of Justice* is believed to be the most prominent contemporary work in the liberal theory of justice, and also the most widely discussed within the Western analytical philosophical tradition. It has received remarkably broad international acceptance as the statement of the ethical basis for redistributive social democracy.

H. L. A. Hart, in his “Rawls on Liberty and its Priority”, writes, “No book of political philosophy since I read the great classics of the subject has stirred my thoughts as deeply as John Rawls’ *A Theory of Justice*.”

Nozick remarks, “*A Theory of Justice* is a powerful, deep, subtle, wide-ranging, systematic work in political and moral philosophy which has not seen its like since the writings of John Stuart Mill, if then. It is a fountain of illuminating ideas, integrated together into a lovely whole. Political philosophers now must either work within Rawls’ theory or explain why not.”

No account of the subject of political and moral philosophy is considered adequate without a serious consideration of Rawls’ *A Theory of Justice* and Nozick’s *Anarchy, State, and Utopia*. In these two works, the two philosophers are believed to have come up with some genuinely new approaches to justice and revivals to the old ones, which had been forgotten for decades or centuries. Rawls has revived the “social contract” theory of the seventeenth and eighteenth century philosophers notably Thomas Hobbes, John Locke, Jean Jacques Rousseau and Immanuel Kant. Nozick has explained and amended John Locke’s theory of property or the Lockean proviso.

Sayyid Qutb and Muhammad Baqir al-Al-Sadr are on the other hand are contemporary Muslim scholars who have provided an extensive analysis of the Islamic economic system in comparison with the capitalist and socialist economic systems. Al-Al-Sadr’s work *Iqtisaduna* is one of the best in the area of Islamic economics. In this work he has, among other things, identified two criteria upon which a just dis-

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A distribution of wealth and income in an Islamic society must be based. These are: work (labour) and need.

I. The Aim of Distributive Justice

The aim of distributive justice is not to eliminate the economic inequalities among people as they struggle differently because of the natural differences in their mental and physical capabilities. Its aim, however, is prevent wealth and income from concentrating in the hands of a few individuals. Allah says:

“What Allah has bestowed on His Messenger (and taken away) from the people of the townships,- belongs to Allah,- to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah. for Allah is strict in Punishment.” (Qur’an 59:7)

Whenever wealth is left to concentrate among a small section of the population the results are selfishness, greed, and exploitation on the side of those who have it, and hatred, anger, and envy on the side of those who lack it. According to Qutb concentration of wealth in the hands of a few individuals “results finally in paralyzing life, work and production in the nation.” “On the other hand”, he adds,

“the existence of wealth in the hands of a larger number causes this wealth to be spent on the necessities of life of this large number so that the demand for goods increases and from this rises greater production and this results in full pay packets for the workers. Thus the wheel of life, work, production and consumption makes its natural and fruitful circuit.”

According to Rawls, however, it does not matter how great the gap between the rich and the poor is. What matters are the consequences of inequalities of income and wealth. Those inequalities that worsen the condition of the poor, in Rawls’ perception, are arbitrary from a moral point of view. If there happens to be inequalities in income and wealth they should benefit everybody and in particular, the least advantaged members of society.

Rawls has three reasons for not allowing excessive inequalities of income and wealth that do not result into the betterment of the poor. First, he argues that, they lead to the hardships and suffering of the poor people. Second, he says that such inequalities often result into the poor being stigmatized and treated as inferiors, which

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8 Shepard, Sayyid Qutb and Islamic Activism, p.164.
is unjust. Third, he claims that such inequalities lead to the absence of fairness in the political processes of the basic structure of the Society of Peoples. During elections for example, those who possess wealth always stand a better chance to win political offices compared to those who possess a little or no wealth at all.

In Islam nobody has an absolute right to property except Allah; the Creator of everything in the universe. He says: “And whatever of blessings and good things you have, it is from Allah.” (Qur’an 16:53); “To Allah belongeth all that is in the heavens and on earth.” (Qur’an 2: 284); “Allah! There is no god but He,-the Living, the Self-subsisting, Eternal. No slumber can seize Him nor sleep. His are all things in the heavens and on earth.” (The Qur’an 2:255); “To Him belongs all that is in the heavens and all that is on the earth, and all that is between them, and all that is under the soil.” (The Qur’an 20:6); “No doubt! Verily, to Allah belongs whosoever is in the heavens and whosoever is in the earth.” (The Qur’an 10: 66)

II. Principles of Distributive Justice

Principles of distributive justice are the rules that are designed to guide the allocation of the benefits and burdens of economic activity. Scholars disagree on how wealth and income should be distributed. The following principles have been proposed:

A. To Each the Same Thing

“To each the same thing” is an egalitarian principle, specifically known as the “principle of strict or radical equality.” This principle applies not only to the distribution of wealth and income, but also to the distribution of rights. In respect of the latter, this principle demands that everyone receives the same material goods and services.

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10 Ibid.
11 Ibid.
12 See also The Qur’an 53: 31.
13 See also The Qur’an 3: 129 and 22: 64.
14 See http://plato.stanford.edu/entries/justice-distributive/
15 There are thinkers such as Perelman who believe that the “principle of strict equality” is applicable to the distribution of rights and not to the distribution of material goods. “According to this conception,” writes Perelman “all the people taken into account must be treated in the same ways, without regard to any of their distinguishing particularities. Young or old, well or sick, rich or poor, virtuous or criminal, aristocrat or poor, white or black, guilty or innocent-it is just that all should be treated in the same way, without any discrimination or differentiation. In popular imagery the perfectly just being is death, which touches every man on the shoulder regardless of any of his privileges.” [Chaim Perelman, The Idea of Justice and the Problem of Argument (London: Routledge and Kegan Paul, 1963, p.7.]
16 http://plato.stanford.edu/entries/justice-distributive/
B. To Each According to his (Essential) Needs

Things that are considered essential needs in all societies are “food”, “clean water”, “shelter”, “clothing” and “healthcare”. Different societies, however, have different types of food, shelter, and clothing, which they consider essential for human survival. Besides “food,” “clean water,” “clothing,” and “healthcare,” they also have certain things they consider essential for their living, which are determined based on their norms and rules.

C. To Each According to their Contribution Efforts and Sacrifices

The principle, “There is no gain without effort and no wealth without work,” is one of the basic principles of Islam. In Islam every individual has to struggle to have al-Sa’adah (happiness) in this world and in the hereafter life. No one is allowed to rely on begging as a means to the attainment of wellbeing in this worldly life. Many scholars have expounded that labour is the only means by which a person gets an exclusive right (entitlement) to the resources of nature. Al-Sadr argues that there is “a natural tendency in man for owning the results of his work.” Hence it is wrong to deny people the fruits of their labour, or to give them the same wages while they render different efforts to do the same work. Afzal-ur-Rahman writes:

“It is absolutely essential for the success and progress of every society that the natural differences in ability, intelligence and efficiency which are found among people, in their nature of their work, in the responsibilities of their office, in the service which they have rendered to the community, and its nature, and in their economic needs, should be maintained, up to a limit, in their remuneration. Just as there is variation in nature and its manifestations and in the ability and intelligence of different persons, similarly the maintenance of this difference, to the same degree, in their remuneration is indispensable. There cannot be equality in the ability and intelligence and other qualities of different people, and therefore there can be no possibility of economic equality.”

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18 Shepard, Sayyid Qutb and Islamic Activism, p.179.
According to Qutb, labour is “a just relationship between the effort and the reward.” This is rational and Islamically true based on the Qur’anic verses in which Allah states that reward in the next life will be based on efforts rendered by individuals in this material world:

“And that man can have nothing but what he does (good or bad). And that his deeds will be seen. Then he will be recompensed with a full and the best recompense.” (Qur’an 53: 39-41)

Although it is true that ‘labour’ is one of the means by which people acquire wealth, labour does not create raw materials. The source of raw materials and everything that man owns is land. In economics, land means all resources and agents with their sites (locations and extensions in space). It is not just the matter occupying space: it is space and it does include many things not colloquially called land, such as water and beds under it, vegetation, natural scenery, weather, the environment, the ecology and many others.

Land, which is the earth with its space and resources, is not produced but it is created by Allah, the Creator of everything that exists. Allah created land for of all human beings. Thus originally, no one has an exclusive right over it.

John Locke, Jean Jacques Rousseau, Cicero, Grotius, Reid and Nozick argue that originally, land was held in common. That, during the time the earth was still common (before it was appropriated by individuals), each person had a right to use it for the attainment of food by way of hunting or cultivation and for constructing a house. No one had a right to possess as owner either the land on which he had constructed a house, or the estate, which he had cultivated. Since no one had that right, then the right to alienate the common property whether by sale, donation or bequest did not exist. This so-called ‘original communism’ of land is portrayed in the following words:

“The earth,” writes Reid “is given to men in common for the purposes of life, by the bounty of Heaven. But to divide it, and appropriate one part of its produce to one, another part to another, must be the work of men who have power and understanding given them, by which every man may accommodate himself, without hurt to any other.”

“This common right of every man to what the earth produces, before it be occupied and appropriated by others, was, by ancient moralists, very properly compared to the right which every citizen had to the public theatre, where every man that came might occupy an empty seat, and thereby acquire a right to it while the entertainment lasted; but no man had a right to dispossess another.”

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22 Ibid., p.136.
“The earth is a great theatre, furnished by the Almighty, with perfect wisdom and
goodness, for the entertainment and employment of all mankind. Here every man
has a right to accommodate himself as a spectator, and to perform his part as an ac-
tor; but without hurt to others.”\textsuperscript{24}

The question that follows is: How did the original communism end and how did
the institution of private property emerge? The first known thinker to address the is-

\textsuperscript{24}Quoted in Proudhon, \textit{What is Property?}, pp.56-57.
\textsuperscript{25}John Locke, \textit{Two Treatises of Government}, ed. Peter Laslett (Cambridge: Cambridge University
\textsuperscript{26}John Locke, \textit{Second Treatise of Government}, Section 27.
\textsuperscript{27}Nozick, \textit{Anarchy, State and Utopia}, p.175.
Why does mixing one’s labor with something make one the owner of it? Why isn’t mixing what I own with what I don’t own a way of losing what I own rather than a way of gaining what I don’t? If I own a can of tomato juice and spill it in the sea so that its molecules (made radioactive, so I can check this) mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice?

Why should one’s entitlement extend to the whole object rather than just to the added value one’s labor has produced?28

Locke raised three conditions for the legitimacy of the initial appropriation of the common property (land): Firstly, that any original appropriation of land had to be free from waste and spoilage; secondly, that any individual’s use of the common to produce private property was subject to leaving “enough and as good” for others to use in common; and thirdly, that individual property had always to be balanced by the duty to charity; that is, it had to be used to assist those people with physical disability due to which, they could not appropriate anything from the common property. These three conditions are now discussed at length:

The first constraint does clarify and specify the kind of labour, which Locke meant. For it is productive labour and not simply appropriation of property. Thus, “if someone in the state of nature simply appropriated, enclosed, or fenced the land but did not cultivate it or improve it,” Locke held, “the land not withstanding his enclosure, was still to be looked on as waste, and might be the possession of any other.”29

Rousseau gave the same condition regarding the initial appropriation of the common property. He argued that one has to take possession of what he has appropriated, not by an empty ceremony, but by labour and cultivation.30

Anyone who wasted a property or left it to spoil in case it was perishable like food, offended Locke’s vision of “propriety” according to which, a person may appropriate only as much as he can use without the goods spoiling, for “Nothing was made by God for Man to spoil or destroy.”31

The second constraint that “enough and as good” remain available for others to use in common is, says Nozick, “meant to ensure that the situation of others is not worsened.”32 In order to know whether acquisition of private property out of the common worsens the condition of others, Nozick says, one should look at what would

28 Ibid., pp.174-175.
29 John Locke, Second Treatise, Par. 38, p.184.
31 See John Locke, Two Treatises, II, p.31.
32 Nozick, Anarchy, State, and Utopia, p.175.
have happened had appropriation not taken place.\^{33} An example might help to illustrate the point. Assume a person appropriates a land that formerly belonged to nobody and was never developed. Consequently, he cultivates it and thereby transforms it into a useful land on which food is grown and sold to the people. In Nozick’s view, this appropriation is legitimate because it improves the situation of everybody; they can buy food to eat and survive. Without this appropriation, the situation of the people who commonly held the land would remain unchanged. In this way, they would be worse off than they are after such appropriation has taken place. On this basis, one may argue that a person who appropriates the land saves the lives of many people who would have died due starvation, had land not been appropriated.

In Roemer’s view, the above constraint; that is, “enough and as good” remain for others to use in common, “is a severe proviso, which denies anyone the right to appropriate scarce natural resources.”\^{34}

One may also argue that the above constraint clarifies the fact that nobody has originally a private dominion over the use of land exclusive of the rest of mankind. Thus, no monopoly should be allowed in the original appropriation of the land and that which it contains. Each person has a natural right to the common land and its fruits.

The same constraint above was given by Rousseau and Cicero. The latter stated in his famous axiom suum quidque cujusque sit, meaning “to each one that which belongs to him”.\^{35} Proudhon has interpreted this as meaning, “no one has a right to more than he needs.”\^{36} According to Rousseau’s theory of property ownership one is required to respect that which belongs to others and confine himself to that which he owns. This is called the principle of “self-limitation.”\^{37} Based on this principle, Rousseau argued:

“Every man naturally has a right to everything he needs; but the positive act that makes him the proprietor of some good excludes him from all the rest. Once his portion is designed, he should limit himself to it, and no longer has any right to the community’s goods.”\^{38}

\(^{33}\text{Ibid.},\text{ p.181.}\)

\(^{34}\text{Roemer, Theories of Distributive Justice, p. 206.}\)

\(^{35}\text{According to Proudhon this axiom has been strangely applied. “That which belongs to each is not that which each may possess, but that which each has a right to possess.” See Proudhon, What is Property?, p.55.}\)

\(^{36}\text{Ibid., p.55}\)

\(^{37}\text{See Brewer and Staves, Early Modern Conceptions of Property, p.264.}\)

In Rousseau’s view, not becoming too interested in what belongs to other people prevents the eruption of domestic conflicts that could, in turn, lead to wars of conquest. However, argues Rousseau, respect of one’s private ownership requires the establishment of limits by the appropriator to be seen and recognized by others. Rousseau talked about the work of the “first fencer” and argued that, the fence is the permanent sign both of individual’s appropriation and of the neighbour’s recognition of that gesture. “It marks a deep form of alienation. It requires of men an involuntary and permanent preoccupation with other people, even when those people themselves are not present.”

Anyone who appropriates more than what is enough, according to Rousseau, deprives other men of their sustenance, which nature gives to them in common, and he is therefore liable to taxation. This taxation is dependent upon one’s excess. A citizen with ten times the property of another, for example, says Rousseau, ought to pay ten times the tax. However, a citizen possessing only the necessities for life, he argues, should pay no tax.

Taxation is for Rousseau a necessary means by which the social state can get rid of the unequal possessions that may lead to the enslavement of the poor by the rich. He observed that possessions need not be absolutely identical for every citizen but that “no citizen shall be rich enough to buy another and none so poor as to be forced to sell himself” to others.

Coming to the third constraint that an individual’s appropriation of the common had to be balanced by the duty to charity, Locke argued in the Two Treatises of Government that everyone has an “equal right” or “a right in common...to provide for their substance.” Locke considered this right to substance “a necessary means to fulfill the general obligation laid upon each individual by the Law of Nature to act so as to preserve all mankind.” Thus, he argued, an individual has “a right to the surplusage” of another’s goods because natural law “gives every man a title to so much

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39 Brewer and Staves, Early Modern Conceptions of Property, p.265.
40 See Ibid., p.258.
41 See Jean-Jacques Rousseau, The Social Contract or Principles of Political Right, p. 35.
42 See Stephen Ellenburg, Rousseau’s Political Philosophy An Interpretation from Within, p.224.
43 Ibid.,
44 Ibid.,
45 Ibid.,
46 Locke, First Treatise of Government, pars 86-93, 97; Second Treatise of Government, par. 25.
47 Locke, Second Treatise, pars 7, 16, 135, 171, 183.
out of another’s plenty, as will keep him from extreme want, where he has not means to subsist otherwise.”48

Locke made a number of bequests to provide for the poor49 to the extent that he considered it a crime chargeable against those responsible for administering poor relief with the parish to allow anyone to die for want of due relief.50

**D. To Each According to the Requirements of Common Good or Public Interest**

The theory “To each according to the requirements of common good or public interest or the welfare of mankind or the greater good of the greater number” is known as the “Principle of utility” or “utilitarianism”. It has its origins in the works of the eighteenth-century philosopher and social reformer Jeremy Bentham and his nineteenth-century successor John Stuart Mill.51

**E. To Each According to his Entitlement**

**1. Wage as an Entitlement**

In Islam, the employer is obliged to pay the workers as soon as they finish the job entrusted to them. This obligation is based on the following Hadith: “Give the wage laborer his due before his sweat dries.” There is no harm, however, to delay the payment of wages until the end of each month if the employer and the wage labourer agree upon this. Qutb writes that paying a labourer his or her wages on time is to observe both a psychological and a practical need in the life of the worker:

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48 Locke, *First Treatise*, par. 42.
Dinî ve Felsefi Metinler

“The psychological need is the need to feel that someone is concerned about him and interested in him, and speed in paying his wage conveys these ideas since it makes him feel that his effort is valued and his place in society is recognized. The practical need arises because the worker usually needs his pay regularly to meet his needs and those of his family and dependents…”52

Qutb argues that it is bad to delay the payment of the labourer’s wage because of the following reasons: Firstly, it inconveniences the worker; he cannot carry out his plans on time due to lack of money. Secondly, it lessens the worker’s desire to work.53 The worker whose wage is delayed cannot have the stamina to work and to show dedication to the work he is obliged to do. Lack of concentration on the work no doubt leads to low-quality products. Thus, the torture that the employer inflicts upon the worker by delaying his or her wage is felt by the whole society, which has to rely on low-quality products.

2. Entitlement to Zakat

The poor and needy have an inalienable right in the wealth of the rich: “And those in whose wealth is a recognized right. For the (needy) who asks and him who is prevented (for some reason from asking)” (Qur’an 70: 24-25). Allah has promised great reward to those who fulfill their financial and material obligation towards the poor and the needy. Likewise, He has promised severe punishment to those who withhold their wealth and refuse to grant the poor their right. He says:

“Those who are miserly and enjoin miserliness on other men and hide what Allah has bestowed upon them of His Bounties. And We have prepared for the disbelievers a disgraceful torment.” (The Qur’an 4:37)54

“And let not those who covetously withhold of that which Allah has bestowed on them of His Bounty (Wealth) think that it is good for them (and so they do not pay the obligatory Zakat). Nay, it will be worse for them; the things which they covetously withheld shall be tied to their necks like a collar on the Day of Resurrection. And to Allah belongs the heritage of the heavens and the earth; and Allah is Well-Acquainted with all that you do.” (The Qur’an 3: 180)

“The mutual rivalry (for piling up of worldly things) diverts you, until you visit the graves (i.e. till you die). Nay! You shall come to know! Again nay! You shall come to know! Nay! If you knew with a sure knowledge (the end result of piling up, you would not have been occupied yourselves in worldly things). Verily, you shall see the blazing Fire (Hell)! And again, you shall see it with certainty of sight! And again,

52 Shepard, Sayyid Qutb and Islamic Activism, p.138.
53 Ibid., p.139.
54 See also The Qur’an 9: 34.
you shall see it with certainty of sight! Then on that Day you shall be asked about the delights (you indulged in, in this world)” (The Qur’an 102: 1-8).

When this right is granted, selfishness, stinginess, miserliness and greed and anger and envy are taken away from the hearts of the rich and poor respectively. Zakat therefore the foundation of love and peace between the rich and the poor. It is also, as Qutb says, “the foundation of a society characterized by social solidarity and mutual responsibility which does not need to rely on the system of usury in any aspect of its life.”

3. Entitlement to Mirath

The term mirath, literally means to transfer something from person to person, or from nation (qaum) to nation. The thing transferred, according to the literal meaning, may be money (mal), knowledge (‘ilm), or glory (sharaf). In Islamic Law, the term (mirath) refers to the transfer of ownership (of moveable or immovable property, or of shari’ah rights) from the deceased person to his or her legitimate heirs, who are alive.

It is true that whatever individuals possess in this material world is temporary and limited to their life span. When they die their property is passed on to their heirs and from these heirs to other heirs. This process is continued until their material possessions go to the Ultimate Heir (Allah). Allah says in the Holy Qur’an in reference to this: “Verily We will inherit the earth and whatsoever is thereon. And to Us they all shall be returned.” (The Qur’an 19:40) Thus it is not baseless to argue that the material things individual human beings possess are theirs in trust only; they (material things) ultimately revert to Allah, to Whom belongs all that is in the heavens and on the earth. He says in the Holy Qur’an: “And to Allah belongs the heritage of the heavens and the earth; and Allah is Well-Acquainted with all that you do.” (The Qur’an 3: 180)

III. The Difference Principle

In A Theory of Justice, Rawls attempts two things: firstly, he introduces two principles of justice for a well-ordered society. “A society is well-ordered,” says Rawls:

“when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. It is, in other words, a society in which (1) everyone accepts and knows that the others accept the same principles of

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55 Ibid., p.167.
57 Ibid., p.29.
58 Ibid.
justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.”

Rawls believes that societies today are seldom well-ordered. This is because, he argues, there is no objectivity in the present day principles of justice that govern human societies; people differ in their interpretation of what is just and unjust, or the good and the bad. One of the basic features of a well-ordered society is that its people are united by “common sympathies” that enable them to cooperate with one another in all matters pertaining to their social, economic, cultural and political life. Having common sympathies is generally due to identity of religion, language, race and descent. None of these, however, is found among the people of a well-ordered society who instead, as we shall shortly explain, are governed by principles of justice that are free from religious, linguistic, cultural, ethnic and racial inclinations. Secondly, he criticizes utilitarianism for its failure to treat every individual human being as an end in himself.

Utilitarianism is committed, basically, to promoting the general welfare. This term “general welfare” refers to “per capita welfare.” According to the utilitarians, the end justifies the means. This means that if the end is good for the general welfare of the society the means to achieve that end is considered good even if it is bad in itself.

The first known Western thinker to treat every individual human being as an end in himself and not merely a means to achieve other people’s ends, is Immanuel Kant. He initiated a theory known as “Categorical Imperative” which states that every

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60 See Rawls’ *A Theory of Justice*, p.5.
61 Ibid., p.23.
64 Kant distinguishes between “categorical” and “hypothetical” imperatives. The former declares an action obligatory without any reference to anything further, whereas the latter states that an action is necessary to attain something else a person wants or may want. In other words, “if the action would be good merely as a means to something else, so is the imperative hypothetical. But if the action is represented as good in itself, and hence as necessary in a will which of itself conforms to reason as the principle of the will, then the imperative is categorical.” [Kant, “Grounding for the Metaphysics of Morals” in *Kant’s Ethical Philosophy*, trans. James W. Ellington (Indianapolis, Indiana: Hackett Publishing Company, Inc., 1983), p.414.] It is called categorical because it instantly applies to all rational beings, and it is imperative because it is the principle on which everyone ought to act. Categorical imperative is composed of three formulas. The first is “the formula of the law of nature,” [Ibid.,
individual human being is autonomous and thus, everyone must be treated as an end in himself and not as a means to achieve others’ ends; everyone counts as one, no one counts as two or more.

Not only that Rawls criticizes utilitarianism, but he provides an alternative to it, which he calls “Justice as Fairness”. He writes:

“In presenting justice as fairness I shall contrast it with utilitarianism. I do this for various reasons, partly as an expository device, partly because the several variants of the utilitarian view have long dominated our philosophical tradition and continue to do so. And this dominance has been maintained despite the persistent misgivings that utilitarianism so easily arouses. The explanation for this peculiar state of affairs lies, I believe, in the fact that no constructive alternative theory has been advanced which has the comparable virtues of clarity and system and which at the same time allays these doubts. Intuitionism is not constructive, perfectionism is unacceptable. My conjecture is that the contract doctrine properly worked out can fill this gap. I think justice as fairness an endeavor in this direction.”65

The main point in the theory of “Justice as fairness” is that every individual human being must be given an equal opportunity to study, work, participate in politics, etc. No one should be denied a chance or opportunity because of his or her colour, race, ethnic origin, religion, or gender.

The first principle of justice that Rawls introduces is composed of two parts. The first part is called the “Principle of Basic Liberties.” It states that liberty should be the same for every individual member of society. The second part is known as, the “Principle of Fair Equality of Opportunity.” This principle is to ensure that careers and positions are open to everyone in a fair system of competition. The principle also teaches that everyone should be given the same prospects of success, thus, providing just parameters within which the second principle of justice, known as the “Difference Principle”, can work.

One of the functions of the State, according to Rawls, is to raise the standards of the disadvantaged people, and in order to do this, he says, it has to impose mandatory tax upon the rich or the “well-off” members of society.

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65 Rawls, A Theory of Justice, p.52.
The above principles are chosen by representatives of people behind what Rawls calls the “Veil of Ignorance” in the “Original Position”. The “Original Position” is a type of contract theory. It is a hypothetical scenario in which the representatives of people, in an attempt to choose the principles of justice, are stripped of their identity. The “Veil of Ignorance” makes them ignorant about or unaware of their “social position, or the conception of the good (its particular aims and attachments), or the realized abilities and psychological propensities, and much else, of the persons they represent.”

In *Anarchy, State, and Utopia*, Nozick rejects Rawls’ “Difference Principle” based on the argument that:

“Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do.”

The State, argues Nozick, is justified only if its functions are limited to the protection of individuals’ rights. A State that is confined to this function is called a “Minimal State”. Nozick argues that any more extensive activities by the State, leads to the violation of individuals’ rights. Thus, the State must not engage itself in the welfare activities, since this requires it to levy taxes on the rich. In Nozick’s view, taxation is bad because: Firstly, it is on a par with forced labour. He writes:

“(It) is equivalent to seizing hours from him and directing him to carry on various activities. If people force you to do certain work, or unrewarded work, for a certain period of time, they decide what you are to do and what purposes your work is to serve apart from your decisions. This process whereby they take this decision from you makes them a part-owner of you; it gives them a property right in you. Just as having such partial control and power of decision, by right, over an animal or inanimate object would be to have a property right in it.”

Secondly, it is a violation of people’s autonomy. In this case therefore, it contradicts the principle laid down by Immanuel Kant concerning the inviolability of individuals. Nozick, like Kant, argues that individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consent.

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68 Robert Nozick, *Anarchy, State and Utopia*, p.ix. In this work, all references to Nozick’s views in “Anarchy, State, and Utopia” are made to the 1994 reprinted copy.
There are two types of consent: voluntary and involuntary consent. According to Nozick, anything based on one’s involuntary consent is immoral and unjust. Each person has got a separate existence and so no one may be sacrificed for others. Individuals are not resources for others.\textsuperscript{72} Nozick calls this “moral side constraint”.\textsuperscript{73}

Nozick objects to the claim that a right to life necessarily leads to subsistence. He contends that to grant this right a substructure of things and materials and actions are required and other people may have rights and entitlements over these. “No one”, he says, “has a right to something whose realization requires certain uses of things and activities that other people have rights and entitlements over.”\textsuperscript{74} Nozick goes on to say that:

“Other people’s rights and entitlements to particular things (that pencil, their body, and so on) and how they choose to exercise these rights and entitlements fix the external environment of any given individual and the means that will be available to him. If his goal requires the use of means which others have rights over, he must enlist their voluntary cooperation. Even to exercise his right to determine how something he owns is to be used may require other means he must acquire a right to, for example, food to keep him alive; he must put together, with the cooperation of others, a feasible package.”\textsuperscript{75}

Thirdly, it is an imposition of force on a person to work extra hours for the benefit of others, which he would spend in leisure. According to Nozick, people are free to choose what to do with their extra time. After obtaining sufficient income for the basic needs of life, people may choose to spend the rest of their time in leisure or in the acquisition of extra income. Nozick raises the following questions:

“It is illegitimate for a tax system to seize some of a man’s leisure (forced labor) for the purpose of serving the needy but why is it considered legitimate for a tax system to seize some of a man’s goods for that purpose? Why is the person with the nonmaterial or nonconsumption desire allowed to proceed unimpeded to his most favored feasible alternative, whereas the man whose pleasures or desires involve material things and who must work for extra money (thereby serving whomever considers his activities valuable enough to pay him) is constrained in what he can realize?”\textsuperscript{76}

Although he does not express it, it is in his (Nozick’s) mind that taxation of earnings from labour is not only an impediment to people’s alternatives, but also an act of injustice altogether.

\textsuperscript{72} Ibid., p.33.
\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid., p.238.
\textsuperscript{75} Ibid., p.170.
Justice, according to Nozick, requires that the two men, one spending his extra time in leisure, and the other one spending such time in the acquisition of extra income than the one he needs for his basic needs, be treated in the same way.

Lastly, it is a seizure of people’s labour. Besides a right to property in material things, Nozick, like earlier theorists such as John Locke, speaks of people as having a property in themselves and in their labour.\(^7\) To have a right to property, says Nozick, is to have the right or freedom to determine what shall be done with that property and also the right to choose which of the constrained set of options concerning that property shall be realized.\(^8\)

Individuals are in Nozick’s view and in the view of all liberal thinkers, the possessors of themselves and they do have a right over whatever thing is generated from their bodies. G. A. Cohen explains this so-called concept of “self-ownership” as follows:

“Each person is the morally rightful owner of himself. He possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave as a matter of legal right, and he is entitled, morally speaking, to dispose over himself in the way a slaveholder is entitled, legally speaking, to dispose over his slave.”\(^7\)

Nozick argues that individuals are entitled to whatever “holding” they come to have through actions that conform to the following two principles: Firstly, “the principle of justice in acquisition” and secondly, “the principle of justice in transfer.” The former principle deals with the appropriation of unheld things; how they may come to be held, the process, or processes, by which unheld things may come to be held, the things that may come to be held by these processes, the extent of what comes to be held by a particular process, and so on.\(^8\)

The latter principle concerns the transfer of holdings from one person to another; the processes by which a person may transfer holdings to another, and how a person comes to acquire a holding from another who holds it.\(^9\) The general rule that governs holdings according to Nozick is: “Whatever arises from a just situation by just steps is itself just.”\(^10\)

\(^8\) *Ibid.*
\(^10\) Nozick, *Anarchy, State and Utopia*, p.150.
However, not all present holdings arose through just steps.\textsuperscript{84} Therefore, according to Nozick, there is a need for a third principle of justice called the “principle of rectification of past injustices.”\textsuperscript{85} It aims to correct whatever injustices (in the acquisition and transfer of wealth) have been committed in the past by powerful individual human beings or nations. Nozick raises the following crucial issues:

What now, if anything, ought to be done to rectify these injustices? What obligations do the performers of injustice have toward those whose position is worse than it would have been had the injustice not been done? Or, than it would have been had compensation been paid promptly? How far back must one go in wiping clean the historical state of injustice? What may victims of injustice permissibly do in order to rectify the injustices being done to them, including the many injustices done by persons acting through their government?\textsuperscript{86}

A thorough or theoretically sophisticated treatment of these issues is, unfortunately, not available. To treat these issues one must have historical information about previous situations and injustices done in them. Furthermore, one must know the actual course of events that flowed from these injustices until the present.\textsuperscript{87}

In the absence of historical facts about committed injustices, Nozick argues that it may be appropriate to introduce as a rough rule of thumb something like this principle: “Organize society so as to maximize the position of whatever group ends up least well-off in the society.”\textsuperscript{88}

**Conclusion**

In the foregone we have discussed the concept of distributive justice. We have said that the aim of distributive justice is not to eliminate the economic inequalities among people but to prevent wealth and income from concentrating in the hands of a few individuals. Wealth that concentrates in the hands of a few individuals results into selfishness, greed and exploitation on the side of those who have it, and hatred, anger and envy on the side of those who lack it. It is clear from the foregone discussions that distributive justice remains a disputable subject among liberal thinkers.

\textsuperscript{84} Nozick believes that the past injustices have shaped present holdings in various ways. [Nozick, Anarchy, State and Utopia, p. 152.] For example, there are people who have acquired wealth by stealing from others, or defrauding them, or enslaving them, or murdering them, or denying them the opportunity to compete in exchanges, and other unjust ways.

\textsuperscript{85} Ibid., p.152.

\textsuperscript{86} Ibid.

\textsuperscript{87} Ibid.

\textsuperscript{88} Ibid., p.231.