

Unearthing Perspectives from Aristotle's Nicomachean Ethics and Islamic *Adl*: Discourse of Settler Colonialism in South Africa

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Abstract: This study explores the enduring impacts of settler colonialism on contemporary South Africa, examining how it continues to shape issues of identity, citizenship, belonging, and social injustices. Moving beyond problem-solving, the research delves into ancient philosophical and Islamic ethical concepts of a just society. Two frameworks are compared: Aristotle's theories of justice, particularly from Books III and V of his *Nicomachean Ethics* (which cover the same material as Book IV of *Eudemian Ethics*), and the Islamic concept of *Adl*. By analyzing these frameworks and applying critical methods to South African discourse, including keynote speeches, the study aims to develop a more robust understanding of justice in the context of settler colonialism's lasting inequalities. This paper seeks to articulate and expand the conceptual understanding of these two frameworks, providing a richer philosophical and normative picture to inform current discussions on the legacy of settler colonialism. The study employs a qualitative approach, using document analysis, comparative analysis, and critical methods to analyze data. These methods are used to discuss the presented theories of justice. Additionally, in the South African setting, keynote speeches were analyzed as primary data.

Keywords: Colonialism, South Africa, Social Injustices, Aristotle, Islamic Ethics.

Abstrak: Penelitian ini mengeksplorasi dampak berkelanjutan dari kolonialisme pemukim di Afrika Selatan kontemporer, meneliti bagaimana hal tersebut terus membentuk isu-isu identitas, kewarganegaraan, rasa memiliki, dan ketidakadilan sosial. Melampaui pemecahan masalah, penelitian ini menyelami konsep filosofis kuno dan etika Islam mengenai masyarakat yang adil. Dua kerangka kerja dibandingkan: teori keadilan Aristoteles, terutama dari Buku III dan V dari *Nicomachean Ethics* (yang mencakup materi yang sama dengan Buku IV dari *Eudemian Ethics*), dan konsep keadilan Islam, *Adl*. Dengan menganalisis kerangka kerja ini dan menerapkan metode kritis pada wacana Afrika Selatan, termasuk pidato-pidato utama, penelitian ini bertujuan untuk mengembangkan pemahaman yang lebih kuat tentang keadilan dalam konteks ketidaksetaraan yang berlangsung akibat kolonialisme pemukim. Makalah ini berupaya mengartikulasikan dan memperluas pemahaman konseptual dari kedua kerangka kerja ini, memberikan gambaran filosofis dan normatif yang lebih kaya untuk memperkaya diskusi saat ini tentang warisan kolonialisme pemukim. Penelitian ini menggunakan pendekatan kualitatif, dengan analisis dokumen, analisis komparatif, dan metode kritis untuk menganalisis data. Metode-metode ini digunakan untuk membahas teori-teori keadilan yang disajikan. Selain itu, dalam konteks Afrika Selatan, pidato-pidato utama dianalisis sebagai data primer.

Kata Kunci: Kolonialisme, Afrika Selatan, Ketidakadilan Sosial, Aristoteles, Etika Islam.

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Introduction

The development of international law has led to the acknowledgment of fundamental rights, such as the protection of human dignity, indigenous rights, abolition of racial prejudice, and the prohibition of genocide. Despite these legal developments and decolonization effort, the deep-rooted impact of settler colonialism and the structures of inequality continues to persist in the political and social landscape of South Africa¹. Arguably part of the reasons why this happens is as Lynne and other Settler colonial theorists contend. To them, decolonization is often limited in addressing the underlying issues of dispossession and exclusion inherent to settler colonialism's legacy.² In a similar fashion, the legacy of settler colonialism continues to impact the distribution of resources and opportunities in South Africa, perpetuating the marginalization of some groups of people. It has created a complicated web of social and political identities that are deeply divided along racial, ethnic, and cultural lines, making it challenging to develop a national identity that includes all South Africans irrespective of their color or racial differences³. As a result, many South Africans continue to experience systemic inequalities, even after the end of apartheid. This is not unexpected because scholars like Veracini and Cox are of the view that settler colonialism is an ongoing system of power that perpetuates the genocide and repression of indigenous peoples and cultures.⁴

With these ongoing dilemmas and systemic inequalities, which concept of justice should be used to design ways to reduce injustice and serve as the benchmark for measuring its degree and severity? In this study, we aim to trigger a discussion on settler colonialism by raising important queries that will stimulate debate and analysis posing the questions: To what extent the legacy of settler colonialism contributes to socio-political inequities in South Africa? Hence, the possibility of the Aristotelian concept of a just society and the Islamic ethical notion of 'adl' will be tested as a better approach surrounding the discourse of settler colonialism's legacy in South Africa. Nevertheless, this paper is not a problem-solving piece, but rather it is an attempt to provide a fresh viewpoint in the comprehension of a better philosophical and normative picture of those theories and used them as a parameter in the current discourse of settler colonialism's legacy of inequity in South Africa. Likewise, we attempted to articulate and expand the ideological and conceptual understanding regarding Aristotle's theories of Justice in relation to the Islamic notion of *Adl*. An effort to compare and contrast them has equally been made in this paper. Although there are some differences between the two theories, it has been determined that they are still applicable and perhaps can be used as a moral toolbox to subside if not eliminate the numerous complicated inequities in the South Africa's socio-political environment.

Someone might question why the aforementioned theories were chosen, even though they appear to be completely different. Our answer is simple, from the light of what Richard Kraut opines: Aristotle currently occupies a privileged position in the study of moral philosophy. Along with a handful of other historical figures like Hume, Kant, Mill, and perhaps several other; He is considered someone whose approach to the philosophical study of ethics must be known (not necessarily embraced) in the study of moral philosophy⁵.

¹ Saito, Natsu Taylor. 2020. "International Law and Human Rights." In *Settler Colonialism, Race, and the Law: Why Structural Racism Persists*.

² Lynne Davis, J. D., and Robert S. 2017. "Pathways of Settler Decolonization." *Settler Colonial Studies* 7 (4): 377–394.

³ Garcia-Olp, Mary. 2018. "How Colonization Impacts Identity Through the Generation: A Closer Look at Historical Trauma and Education."

⁴ Cox, A. 2017. "Settler Colonialism." In *Literary and Critical Theory*. <https://doi.org/10.1093/obo/9780190221911-0029>.

⁵ Gaukroger, Stephen, and John West, eds. 2006a. *Human Nature*. Blackwell Guides to Great Works. Oxford: Blackwell Publishing.

More than any other philosopher from antiquity or the medieval period, he is regarded as someone whose ethical framework may still be viable or may be included or modified into the broader system that integrates his insights with those of others. However, it would be naive to believe that he deserves to have the final say on each topic discussed, that he has no binding spots or restrictions, or that he can assist with every area of ethical investigation. But again, even if one chooses to be anti-Aristotelian, still, Aristotle is someone with whom one must come to terms within moral philosophy⁶.

On the other hand, the choice of the Islamic concept of *Adl* is because, it is observed that there are loopholes in the Aristotelian concept of Justice that on one hand the Islamic notion of *Adl* might address better. An illustration of this can be seen as follows: According to Aristotle the principle of Justice is equality in rights, but what happens when legally protected rights conflict with the pursuit of equality? How can equality be achieved among individuals who possess different skills, responsibilities, requirements, or merits? The Greeks debated this question, which remains unresolved among Western philosophers today⁷. Now as the discourse highlights the Islamic concept of *Adl*, Bacchus believes that there are some similarities between western philosophers' perceptions of Justice and how it is viewed in the Islamic tradition. Justice, for example, in both cases, is an absolute good, the greatest of all virtues - the complete and comprehensive virtue that contains and presupposes all others. Aristotle and Plato both expressed these principles in their works, and Muslim thinkers found them to be compelling and did not perceive any wide incompatibility between them and the Quranic or Prophetic traditions⁸.

Therefore, this study can contribute to the knowledge of the lasting effects of settler colonialism on South African society today, through unearthing the Aristotle's nuanced understanding of a just society, particularly in Book III) and Book V of the Nicomachean Ethics, which has the same substance as Book IV of the Eudemian Ethics⁹. Following that, the concept of Justice (or a perspective of just society) in Islamic ethics is examined. As a result, it implicitly offers new perspectives in expressing and broadening the conceptual and ideological understanding of Aristotle's conceptions of Justice in relation to the Islamic notion of *Adl* in the current discourse of settler colonialism's legacy of inequity. The study uses the qualitative method of inquiry, such as the document analysis, comparative analytic, and critical methods. All three methods have been used to discuss the theories of Justice given. Besides, In the South African setting, parliamentary proceedings, and keynote speeches will be collected and critically analyzed.

The article builds up as follows: First, we carefully examined the relevant literature (Thematically) on Medieval and contemporary philosophical perspectives on Aristotle's concept of Justice and the concept of Justice (*Adl*) in the Islamic tradition. Then, we determined to explore Justice in the discourse of Settler Colonialism using the two theories mentioned. As a result, we presented a fresh, compelling analysis of the subject. Secondly, we discussed Aristotle's theory of Justice and whether it represents the pursuit of Utopia. we highlighted the loopholes in Aristotle's idea of a just society. Additionally, we explored the Islamic concept of *Adl* within the parameters of social justice. Third, we have dived into the discussion of the Legacy of Settler Colonialism in the socio-political landscape of modern South Africa. Fourth, we bridged perspectives on Settler Colonialism by exploring Aristotle's concept of Justice and the Islamic concept of *Adl*. Finally, the last section is the conclusion, where we summarize the main findings and provide area for further research.

⁶ *ibid*

⁷ Bacchus, 2014 Bacchus, S. 2014a. *The Concept of Justice in Islam*. 1st ed. Friesen Press.

⁸ Bacchus, S. 2014a. *The Concept of Justice in Islam*. 1st ed. Friesen Press.

⁹ Ross, W. D., trans. *Aristotle: Nicomachean Ethics*. Oxford: Oxford University Press, 2002.

Research Methods

This research investigates the potential contributions of two distinct yet potentially complementary frameworks for justice—the Aristotelian notion of a just society and the Islamic ethical concept of *Adl*—in addressing the persistent challenges arising from the legacy of settler colonialism in South Africa. By employing a qualitative approach, the study utilizes critical race theory (CRT) as its theoretical foundation¹⁰. CRT provides a valuable lens for examining how historical and ongoing power structures perpetuate racial inequalities¹¹ making it particularly relevant in the context of settler colonialism, a system inherently built upon the dispossession and marginalization of indigenous populations. The research methodology relied on a systematic literature review, aimed at exploring existing scholarship in several key areas. These areas include the enduring impact of settler colonialism in South Africa, focusing particularly on its role in shaping social, political, and economic inequalities¹². Additionally, the study dived into the concept of justice within Aristotle's political philosophy, especially his emphasis on fairness, proportionality, and the importance of a just distribution of goods and resources. It also examined the Islamic concept of *Adl*, with its core principles of respect, equality, and the pursuit of social justice. Furthermore, the research explored the application of these concepts of justice in the context of postcolonial societies¹³. Thematic analysis was employed to analyse the collected literature¹⁴. This analysis focused on identifying recurring themes and arguments, particularly regarding how each concept of justice could be applied to address issues such as land dispossession, resource distribution, and the recognition of indigenous rights.

Results and Discussion

Medieval and contemporary philosophical perspectives on Aristotle's concept of Justice

Throughout history, many philosophers have engaged in significant discussion and analysis of Aristotle's concept of justice. These philosophers have contributed to a broader understanding of justice by offering varying observations and interpretations. In his landmark book "A Theory of Justice," John Rawls expands on Aristotle's ideas and proposes the concept of "justice as fairness," emphasizing equitable distribution and equal opportunity¹⁵. Likewise, Aristotle's views were incorporated into Thomas Aquinas' philosophical system during the Middle Ages. Aquinas saw justice as a cardinal virtue with both commutative and distributive components. Immanuel Kant offers a distinctive viewpoint on justice that emphasizes retributive justice and views people as ends in themselves. In contrast, utilitarian philosopher John Stuart Mill sees justice as a means to increase overall pleasure and well-being¹⁶.

¹⁰ Dixon, Adrienne D., Celia K. Rousseau Anderson, and Jamel K. Donnor, eds. 2017. *Critical Race Theory in Education: All God's Children Got a Song*. 2nd ed.

¹¹ Solorzano, Daniel G., and Dolores Delgado Bernal. "Examining Transformational Resistance Through a Critical Race and Latcrit Theory Framework." *Urban Education* 36, no. 3 (2001): 308–342. <https://doi.org/10.1177/0042085901363002>.

¹² Moreton-Robinson, Aileen. 2015. *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press.

¹³ Pithouse, Richard. 2016. *Writing the Decline: On the Struggle for South Africa's Democracy*. Jacana Media.

¹⁴ Braun, Virginia, and Victoria Clarke. 2006. "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology* 3 (2): 77–101. <https://doi.org/10.1191/1478088706qpp0630a>.

¹⁵ Rawls, John. 1971a. *A Theory of Justice*. Harvard University Press.

¹⁶ Aquinas, Thomas. 1947. *Summa Theologiae*. Benziger Bros; Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. Allen W. Wood, J. B. Schneewind, M. Baron, and S. Kagan (Yale University Press, 1785); John Stuart Mill, *Utilitarianism*, ed. George Sher, 2nd ed. (Indianapolis: Hackett Publishing, 2002).

Some of the later scholars add to the ongoing discussion on Aristotle's idea of Justice by offering new insights and broadening its applicability in contemporary settings. For instance, an influential philosopher Martha Nussbaum has investigated the capacities approach to Justice, which is influenced by Aristotle's ethical philosophy. She highlights the importance of human capabilities, such as health, education, and freedom, in determining Justice. According to her Justice should put an emphasis on strengthening people's capacity to live lives they have good reason to value. She also calls for a complete notion of well-being¹⁷. While, Amartya Sen has included aspects of Aristotle's concept of Justice in his capacity approach. Sen emphasizes the value of each person's autonomy and freedom in choosing what constitutes Justice. In line with Aristotle's emphasis on the individual's flourishing, he contends that Justice should seek to improve people's capacities to lead lives they have reason to value¹⁸.

The concept of Justice (Adl) in the Islamic tradition

Scholars and experts in contemporary Islamic law discourse have recently devoted considerable time to studying the Islamic principle of *Adl*, which is simply translated as justice or equity. In his book "The Search for Beauty in Islam," Khaled Abou El Fadl emphasizes the complexity of *Adl* and how it maintains a balanced, just, and harmonious Islamic worldview. In "Justice in Islam," Mohammad Hashim Kamali examines the moral underpinnings and practical applications of *Adl*, highlighting its broader scope beyond legalistic notions. Abdullah Saeed, in "The Qur'an: An Introduction," explores the concept of *Adl* as taught in the Qur'an, underscoring its significance as a fundamental principle of Islamic ethics and social structure. Through their writings, these scholars contribute to the ongoing discussion on *Adl* by offering insightful analyses of its various manifestations and modern applicability in the context of Islamic justice and moral behaviour¹⁹. Furthermore, justice is a dominant theme in Islam and the prophetic tradition. Justice is so central to the Qur'anic worldview that it cannot be overlooked. It is glaringly evident in the life of the Prophet Muhammad and his administration of Madina 1,400 years ago. From the administration of the state to the regulation of weights and measures in the marketplace, justice has always been the desired objective of Muslim societies, even though it has often been elusive²⁰. This exploration seeks to contribute to the understanding of how a just society should be conceptualized. By incorporating perspectives from the Islamic tradition alongside Aristotle's views, a more comprehensive understanding of justice and its implications might be achieved.

Justice In the Discourse of Settler Colonialism

Aristotle's idea of Justice has been the focus of examination and criticism from a number of scholars when it is considered in the context of settler colonialism. To accentuate this point of view, scholars define settler colonialism as a type of colonialism in which settler communities displace and marginalize indigenous populations²¹. It is the practice of displacing and marginalizing native populations by settlers from a foreign power, creating a hierarchically structured society and sustaining structural disadvantages for the

¹⁷ Nussbaum, Martha. 2007a. "Book Review: Frontiers of Justice. Disability, Nationality, Species Membership." *Scandinavian Journal of Disability Research* 9 (2): 133–136. <https://doi.org/10.1080/15017410601003171>.

¹⁸ Nussbaum, Martha. 2007a. "Book Review: Frontiers of Justice. Disability, Nationality, Species Membership." *Scandinavian Journal of Disability Research* 9 (2): 133–136. <https://doi.org/10.1080/15017410601003171>; Sen, Amartya. 2000. *Development as Freedom*. Anchor Books.

¹⁹ Fadl, Khaled Abou El. 2006. *The Search for Beauty in Islam: A Conference of the Books*. R. & L. Publishers; Kamali, Mohammad Hashim. 2003. *Justice in Islam*. Oneworld Publications; Saeed, Abdullah. 2008. *The Qur'an: An Introduction*. Routledge.

²⁰ Ramadan, Tariq. 2009a. *Radical Reform: Islamic Ethics and Liberation*. Oxford University Press, 43

²¹ Prado, Ana Carolina. 2019. "A Reply to Kelsen's Critique of Aristotle's Concept of Justice." *Artículo de Investigación* 48: 53–67. <https://doi.org/10.25100/pfilosofica.voi48.7303>

indigenous inhabitants²². Justice, according to Aristotle, is "the virtue that consists in giving each person what is due to them." This description implies fairness, justice, and the equitable distribution of rewards and benefits within society. However, scholars have criticized Aristotle's idea of justice for its shortcomings in addressing the injustices committed against indigenous peoples when viewed through the lens of settler colonialism. They argue that his concept fails to adequately confront the structural and systemic inequalities imposed on native populations by settler societies.

Though, Aristotle's conception of Justice, according to some scholars, is predicated on a hierarchical society and disregards the rights and claims of indigenous populations²³. They contend that by ignoring the distinctive histories, customs, and land rights of indigenous populations, Aristotle's idea of justice may serve to maintain their marginalization and erasure. Aristotle believed that people should be treated equally and given equal things, but he also thought that justice involves discrimination, as people should be given what they deserve based on their worth and the roles they play in society. This aligns with the scholars' argument that Aristotle's idea of justice is based on a hierarchical society and disregards the rights and claims of indigenous populations. Aristotle's concept of justice may not be applicable to all societies and cultures. It is crucial to consider the unique histories, customs, and land rights of different populations when discussing justice. For instance, an exam center's sole consideration might be the ability of candidates to clear the exam, with seat allocation based on who can perform best. While this approach may produce better lawyers, it may not necessarily lead to a more just or equitable society²⁴. In simpler terms, it is like saying that the exam center prioritizes candidates who can perform well on the test, rather than those who may have other qualities that could benefit society²⁵. It is important to consider other factors, such as a candidate's background, experience, and values, when making decisions about who should be admitted to a program or profession.

Whereas, Rahemtulla's work emphasizes the hardships of indigenous peoples impacted by settler colonialism by prioritizing minority views, such as those of women and other marginalized groups. His study of gender justice in Islam may relate to more general problems affecting indigenous cultures, highlighting the importance of Justice, liberation, and equality. Rahemtulla's book, which promotes social Justice based on Qur'anic principles, probably highlights the significance of group action, solidarity, and advocacy in opposing settler colonialism and advancing indigenous rights. It illuminates the connections between gender justice, liberation, and the fight against settler colonialism through an intersectional lens, providing insights and viewpoints that can guide initiatives to address current injustices and advance a more just and equitable society²⁶. While, Bazian's research entails a critical examination of settler colonialism's historical and current effects on indigenous people, particularly in areas with a high Muslim population. He challenges hegemonic narratives and institutions that uphold settler colonialism and its injustices by looking at how Islam, Justice, and decolonization intersect. His work place a strong emphasis on recognizing indigenous sovereignty, land rights, and self-determination

²² Glenn, Evelyn Nakano. 2015a. "Settler Colonialism as Structure: A Framework for Comparative Studies of U.S. Race and Gender Formation." *Sociology of Race and Ethnicity* 1 (1): 52-72. <https://doi.org/10.1177/2332649214560440>.

²³ Moreton-Robinson, Aileen. 2015. *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press; Tuck, Eve, and K. Wayne Yang. "Decolonization is Not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 1-40.

²⁴ Rohatgi, Akshita. 2022. "All about Aristotle's Theory of Justice." *Pleaders*, February 28.

²⁵ *ibid*

²⁶ Rahemtulla, Shadaab. 2017. *Qur'an of the Oppressed: Liberation Theology and Gender Justice in Islam*. Oxford University Press.

within an Islamic context, and he promotes facing up to and redressing historical injustices against indigenous peoples²⁷.

The work of A. Smirnov: "Understanding Justice in an Islamic Context: Some Points of Contrast with Western Theories" instead of focusing on Aristotle's idea of Justice, it explores Western theories of Justice in general. It examines how Islamic and Western ideas of Justice differ, focusing in particular on the social contract theory and the importance of individual rights. The study illustrates the divergent viewpoints between Islamic and Western views and offers insights into the particular characteristics of Justice in an Islamic context²⁸.

The articulation and development of the ideological and conceptual understanding of Aristotle's theories of Justice in relation to the Islamic conception of *Adl* within the discourse of settler colonialism in South Africa currently has a considerable deficit in the research literature. Although both Aristotle's notions of Justice and the Islamic idea of *Adl* have received a great deal of scholarly attention, there has not been adequate studies that particularly look at how they interact and are used in the context of settler colonialism in South Africa. This knowledge gap emphasizes the need for additional research and scholarly inquiry to fill it and advance the understanding of Justice within the particular dynamics of settler colonialism in South Africa.

Aristotle's Theory of Justice; The Pursuit of Utopia?

One of the most important ancient Greek philosophers, Aristotle, provided a thorough knowledge of Justice in his writings. Aristotle develops his idea of Justice in his *Politics* (particularly in Book III) and in Book V of the *Nicomachean Ethics*, which contains the same content as Book IV of the *Eudemian Ethics*. Aristotle's account of Justice in political office distribution in Book III of the *Politics* connects with and expands the doctrine of Justice that he develops in Book V of the *Nicomachean Ethics*²⁹ Justice is the most essential ethical virtue in Aristotle's political philosophy. However, the concept of Justice as defined by Aristotle is complex and has been interpreted in numerous ways. Although one thing is certain, Aristotle's notion of Justice is fundamentally built on the concept of giving each person their due. This indicates that Justice is attained when people are treated fairly and equitably and receive what they are due based on their contributions to society. In his view, Justice is a fundamental virtue that regulates interpersonal relationships and promotes social harmony.

In his philosophy of Justice, Aristotle distinguishes multiple sorts of Justice that should be dispensed in various settings of the city. According to Ernest J. Weinrib, Aristotle offers corrective and distributive Justice as two distinct types of Justice in his theory. He clarified that the question of whether one party committed and the other party suffered a transactional injustice is at the centre of 'Corrective justice' which deals with voluntary and involuntary transactions (today's contracts and torts)³⁰. On the other hand, 'Distributive justice' focuses on the sharing of whatever is distribute out among the members of a political community (Aristotle mentions goods and honours). To strengthen this discourse, Corrective Justice is based on the retributive premise. This indicates that persons who cause harm or wrong to others should be punished according to the harm or wrong they cause. If

²⁷ Bazian, Hatem. 2015. "The Intersections of Islam, Justice, and Decoloniality." *Electronic Journal*, 1-57.

²⁸ Smirnov, A. "Understanding Justice in an Islamic Context: Some Points of Contrast with Western Theories." *Philosophy East and West* 46, no. 3 (1996): 337-350. <https://doi.org/10.2307/1399527>.

²⁹ Knoll, Manuel A. 2016a. "The Meaning of Distributive Justice for Aristotle's Theory of Constitutions." *Πηγή/Fons* 1 (1): 57-97. <https://doi.org/10.20318/fons.2016.2529>.

³⁰ Weinrib, Ernest J. "Corrective Justice in a Nutshell." *The University of Toronto Law Journal* 52, no. 4 (2002): 349-356.

someone steals from another person, for example, they should be penalized by having to return the stolen things or pay compensation³¹.

In the same vein, Aristotle argues in his *Nicomachean Ethics* that Distributive Justice is founded on the idea of proportionality. This implies that goods and resources should be given in proportion to people's societal contributions. A person who works hard and contributes to the greater good, for example, should be rewarded with more commodities and resources than someone who does not work hard or contribute to the greater good³². According to Aristotle, Justice in each of these forms ties one person to another in accordance with an idea of fairness or equality (the Greek word *ison* can mean either or both). Thus, in the absence of equality, injustice occurs when one individual has too much or too little relative to another³³. Aristotle's theory of Justice has been influential in Western political thought, and it continues to be debated and discussed. Today, in the Aristotelian tradition, Justice is equated with the rules of a political society, a just exchange of private goods, legal punishment, or the equitable allocation of public goods³⁴.

Given the above review, it is evident that Aristotle's conception of Justice is totally idealistic, and that perfect Justice cannot be achieved in the real world. However, Aristotle's theory gives a significant framework for thinking about Justice and making judgments about how to divide goods and resources in society. Aristotle also emphasizes the importance of legal Justice, stressing the necessity of following fair and just rules in a functioning state. His theories transcend beyond personal morality to the arena of politics, where a just political order seeks to advance the common good and guarantee equality, fairness, and the welfare of citizens.

The Islamic concept of *Adl* in the parameters of social Justice

The Islamic idea of *Adl*, which is frequently translated as Justice, is central to the foundation of the Islamic ethical system. It incorporates the notion of establishing harmony, Justice, and equality in all realms of life, including the social, political, and economic spheres. Most often, Muslims hold that *Adl* serves as a moral code for both individual behaviour and society structure. But this concept is not a monolithic one, Islamic intellectuals and scholars have addressed and interpreted the idea of Justice in many different ways. According to one viewpoint based on Ash'ari teachings, Allah alone is responsible for Justice, with little or no human involvement. On the other hand, theologians like the Mu'tazilis contend that Justice is both a fundamental component of Islam and an important attribute of Allah. By questioning the idea that Justice is only Allah's purview, this alternative viewpoint broadens the idea of Justice as a shared duty. These divergent points of view have influenced current discussions on Justice within Islamic thinking, especially in terms of its conception as social Justice within governmental and societal systems³⁵.

The idea of Justice has evolved significantly throughout Islamic history, shaped by a variety of events and intellectual developments. Muslims have engaged in lively discussions, reassessing and reinterpreting the idea of Justice in light of evolving social, economic, and political environments, from the earliest days of Islam to the present. Muslim philosophers, jurists, and theologians grappled with colonialism's problems, encounters with Western ideas, and the need to address issues within Muslim communities and governmental

³¹ Miller, Fred D. 2013. "Aristotle on Belief and Knowledge." In *Aristotle's Philosophical Development: Problems and Prospects*, edited by William Wians, 245–263. Dordrecht: Springer. https://doi.org/10.1007/978-94-007-6004-2_16.

³² Ross, W. D., trans. *Aristotle: Nicomachean Ethics*. Oxford: Oxford University Press, 2002, 37

³³ Ibid

³⁴ Ibid

³⁵ Askari, Hossein, and Abbas Mirakhor. 2020. *Conceptions of Justice from Islam to the Present*. <https://doi.org/10.1007/978-3-030-16084-5>

institutions during the late nineteenth and early twentieth centuries, which were particularly significant³⁶. This time period was a turning point that led to the emergence of fresh, Islamic-based concepts on Justice. Hence, I will provide a few viewpoints, reinterpretations and conceptualization of those scholars in this regard as follows.

Khaled Abou El Fadl, in "Speaking in God's Name: Islamic Law, Authority, and Women," investigates the Islamic notion of Justice and how it relates to social change and gender equity. He contends that when properly interpreted and put into practice, the Islamic idea of *Adl* may be a potent tool for redressing societal injustices and advancing equality³⁷. According to Abou El Fadl, *Adl* is a fundamental virtue that is firmly ingrained in Islam and has its roots in the traditions of the Prophets and the Quran. He highlights the broad ethical elements embodied in *Adl* while criticizing constrictive viewpoints that limit Justice to justiciable issues. Abou El Fadl pushes for a nuanced and detailed understanding of Justice within this tradition. By doing thus, he highlights how important *Adl* is as a principle for pursuing Justice and resolving social inequities, but he also recognizes how difficult and multifaceted it is to address larger systemic problems. Likewise, Reza Shah-Kazemi examines the relationship between Justice and *Adl*. In order to overcome systematic injustice and oppression, he emphasizes the ethical and spiritual aspects of Justice within the Islamic faith³⁸. His investigation into Justice goes beyond its purely legal components and probes into its moral and spiritual facets, illuminating its transformative potential in dismantling institutionalized injustice and oppression. His emphasis is on how Justice, spirituality, and ethical duty are intertwined when combating structural injustice and oppression.

As mentioned earlier, within the Islamic scholastic tradition, *Adl* is understood and interpreted in a variety of ways, which has sparked discussions over its use in various social circumstances³⁹. Although the Islamic idea of *Adl* offers a strategy for combating societal injustices, its efficacy as a framework of social Justice on a variety of elements, such as social, political, and cultural variables remain blurry. However, the critical interpretation and contextual application of *Adl* in advancing social Justice is necessary for its possible manifestation as a panacea. It is crucial to understand that the process of realizing *Adl* as a solution to societal injustice is ongoing and continuing. In response to shifting social dynamics and new manifestations of injustices, it necessitates continuous reflection, discussion, and modification.

Legacy of Settler Colonialism: Exploring Socio-Political landscape of South Africa

The socio-political environment in South Africa has been profoundly impacted by the legacy of settler colonialism, which has contributed to enduring injustices and disparities still present today. It all started between 1949 and 1971, when the all-white government in South Africa passed 148 laws solidifying apartheid. In 1950 the population registration act officially classified people by race: white, coloured, native (or black) and eventually Asian⁴⁰. Then they made laws stating where people could live or not. This implementation of apartheid policies solidified the oppressive nature of settler colonialism, resulting in a racially segregated society characterized by inequality and oppression. Non-white communities, particularly Black Africans, faced forced removals, limited access to education and healthcare, and severe restrictions on their political rights⁴¹. South Africa's transition to

³⁶ Bruinessen, Martin van, Armando Salvatore, and Muhammad Khalid Masud, eds. 2009. *Islam and Modernity: Key Issues and Debates*. Edinburgh: Edinburgh University Press.

³⁷ Khaled Abou El Fadl. 2001. *The Arab Studies Journal* 10: 203–205.

³⁸ Shah-Kazemi, Reza. 2006. *Justice and Remembrance: Introducing the Spirituality of Imam 'Ali*. London: I.B. Tauris.

³⁹ Ramadan, Tariq. 2009a. *Radical Reform: Islamic Ethics and Liberation*. Oxford University Press.

⁴⁰ Digest, C. 2021. "Segregation in South Africa – What Is Behind It?"

⁴¹ Thornell, C. "Why South Africa is Still So Segregated." *Vox*, 2021. <https://youtu.be/NVH7jewfglg>.

democracy in the 1990s brought about a dismantling of apartheid and a focus on reconciliation. Efforts were made to address historical injustices through the Truth and Reconciliation Commission (TRC) and various social and economic transformation initiatives⁴².

Although the history of apartheid and settler colonialism's legacy of segregation begins deep in the past, but yet it cannot be separated to the present. Even though Apartheid and colonialism are no longer in place, yet many of those barriers they created remain in South African society⁴³. Prominent figures like Desmond Tutu, Mamphela Ramphele, and Thuli Madonsela have expressed concerns about the lingering inequities and systemic inequalities that stem from colonialism. They argue that socio-economic disparities, skewed land distribution, and systemic racism continue to shape access to resources, opportunities, and power structures in the country. The Economic Freedom Fighters (EFF) have been outspoken in their opposition to settler colonialism and its effects on South African society. They argue for land expropriation without compensation to right the wrongs of past dispossession, as well as nationalization of vital sectors of the economy to counter the concentration of economic power that colonialism left behind.

The legacy of settler colonialism in South Africa in the lens of Aristotelian justice vis à vis *Adl* emphasizes the pervasive injustices experienced by indigenous populations and the pressing need for reparation, as the historical and ongoing marginalization, land confiscation, and denial of fundamental rights and dignity of the indigenous communities of the nation are the core causes of the injustices suffered by them⁴⁴. Indigenous groups have historically been deprived of their traditional rights, access to resources, and territory, which has resulted in systemic discrimination and socioeconomic inequalities⁴⁵. This continues to have a significant impact on social issues, challenging the concepts of Justice and *Adl*. Mbembe critically examines the processes of power, identity, and resistance in post-war South Africa and other African nations⁴⁶. He places emphasis on settler colonialism's role in creating social and political structures that support injustice and impede *Adl*. Similarly, Pithouse and Niehaus explores the difficulties of South Africa's democratic transition and ongoing fights for equality. They underline the significance of transformative Justice in correcting historical injustices and establishing a more just society through examining power dynamics and a call for a more comprehension of Justice that takes into account cultural and spiritual dimensions by exposing the underlying power disparities and structural inequalities that still exist in society.

The complex interrelationship between socioeconomic rights and the democratic framework, addressing the obstacles to and opportunities presented by socioeconomic reform for the realization of Justice⁴⁷. Whereas, First's highlights the initiatives taken to advance Justice and *Adl*, with a focus on underrepresented communities who have long experienced structural injustices⁴⁸. Begins by recognizing the advancements made in advancing socioeconomic rights and democratic principles. The realization of Justice and *Adl* for all citizens is considered as having been significantly aided by this development.

⁴² Park, Augustine S. J. 2022. "Settler Colonialism and the South African TRC: Ambivalent Denial and Democratisation Without Decolonisation." *Social and Legal Studies* 31 (2): 216-237. <https://doi.org/10.1177/09646639211022786>.

⁴³ *ibid*

⁴⁴ Grant, Peter. 2015. *State of the World's Minorities and Indigenous Peoples 2015*.

⁴⁵ Mbembe, Achille. 2001a. *On the Postcolony*. Berkeley: University of California Press

⁴⁶ *ibid*

⁴⁷ Klaaren, Jonathan. 2006. *Socio-Economic Rights and Democracy in South Africa*. Oxford University Press.

⁴⁸ First, Ruth. 2013. *South Africa's Silent Revolution: The Slow but Steady Spread of Equality and the Advancement of the Rights of Minority Groups*.

In order to remedy historical injustices and give marginalized people more opportunities to access their rights and participate in decision-making processes, the article probably describes certain policies, initiatives, or legal frameworks that have been put in place. However, First also acknowledges that difficulties still exist despite the encouraging developments. The complete fulfilment of Justice and *Adl* is hampered by enduring inequities, insufficient policy execution, and continued systemic hurdles. In short, he discussed about how power relationships, political objectives, or societal aspects affect the development of socioeconomic rights and democracy. The legacy of settler colonialism has a significant impact on South Africa's socio-political injustices. It is evident that settler colonialism's legacy significantly contributes to socio-political inequalities in South Africa as discussed above. The difficulties and opportunities for achieving Justice and *Adl* in the nation's efforts to create a more equitable and just society continues to persist.

Aristotle's Justice and Islamic 'Adl': Bridging Perspectives on Settler Colonialism

Aristotle describes his idea of a just society and highlights the value of social and economic equality, fairness, and the common good. He believed that a just society was one in which everyone was treated equally, had their rights upheld, and had equal access to possibilities for success⁴⁹. According to Aristotle, a just society is one where everyone has equal access to resources, opportunities, and political participation. This promotes a fair distribution of rewards and peaceful cohabitation. The Aristotelian idea of a just society also emphasizes the importance of economic empowerment⁵⁰. Implementing policies and initiatives that provide economic possibilities for marginalized groups, especially indigenous populations impacted by settler colonialism, is necessary to achieve this. A more just and equitable society can be achieved through encouraging inclusive economic growth and correcting the socio-economic inequalities brought on by historical injustices. Additionally, social changes are essential in addressing the structural injustices that settler colonial practices continue to foster⁵¹. This entails destroying discriminatory institutions and procedures, building inclusive governance structures that provide excluded groups a voice in policymaking, and encouraging social cohesion.

On the other hand, the Islamic ethical concept of *adl* is highly relevant as well. *Adl* is a concept that derives from Islamic law and the teachings of the Quran and emphasizes the pursuit of Justice and the concepts of equality and fairness (Quran 4:135). It includes the concept of respecting people's rights and interests while also treating them with respect and dignity, regardless of their background. The concept of *adl* in the context of settler colonialism argues for an all-encompassing strategy to address past wrongs and advance socio-political equity⁵². It acknowledges the historical marginalization, land theft, and rights violations experienced by indigenous groups as the fundamental components of injustice. As long as these historical wrongs are addressed and impacted communities are given compensation, restorative Justice becomes essential. The idea of *adl* also highlights the acknowledgement of indigenous rights as essential elements of a just society, particularly land rights and the right to self-determination. In addition to reclaiming ancestral lands, this acknowledgement entails giving indigenous groups the authority to actively engage in decisions that have an impact on their way of life. Moreover, *adl* emphasizes the significance of fair resource distribution in order to promote a more just and inclusive society. This entails tackling economic inequalities, guaranteeing access to healthcare, basic

⁴⁹ Ibid

⁵⁰ Soudek, J. "Aristotle's Theory of Exchange: An Inquiry into the Origin of Economic Analysis." *Proceedings of the American Philosophical Society* 96, no. 1 (1952): 45-75.

⁵¹ Glenn, Evelyn Nakano. 2015a. "Settler Colonialism as Structure: A Framework for Comparative Studies of U.S. Race and Gender Formation." *Sociology of Race and Ethnicity* 1 (1): 52-72. <https://doi.org/10.1177/2332649214560440>.

⁵² Ibid

services, and education, as well as encouraging socioeconomic prospects for underserved populations⁵³. It takes careful consideration of their respective frameworks, guiding principles, and applicability to the particular context to better understand the potential contribution of the Aristotelian concept of a just society and the Islamic ethical notion of *adl* to a better approach surrounding the discourse of settler colonialism's legacy in South Africa. Although both theories are insightful, there may be differences in their underlying presumptions, scope, and application.

Aristotle's view of Justice, which is founded on his ethics and political philosophy, emphasizes fairness and equality that are determined by merit and proportionality. Within a political community, it emphasizes the qualities of the person, social order, and the allocation of goods. By recognizing the rights and merits of individuals and pursuing proportionate remedies, Aristotle's approach offers a theoretical foundation for resolving historical injustices. Yet, the Aristotle's idea of Justice largely applies within the confines of a specific political community and might not adequately address the special difficulties brought on by settler colonialism and its enduring effects.

The Islamic concept of *adl* offers some distinctive advantages in terms of relevance and power in the context of settler colonialism. It has a broader breadth that goes beyond a particular political community and includes ideas that apply to many different types of cultures⁵⁴. The focus on respect, fairness, and the protection of rights connects powerfully with the struggles faced by settler colonialized indigenous populations. Additionally, Islamic societies' past examples of fostering Justice and fair governance offer useful advice for tackling the systemic injustices exacerbated by settler colonialism. Different Islamic civilizations have historically shown a dedication to the ideals of Justice, equality, and social welfare, which are consistent with the objectives of addressing and redressing the injustices brought on by settler colonialism.

For instance, the early Islamic state in Medina during the time of the Prophet Muhammad developed a just and inclusive society where the rights of all, even marginalized groups, were protected⁵⁵. A historical example of sustaining the values of Justice and fairness in addressing societal inequities is the Prophet Muhammad's emphasis on these concepts in governance, as seen by his administration and decision-making procedures. In addition, historical instances like the Harun al-Rashid court in Baghdad, the Ottoman Empire's judicial system, and the development of educational institutions and public services in areas with a majority of Muslims serve as examples of how justice and fair governance are applied in Islamic societies.⁵⁶ Islamic empires including the Abbasid, Umayyad, and Andalusian Caliphates, as well as other Muslim civilizations, created governmental and legal structures meant to promote Justice and equity for all citizens⁵⁷. To safeguard people's rights, advance social welfare, and redress economic inequalities, these societies created institutions and systems. The efforts of these civilizations to construct fair and inclusive forms of government were greatly aided by the moral and ethical standards incorporated into Islamic law, known as Sharia.⁵⁸

⁵³ Siddiqui, M. R. "The Issue of Justice in Islamic Perspective." *Journal of Islamic Studies and Culture* 3, no. 2 (2015): 34-41.

⁵⁴ Abdul-Jabbar, G. 2016. "The Major Themes of Hadith and Its Characteristics." In *Foundation of Islam*, Vol. 1, 537-581.

⁵⁵ Rahemtulla, Shadaab. 2017. *Qur'an of the Oppressed: Liberation Theology and Gender Justice in Islam*. Oxford University Press.

⁵⁶ Esposito, John L. 2003. *The Oxford Dictionary of Islam*. Oxford: Oxford University Press.

⁵⁷ Ahmad. 2011. "Post-Prophetic Governance: A Brief Overview of Caliphal and Dynastic Rule." *Journal of Academic and Business Ethics* 4: 1-6.

⁵⁸ Fyzee, Asaf A. A. 2003. *Outlines of Muhammadan Law*. Oxford: Oxford University Press.

Conclusion

This research offers a novel approach to understanding the challenges of settler colonialism in South Africa by examining the potential of two distinct, yet complementary, concepts of justice: the Aristotelian notion of a just society and the Islamic ethical concept of *Adl*. By employing a critical race theory lens, the study sheds light on how these frameworks can be utilized to address the ongoing racial inequalities stemming from settler colonialism. Thematic analysis of relevant scholarship revealed a synergy between the Aristotelian emphasis on fairness, proportionality, and just distribution and the Islamic concept of *Adl's* focus on respect, equality, and social justice. This suggests that a framework informed by both concepts can provide a more comprehensive approach to achieving restorative justice in South Africa. The research highlights the Islamic concept of *Adl's* particular strengths in addressing settler colonialism due to its broader scope, emphasis on respect and equality, and historical examples of just governance in Islamic societies. However, the importance of a multifaceted strategy that considers diverse perspectives, legal structures, and historical contexts is acknowledged. While limitations exist, such as the reliance on secondary sources, this research paves the way for future studies that explore the practical application of these combined concepts to inform policy and action towards a more just and equitable South Africa.

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