

ABSTRACT

Social Justice in the Judeo-Christian and Islamic Faiths and its Implications on Donor Organ Allocation

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Within only the last century, the introduction of organ transplantation has revolutionized medical practice and altered society's perception of what constitutes life and death. At the same time, the procedure has engendered controversy regarding both the ethics of the procedure and the problem of how to address a shortage in donor organs. This thesis focuses on primarily the later issue of scarcity in the context of the Egyptian organ transplantation system, which has been implicated by some as being unjust due to the influence of ambiguous Islamic teachings. In order to examine the veracity of this statement, the ideal of social justice will be examined in both the Islamic and Judeo-Christian faiths, with the hopes to identify whether Islam holds a unique view of social justice compared to that of Judeo-Christianity that predisposes it to such unjust conditions. The premise that this thesis shall take is that the aforementioned criticism is heedless and that faith cannot solely be blamed for situations that are instead complex and multifaceted.

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SOCIAL JUSTICE IN THE CHRISTIAN AND ISLAMIC FAITHS AND ITS
IMPLICATIONS ON DONOR ORGAN ALLOCATION

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CHAPTER ONE

Organ Transplantation and the Problem of Scarcity

The problem of scarcity is one that impacts every aspect of society, imposing value upon goods that individuals perceive as limited and inciting natural competition over who is able to maintain control over precious sources of supply. One arena in which scarcity has a particularly poignant role is in the field of medicine and, specifically, organ transplantation, where such competition is accompanied by a raw emotion and a concern for one's health and wellbeing. From its beginnings, organ transplantation has been influenced by the problem of an inherently limited supply of donor organs, and society has sought to develop methods through which to ameliorate this problem. The most impactful solutions thus far have been the advent of life-prolonging technology for donors and the development of the concept of brain death. These events allowed the field to look beyond cadaveric organs for supply and effectively limited the amount of ischemic time, or time without oxygen, that donor organs experienced. Traditional cardiopulmonary criteria for death that required cessation of heartbeat were eschewed in favor of new options that increased the overall longevity of donor grafts. However, this drastic change engendered fervent opposition within the scientific community and served as an impetus for debate regarding when an individual could be considered deceased and how best to respect the sanctity of the human body in an era that perhaps overvalued medical progress (De Georgia, 2014). Thus, this introductory chapter first seeks to introduce the concept of brain death in order to both outline its precarious development

and to establish a better understanding for later discussion regarding current difficulties in the field of organ transplantation and how they present themselves in various locales across the globe.

Near the end of the twentieth century, the introduction of various new technologies was thought to signal a medical revolution in the field of transplantation. De Georgia (2014) outlines this lengthy period of development. In 1947, Claude Beck performed the first successful defibrillation of the heart, making death suddenly seem “reversible.” Three years later, Bower and Bennett began to utilize positive pressure ventilation for the treatment of patients with poliomyelitis. Other significant occurrences in resuscitation and critical care ranged from the development of the first intensive care unit in 1952 to the development of mouth-to-mouth respiration in 1958. Each of these techniques played an integral role in the human struggle to prolong life. Yet, they also raised the crucial question of when one should be considered deceased (De Georgia, 2014).

De Georgia (2014) goes on to describe how, in this new era of ethically dubious technology, it became possible for patients to remain in a persistently vegetative state for extended periods of time with uncertain hopes of recovery. Many physicians found themselves in unexplored territory and decided to err on the side of caution by treating all individuals with life-prolonging methods despite their own skepticism regarding the utility of the treatment. As a consequence, questions arose regarding the feasibility of these practices as physicians struggled to understand the nature of a new, precarious type of existence in which a patient’s heart could still be beating but his or her mind be hopelessly lost. Philosopher Hans Jonas reflected on the sentiment of the time by stating,

“We do not know with certainty the borderline between life and death, and a definition cannot substitute for knowledge” (De Georgia, 2014).

With considerable disagreement regarding the topic of death, discussion regarding end-of-life care came to the forefront in various outlets. For instance, in 1957, Pope Pius XII decreed, “physicians were not obligated to provide ‘extraordinary’ treatment in cases that were deemed ‘hopeless’” (De Georgia, 2014). Further, in 1965, the American Medical Association held its First National Congress on Medical Ethics and Professionalism to address these issues and to formulate guidelines for end-of-life care (De Georgia, 2014). Each of these inquiries was crucial to organ transplantation because it could help guide debate regarding the new dilemma of persistently vegetative patients and whether their loss of neurological function signified death. If clear guidelines regarding such matters could be determined, it could potentially increase the supply of donor organs, all the while remaining within the confines of ethically permissible practice.

De Georgia (2014) goes on to detail how in an effort to develop these very guidelines, the Harvard Ad Hoc committee was formed and convened in 1968. The members of this body, which consisted of the top physicians and scientists in the field of transplantation, struggled to define their primary problem at first: should the loss of neurological function be referred to as complete death or as an irreversible coma?

The distinction between the two options lay in the difficulty of legally proving that absence of neurological function did in fact constitute the death of the person when there existed widespread disagreement in the scientific and medical community regarding the matter. For instance, a survey of four hundred neurologists conducted in 1970

showed that fifteen percent, a significant number for such an impactful issue, were skeptical about the idea of brain death and, instead, preferred to utilize traditional cardiopulmonary criteria (De Georgia, 2014). Hence, much hesitance existed about labeling those with loss of neurological function as being truly dead.

The other alternative that the Harvard Ad Hoc committee saw to using the label of complete death was to refer to a patient's vegetative state as an irreversible coma. However, the problem inherent in this definition was that this would serve as merely a vague indicator of potential future death, which presented its own set of problems. For instance, a patient labeled as being in an irreversible coma could be considered neither dead nor alive, making it extremely difficult for family members to move on and properly grieve for their loved ones. Furthermore, doubt regarding the actual point of death of the human being complicates the issue for organ procurement professionals who would not know with certainty when an organ could ethically be procured.

After much debate, caution prevailed and the Harvard Ad Hoc committee decided to leave this crucial point vague, stating that "any organ, brain or other, that no longer functions and has no possibility of functioning is *for all practical purposes dead*" (De Georgia, 2014). The key to this passage lies in the phrase, "for all practical purposes dead," which implies that the loss of brain function is not death in itself but rather only signifies the inevitable coming of another, more definitive, sign of death. Thus, the current concept of brain death arose, signifying the public's hesitance to equate loss of neurological function with the complete death of an individual and, rather, choosing to confine its effect by using the qualifier of *brain death*.

Over the years, the Harvard Ad Hoc committee's alternative definition of death has been adopted by courts and legislatures throughout the United States. However, due to the inherent ambiguity present in labeling the loss of neurological function as *brain* death as opposed to merely referring to it as death, the implementation of these new standards has been confusing and often inconsistent. While some courts considered the loss of brain stem function, in which some cortical activity can remain, to constitute adequate prognosis of death, others required that there be no cortical activity in the patient whatsoever, shown by a flat electroencephalogram (De Georgia, 2014). Hence, a multitude of interpretations existed for the Harvard Ad Hoc report, meaning that an individual could be considered both dead and alive, variable depending on which medical practitioner performed the exam.

To remedy this discrepancy, the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research was organized in 1979 (De Georgia, 2014). It sought to release a report for Congress to utilize in its efforts to achieve uniform criteria for brain death throughout the nation. Its subsequent research resulted in the passing of the Uniform Determination of Death Act (UDDA), which gave equivalence to both cardiopulmonary and neurological definitions of death (De Georgia, 2014). However, the President's Commission failed to address its own foremost purpose and left a lack of uniformity in the definition of brain death, a problem that has still not been adequately addressed today.

Another widespread criticism of the Harvard Ad Hoc committee and the UDDA existed over the extent to which they were influenced by the need for organ donors in the United States. Critics accused these bodies of manipulating logical definitions of death

with the intent to increase donor numbers for organ transplantation (De Georgia, 2014). However, members of both committees claimed that this was far from their intended purpose. Joseph Murray, a member of the Harvard Ad Hoc committee and the individual to perform the first successful kidney transplant between twins, cautioned: “First is the dying patient, and the second, distinct and unrelated, is the need for organ transplantation...When to declare death is a problem to be solved whether or not organ transplantation follows” (De Georgia, 2014). However, despite this statement, he and the other committee members undermined their intent through the actual wording of their report, in which the only rationale described for the need of a new definition of death was the desire to free up hospital beds: “The burden is great on patients who suffer permanent loss of intellect, on their families, on the hospitals, and those in need of hospital beds already occupied by those comatose patients” (De Georgia, 2014). Furthermore, there has been criticism of the President’s Commission and UDDA regarding the fact that more than half of committee members were not practicing physicians and, thus, perceived to not be qualified to rule on such a matter (Lock, 2002). Regardless of whatever the intentions of these committees might have been, their work has had an undeniable effect on the field of transplantation today.

In parallel with the aforementioned transitions in the definition of death, the field of contemporary organ transplantation experienced its beginnings. In 1954, Joseph Murray, a member of the Harvard Ad Hoc committee, performed the first successful kidney transplantation between two identical twins, with the first liver and first lung transplants taking place in the following years (De Georgia, 2014). However, organs that were utilized for the majority of such procedures were procured following the cessation

of the heart and, therefore, followed the traditional cardiopulmonary definition of death. This changed in 1966 when Guy Alexandre, a Belgian surgeon and one of Murray's former surgical fellows, performed the world's first organ transplantation from a brain-dead donor, one who was void of neurological function. Consequently, Alexandre proposed five criteria that he had used to declare his patient dead and to harvest organs for transplantation: complete bilateral mydriasis, complete absence of reflexes, complete absence of spontaneous respiration, falling blood pressure requiring extensive amounts of vasopressive drugs, and a flat EEG (De Georgia, 2014). These criteria were received with a mixed response as some applauded Alexandre for his innovativeness, while others questioned his motives and the ethics of the procedure. Yet, with the convening of the Harvard Ad Hoc committee merely a few years later in 1968, Alexandre's supposedly radical ideas were legitimized. While many earlier transplantation procedures had used cadavers, this system was highly ineffective due to extended periods of ischemia for the organs in question and, subsequently, many of the recipients died shortly after the procedure. However, with the committee's new proposal for defining death along with the relative success of Alexandre's procedure, support now existed for the practice of procuring organs from living, yet ventilated patients, despite the ongoing ethical concerns regarding the issue.

Today, the field of transplantation essentially relies on the concept of brain death for its survival. The Organ Procurement and Transplantation Network (2017) estimates that in the year 2015, over half of all donor organs were procured from deceased donors, which include a large number of those who died from brain death. Nevertheless, despite the benefits provided by this method, the field of transplantation still experiences the

limitation of scarce supply and is far from being able to provide for every person in need of an organ transplant. Currently, there are 118,368 individuals on the transplant list in the United States. Unfortunately, the actual number of donors available per year pales in comparison to the demand, with only 2,553 people donating organs from January to February 2017, resulting in, on average, twenty-two individuals dying each day from organ failure due to the inability to find a replacement organ (“Organ Procurement and Transplantation Network”, 2017).

Furthermore, stark inequalities exist in terms of how organs are allocated currently in the United States. It has been found that one’s ability to receive an organ can greatly depend upon what region of the country in which he or she resides. When put in terms of MELD score (Model for End-Stage Liver Disease), a metric for measuring the severity of the patients need for liver transplantation, individuals in one region of the country are able to receive an organ transplantation with a MELD score of 15 (living at home and working), while another patient cannot realistically receive a transplantation without a score of 35 (in the intensive care unit or on a ventilator) (Ladner and Mehrotra).

United States officials have proposed numerous reforms in order to address the disparity between the supply and demand of organs. One such includes the idea of *imminent death*. This situation entails a circumstance in which patients may choose to expedite their own death and to donate their vital organs if their current condition is resulting in rapid deterioration in quality of life and will, without doubt, eventually lead to death (Mezrich & Scalea, 2015). Another proposal calls for the implementation of Uncontrolled Donation after Circulatory Determination of Death (UDCDD), which would allow for the retrieval of organs from patients who pass away in “uncontrolled”

situations such as during a trauma that occurs outside of the controlled confines of a hospital (Institute of Medicine, 2006). Though these organs may not otherwise be considered ideal, as they would have experienced longer periods of ischemic time after cardiopulmonary death, they would nevertheless be evaluated for donor organ potentiality under UDCDD protocol, possibly increasing the supply of organs. Both of these proposals have been met with opposition as individuals question how physicians may ultimately allocate their time and resources in such situations where they experience a conflict between the plight of the donor and the need of the recipient.

This discrepancy between the supply and demand of organs is not just an issue pertinent to the United States; rather, many other countries face similar problems. In her journal article, *The Global Traffic in Human Organs*, Scheper-Hughes (2000) describes such instances in which scarcity has allowed for wealthier individuals to coerce the poor into donating their organs in exchange for money that they can then use to support their families.

One example of this situation is in India, which has most recently been described as somewhat of an “organ bazaar.” The poorest of the country lose their inherent right to autonomy as they are put in a situation where they have essentially no option but to resort to the sale of their own body parts in order to continue to provide for their family members. While the government has taken efforts to limit non-related donation by authorizing local committees to approve any transplants that occur in their respective regions, loopholes present in national law and the use of bribery have effectively foiled any such efforts. Also, with rampant rumors of organ theft in hospitals, distrust in the field of medicine is widespread amongst the poorest in India. This distrust proves to be

detrimental as individuals with the poorest health often avoid going to a primary care physician for minor problems, leading to the onset of more serious medical conditions that place an even larger burden on impoverished families (Scheper-Hughes, 2000).

The country of China presents another example of the problems presented by a shortage of organ donors worldwide. Chinese officials have been accused of procuring organs from executed prisoners without explicit consent in order to address this shortage in their country. These organs are then supposedly sold for upwards of \$30,000, again benefiting the wealthiest of recipients and proving coercive and possibly harmful to the poor and downtrodden. Yet, in China, some see this act of donation as a public good because it allows for a way in which prisoners can be redeemed for their wrongs (Scheper-Hughes, 2000).

South Africa's experience in organ transplantation has been heavily influenced by the conditions present during the time of the Apartheid, a period of racial segregation characterized by White supremacy. During this time, the Black majority experienced unequal treatment and exploitation through laws that allowed for the removal of organs without familial consent in certain dire situations. Many times, these situations were under the control of medical professionals, who often were Caucasian themselves and perceived to be unconcerned with the wellbeing of the Black community or the patient's family.

Furthermore, extreme distrust existed between this population and the medical profession because, while Black individuals constituted the majority of donors, they rarely were themselves the recipients. One resident of a Black township commented: "Why is it that in our township we have never met or even heard of such a person who

received a new heart, or eyes, or a kidney? And yet we know a great many people who say that the bodies of their dead have been tampered with in the police morgues” (Scheper-Hughes, 2000). Thus, this distrust of the medical profession further exacerbates the problems that exist for organ transplantation in South Africa.

In November 1997, the Black majority faced another blow. Public funding for organ transplantation was transitioned from being directed towards large public, academic centers to predominately private institutions, making the procedure more expensive and less accessible to the Black community. Furthermore, the universal right to dialysis that many South Africans previously enjoyed was rescinded in order to preserve the country’s limited economic resources. Instead, it became the case that only those who could afford to obtain an organ transplant, an exclusive group that effectively excluded many Black individuals, were able to receive dialysis. Thus, much of the country was now deprived of the palliative effects of dialysis and left with no remaining resources (Scheper-Hughes, 2000).

One country that displays a particularly stark situation in regard to the effect of scarcity on the field of transplantation is Egypt and, thus, this nation shall be examined in detail in order to outline the main issues that will encompass the remainder of this paper. The following information will be primarily derived from the work of Sherine Hamdy (2012). At first, transplantation experienced relatively auspicious beginnings in Egypt when it began in the small rural town of Mansoura, spearheaded by a young urological surgeon named Mohamed Ghoneim. Though Mansoura lacked the resources and capabilities of larger cities like Cairo, it had the highest incidence of schistosomiasis in the nation and, as a consequence, many of its rural inhabitants were plagued with kidney

and urological disease. Ghoneim envisioned bringing the benefits of dialysis and transplantation to his small town and, following a period of time, was able to create a transplant center with high success rates and one that carried out approximately eighty kidney transplantations annually.

In contrast, the introduction of transplantation to other parts of Egypt such as Cairo, was markedly less successful and struggled to capture the support and confidence of the population at large. The transplant center at Cairo quickly managed to dwarf the capacity of that of Mansoura; however, many of the operations occurred surreptitiously and, soon, stories of a black market in organs arose and captivated the attention of Egypt. Over the next few decades, evidence mounted of “blatant medical misconduct, including graphic images of people with large, protruding scars, and allegations of organ theft fueled popular resentment against government corruption and the mismanagement of state medical institutions” (Hamdy, 2012).

The poor felt cast aside and manipulated and such feelings reached a pinnacle during Egypt’s cornea transplant scandal in the late 1990’s. Medical professionals were taken aback as they had been carrying out cornea transplantations from cadavers for nearly a half-century by that time. As a consequence, they ascribed the cause of the recent, unexpected public outcry to be the “backwardness” of the poor, rural population. However, Hamdy (2012) found in her research that this was most likely not the case. Rather, widespread social criticism about transplantation arose at this time in Egypt because of, first, a demystification of the procurement process. Before the 1990’s the majority of the public was unaware that medical professionals were obtaining the corneas of their deceased loved ones without their consent and, upon learning this, were

absolutely horrified. Second, as the literacy rate in Egypt rose and individuals of rural backgrounds began to have the ability to rise to esteemed professions such as medicine and law, the demographic gap between the rich and poor gradually began to narrow. Accordingly, this allowed poorer Egyptian citizens to become emboldened to speak out against the blatant injustices that they had experienced. As a result of this rising political and social unrest, discourse regarding the ethics and permissibility of transplantation reached the religious sphere, where it only managed to incite even more controversy.

National discussion over the matter of transplantation and religion occurred as a consequence of Egypt's position as a predominately Islamic country. Though the government of Egypt was not a theocracy, it had the position of the Grand Mufti, the state's official symbolic religious representative who was appointed by the Egyptian president and presided over much of the state's ethical matters. Grand Mufti Tantawi, who served during this contentious time, was an avid supporter of organ transplantation and cited Prophet Muhammad's call to garner rewards after death in order to support his own stance on the issue. Furthermore, many physicians across Egypt utilized another well-known saying of Prophet Muhammad – that God judges people's actions according to their intentions – as a way to coerce the poor into donating their organs. They suggested to the destitute that God would forgive the supposed “defilement of the body” that many Egyptian's feared because the organs that they donated would be intended for a higher, nobler purpose.

On the other side of the argument, vocal and extremely influential media personalities such as Sheik Muhammad Metwali Al-Sha'rawi, lead the opposition against organ transplantation, also in the name of religion. He warned that organ procurement is

indeed the defilement of the human body and, since the body belongs to God, it is not ethically permissible to donate one's organs. This interpretation of the Islamic perspective on organ transplantation led many poorer patients in Egypt to accept their disease as God's will and to become complacent about whether they held a right to secure the same adequate medical treatment that many wealthier Egyptian citizens were able to enjoy.

In summary, the religion of Islam has been used by Egyptians to both coerce the poor into donating their organs as well as to imbue a sense of complacency within them that any disease that they encountered is merely out of God's will. As a consequence, outside critics have argued that Egypt cannot have a successful transplantation system with the presence of Islam for it only engrains socioeconomic inequalities further into the fabric of Egyptian society with its contradictory teachings (Hamdy, 2012). However, the remainder of this paper will argue that this is not the case; Islam ultimately does not condone such injustices and, instead, many of the shortcomings of Egypt's transplantation system are a result of socioeconomic and political factors.

In order to support this assertion, this paper will attempt to disprove the argument of the aforementioned critics. If Islam does promote socially unjust conditions as they argue, then this assumption must imply that the faith is unique among the major world religions and, as a consequence, holds a distinct theological view of social justice. Thus, chapters two and three shall examine the idea of social justice, which concerns the fair distribution of goods and resources, in both the Judeo-Christian and Islamic faiths. However, if it is found that both Islam and Judeo-Christianity prove to be comparable in their views of social justice, and that Judeo-Christianity has not similarly been implicated

in hindering the field of organ transplantation, as has Islam, then faith cannot be accosted as the *sole* source of blame.

Another factor that must be acknowledged is that this thesis cannot claim to adequately characterize the views of all Judeo-Christians and Muslims into two limited chapters; instead, only one perspective of social justice will be highlighted for each of the faith traditions. This should prove satisfactory for the purpose of the argument at hand because if any one example of Islamic social justice contradicts the sweeping assertion that Islam is prohibitive of the socially just practice of organ transplantation, then this should disprove the argument presented and show that faith cannot be solely accosted as being blame-worthy. Finally, the concluding chapter of this thesis will aim to compare the intricacies of the two perspectives of social justice that are offered and will offer commentary upon what may instead serve as influential factors in Egypt's struggle to provide for the wellbeing of its citizenry in the realm of transplantation.

CHAPTER TWO

The Judeo-Christian Perspective of Social Justice

Prior to discussing the Judeo-Christian perspective of social justice, it is necessary to delineate the definition of justice that will be utilized, which will primarily follow the reasoning of American philosopher, Nicholas Wolterstorff (2008). When defining the concept of justice, Wolterstorff refers to *The Digest*, a work by third century Roman jurist Ulpian. In his work, Ulpian states that justice is found in the “steady and enduring will to render to each their ius,” with the term “ius” being loosely defined as one’s right. If justice is found in rendering one his or her rights, the proper practice of justice is dependent on determining the nature of those rights. Hence, this chapter will primarily focus on Wolterstorff’s perspective of Judeo-Christian social justice and the rights that beget its proper practice by using the Old and New Testaments as source material. By elucidating what one can hold a right to and what grounds these rights, it becomes clear how to best practice social justice when presented with scarce resources as in organ transplantation. These findings will then be directly compared to the Islamic perspective of social justice in chapter four in order to examine how the two faith traditions may interact with and influence transplantation procedures.

A right can be defined as either a good in one’s life or as rendering what is due to an individual. Wolterstorff explains why the definition of a right as a good in one’s life is flawed. For instance, if one has the right to receive a monthly Social Security payment, then its status as a good in one’s life is dependent on how the individual utilizes the

income: he or she can either use it to obtain basic life necessities, confirming that the payment is a good, or he or she could use the same payment to purchase harmful drugs, an example of how a right can be distorted into a non-good. Furthermore, the idea of what will be a good in one's life can be difficult to predict. For instance, if one purchases a ticket for a certain flight, the good of a seat on that flight is a right allowed to that individual. However, if that flight later crashes, then this would have in fact proven to be a detrimental purchase.

Additionally, the converse of the generalization that a right is a good in one's life is untrue because not all "life-goods" can be understood as rights. For instance, though a million dollars would indeed be a good in my life, I would not be in any way entitled to or hold a right to receive a million dollars. A better definition of a right, and consequently justice, can be seen as rendering one what is due to him or her. In this case, the converse of the generalization is indeed true. If one is due an item, it is a right in his life and if one has a right to an item, he or she is due it. Thus, this definition of rights is more reliable, and will be used to define the Judeo-Christian perspective of social justice (Wolterstorff, 2008).

Though Wolterstorff uses a definition of justice that is grounded in natural rights, he acknowledges that there is much opposition to this in the form of right-order theorists. Therefore, this account must also be detailed prior to proceeding. The ideal example of a right-order account of justice occurs in Plato's *Republic* in which he delineates a society characterized by differentiated social roles, with individuals occupying positions that are best suited for their own abilities. This proper utilization of individual skills allows for each person to execute a role to his or her best ability, allowing for virtues such as

wisdom, courage, and temperance to take place in the commonwealth. Thus, because a just social order is dependent on the practice of these virtues, and these virtues are dependent on social ordering, a just society is found in the right ordering of society. This rightly-ordered society is judged based on its ability to measure up to the Platonic Form for right-order (Wolterstorff, 2008).

However, this account of justice denies the fact that there exist natural rights. Rather, any right that one may hold in society is socially conferred and, instead, is derived from the matrix of obligations upon which the right ordering of society depends. For instance, Oliver O'Donovan states in *The Desire of the Nations*:

The language of subjective rights has, of course, a perfectly appropriate and necessary place within a discourse founded on law. One's "right" is the claim on which the law entitles one to demand performance...What is distinctive about the modern conception of rights, however, is that subjective rights are taken to be original, not derived...The right is a primitive endowment of power with which the subject first engages in society, not an enhancement which accrues to the subject from an ordered and politically formed society (Wolterstorff, 2008).

O'Donovan goes on to assert that rights are merely societal derivations and that there in fact are no "primitive endowments" with which one first enters into society as modern theorists might suggest.

Alasdair MacIntyre puts forth another opposing argument towards the presence of natural rights. He states that the concept of natural rights is "a conception of individuals both stripped of all social status and yet bearers of rights." MacIntyre argues that this is a paradoxical arrangement, as this suggestion would require one to imagine human beings to be stripped of their social status upon when these natural rights would then be bestowed. However, to imagine such an arrangement would be impossible because

humans are naturally social beings. Thus, natural rights cannot exist because of this crucial relationship between humanity and social order (Wolterstorff, 2008).

Wolterstorff refutes these arguments put forth by right-order theorists and argues that natural rights can indeed exist in the midst of a right-order view of justice. First, he calls MacIntyre's argument an "attack on a straw man." In his view, natural rights are not the rights of an individual that is devoid of societal relationships; rather, natural rights are merely those rights that are not socially conferred. Therefore, in order to acknowledge the existence of natural rights, one does not have to go as far as to imagine an asocial being, as MacIntyre suggests. Furthermore, Wolterstorff suggests that the right-order theory of justice depends on a matrix of natural obligations that one follows as a member of society. These obligations are objective obligations in that they generally apply to the populace. However, the existence of objective obligations implies the existence of subjective obligations, which are those that are applied to specific individuals in this populace. Further, by the principle of correlatives, if one has a subjective obligation to another, then that individual has as correlative right against that person to fulfill that obligation. For instance, if I have an obligation not to torture another, then that person has the right for me not to torture them. Thus, by accepting the right-order view of justice, one accepts the existence of rights through the principle of correlatives (Wolterstorff, 2008).

Two possible perspectives of social justice have been put forth thus far: that based in natural rights and that dependent on a rightly-ordered society. In order to determine which of these views is predominant in the Judeo-Christian perspective of social justice, one may first examine the teachings of early Church leaders, such as John Chrysostom of

the Orthodox Church. In his teachings, Chrysostom quoted scripture: “The earth has brought forth her increase, and you have not brought forth your tithes; but the theft of the poor is in your houses” (Wolterstorff, 2008). He warned that the rich must act as “stewards” of their riches and must be held accountable to distribute their wealth to those that are less fortunate than them. To not do so would leave them liable to suffer the harshest penalty for “his goods are not his own but belong to his fellow servants” (Wolterstorff, 2008). The sole reason given for this redistributive justice is the plight of the poor man, rather than any merit that he might be expected to display. Chrysostom explains:

The almsgiver is a harbor for those in necessity; a harbor receives all who have encountered shipwreck; and frees them from danger; whether they are bad or good or whatever they are who are in danger, it escorts them into its own shelter.

Thus, need alone makes the poor man worthy and, in fact, this thesis will later argue that such inherent worth is derived from God’s love of his creatures.

Other early Church leaders echo this sentiment as well; however, the term natural rights is never utilized. Yet despite this absence of terminology, rhetoric in their impassioned statements strongly suggests that Early Judeo-Christian leaders assumed that social justice lay in the adherence to natural rights opposed to a right-order view. This is because rather than examine the obligations that the rich have and their success in following them as right-order theorists may, Church leaders instead look directly to those that are impoverished and mourn their losses, suggesting a natural rights point of view (Wolterstorff, 2008).

When examining the Old Testament or the Hebrew Bible, one can find indications of this as well. But prior to analyzing the nature of justice in these texts, it is important to

establish that they do in fact speak of justice, a point that Oliver O’ Donovan strongly contends. When translated to English from Hebrew, two terms – *mishpat* and *tsedeqa* – are primarily associated with justice and righteousness, respectively. In *The Desire of the Nations*, O’Donovan argues:

When “judgment” is present, it is not a state of affairs that obtains but an activity that is duly carried out. When it is absent, it is not imbalance or maldistribution that is complained of but the lapsing of a judicial function that always needs to be exercised. So, for example, when Amos calls for *mishpat* to “roll on like a river,” he means precisely that the stream of juridical activity should not be allowed to dry up (Wolterstorff, 2008).

Thus, O’Donovan makes the case that the sole source of justice in the Old Testament, as referred to by *mishpat* and *tsedeqa*, refers to rectifying justice in a juridical setting as opposed to primary justice. This implies that there is no underlying moral code present in the Old Testament in the form of primary justice. Rather, whenever Old Testament writers refer to justice, they have juridical judgments and pleadings in mind and, thus, are primarily trying to redress the wrongs that have occurred in the judicial system of Israel. Indeed, there are numerous instances in the Old Testament with this specific intent in mind. For instance, when Micah redresses the wrongs of the Southern Kingdom of Judah, he says “The official and the judge ask for a bribe, and the powerful dictate what they desire; thus they pervert justice.” This grievance issued by the prophet undoubtedly refers to the judicial system of Judah (Wolterstorff, 2008).

Nevertheless, to suggest that this is the sole use of justice in the Old Testament is an unreasonable claim. In order to accept rectifying justice, one must first acknowledge the existence of primary justice, as this must always be the preceding quality.

Wolterstorff (2008) states: “one cannot hold that the aim of the judicial system is to render justice to victims and offenders while at the same time holding that the offenses on

which judgment is rendered are not offenses against justice.” If the role of the judge is to enact rectifying justice and thus differentiate between the just and unjust, he is bringing to light the state of affairs of the matter at hand. This state of affairs that is brought to light examines whether, based off some prior standard, the perpetrator has violated a moral code. This prior standard or established code that rectifying justice and the entire judicial system so heavily rely on is none other primary justice. Hence, even when writers used the term *mishpat* not in direct reference to primary justice, they most likely presupposed its existence through the Old Testament texts (Wolterstorff, 2008).

Besides this presupposition, the Old Testament does in fact directly reference primary justice as well. In a now famous passage, Micah addresses his audience as “O Mortal” and says the Lord requires of them “to do justice, and to love kindness, and to walk humbly with your God.” The address “O Mortal” in this statement is directed at mankind in general and parallels the requests that have been placed on them to “love kindness” and to “walk humbly with God.” It is unlikely that this reference to justice is confined to juridical proceedings but more likely has a wider audience in mind, with the aim to emphasize primary justice. Further, it asks mankind to bring about a general social condition marked by proper action and values, thereby making the need for a judicial system essentially obsolete. Hence, in addition to Old Testament texts implying the existence of primary justice, they also directly reference the value as well (Wolterstorff, 2008).

As it is now established that the Old Testament addresses the topic of justice, the question remains: who is responsible for bringing about this justice and to whom does it need to be brought. It can be argued that God primarily commands the nation of Israel to

bring about justice because it is considered to be chosen and to house his holy people. In Leviticus, Moses tells the people of Israel on behalf of God: “You are a holy people to the Lord your God; it is you the Lord has chosen out of all the people’s on earth to be his people, his treasured possession” (Leviticus 14:2, The New King James Version). The remainder of Leviticus outlines regulations given to the Israelites regarding ritual cleansing, practices, and principles of justice. This implies that Israel’s writers thought of justice as a quality that the nation of Israel was expected to display. However, God had given these commandments specifically to Israel and not to other nations for they were not holy in the way that Israel was. Thus, the injunction to practice justice must not directly apply to them. Further, the Torah had been specifically given to the Israelites as well: “Yahweh declares his word to Jacob, his statutes and ordinances to Israel. He has not dealt thus with any other nation, they do not know his ordinances” (Psalm 147:19-20, NKJV). Hence, Israel’s writers believed that because God had chosen them out of all the people of the Earth, and specifically issued to them formal legislation, outlining the practice of justice through the Torah, they had the particular responsibility to bring justice to the world (Wolterstorff, 2008).

Nevertheless, there exist instances in the Torah itself that imply that though non-Israelites never had a formal doctrine issued to them regarding justice, they too were expected to adhere to its ideals. For instance, prior to when the Prophet Amos accuses the Northern Kingdom of Israel and the Southern Kingdom of Judah of “[trampling] on the heads of the poor as on the dust of the ground and [denying] justice to the oppressed,” he outlined these same violations for the other surrounding nations as well (Amos 2:7, NKJV). He declares that they will have “evil” befall them on account of their behavior,

this “evil” being sent by their Lord, the God of the Israelites. Though it is a mystery how these nations could have known better and kept from unjust practices without being issued any formal legislation, it is assumed that they are still held responsible for their actions and for championing the principles of justice. Further, it is said numerous times in the Old Testament that Israel would become “a light to the nations.” Thus, the writers suggest that though God specifically established a covenant with Israel, they are meant to spread his word and teachings, making these other nations accountable for their own actions as well (Wolterstorff, 2008).

Another approach to establishing whether God holds those who have not received or heard about the Torah accountable for practicing justice is taken by David Novak in his book, *Natural Law in Judaism* (Wolterstorff, 2008). In it, Novak asks whether God held human beings accountable prior to the issuance of the Torah by calling upon the idea of natural law, which states that certain rights are inherent by virtue of human nature and endowed by God’s will. Novak does this by looking at particular stories in the Book of Genesis, where it is clear that Yahweh did in fact hold humankind accountable for justice during this time.

When considering whether He should stand out against the behavior of Sodom and Gomorrah, Yahweh asks Himself: “Shall I hide from Abraham what I am about to do...? No, for I have chosen him, that he may charge his children and his household after him to keep the way of the Lord by doing righteousness and justice” (Genesis 18:19, NKJV). Furthermore, when Yahweh reveals his intention to destroy Sodom and Gomorrah, Abraham protests, questioning whether God will still destroy them if there are fifty righteous people there. To this, God relents and says he would suspend judgment on

the cities if he found fifty righteous people, with this conversation continuing until they reach the possibility of whether ten righteous people existed in Sodom and Gomorrah.

Wolterstorff analyzes this passage:

The story shows that there was an awareness on the part of Abraham, and perhaps also on the part of the people of Sodom and Gomorrah, that God holds a human being accountable to himself for acting justly – and that justice is required even of Yahweh.

Thus, prior to the issuance of the Torah, justice was a pervasive idea to which humankind was expected to adhere (Wolterstorff, 2008). Another clear example of natural law is referred to in Romans 2:14-15 by Paul the apostle:

For when Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts, while their conscience also bears witness... (NKJV).

Despite not having any law revealed to them, the Gentiles were still able to discern how to act based off their sense of conscience or heart.

As it has now been established who is responsible for practicing justice, the next point of inquiry is to whom must one be just towards? The general answer may be that God wants each human to treat the other justly, but there is a special emphasis in the Old Testament regarding the treatment of widows, orphans, resident aliens, and the poor, with this group being dubbed as the “quartet of the vulnerable.” Moses cries out in Deuteronomy 24:17 that “You shall not deprive a resident alien or an orphan of justice; you shall not take a widow’s garment in pledge” (NKJV). Further, in Isaiah 1:17, Isaiah pleads his audience to “Seek justice, rescue the oppressed, defend the orphan, plead for the widow” (NKJV). This theme is pervasive throughout Old Testament writings. That

these most vulnerable ones deserve justice is treated as a prior assumption and the focus instead is on exactly how to practice this justice in reality (Wolterstorff, 2008).

However, this by no means implies that God wanted there to be preferential treatment of the poor. In fact, in Leviticus 19:15, Moses says to the people: “You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor” (NKJV). Instead, it is more likely that the emphasis on the quartet of the vulnerable exists because the Bible in itself is a practical, not theoretical, document. Thus, when Israelite writers looked at their society, they saw the most injustice occur in how the downtrodden were treated and consequently, focused on their plight in particular as a concrete example that allowed their readers to join in remedying this wrong (Wolterstorff, 2008).

Besides this acknowledgement that the Old Testament aims at the practical implementation of justice, two other reasons exist for why there is a particular injunction to render justice to the low ones. The first is repeatedly emphasized by Moses:

When you gather the grapes of your vineyard, do not glean what is left, it shall be for the alien, the orphan, and the widow. Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this. (Deuteronomy 24:21, NKJV)

The practice of gleaning refers to a sort of welfare system that existed during these times in which harvesters of fields left behind fallen sheaves of grain, and allowed the poor, who followed them while they were reaping the fields, to collect these grains. Thus, he emphasizes that this sort of justice was a right of the poor and must be maintained. Israel, too, was once downtrodden and Yahweh delivered them from Egypt; hence, by serving justice to the vulnerable, Israel is acting in “public memorial of her deliverance” (Wolterstorff, 2008).

The second reason for emphasizing the quartet of the vulnerable is that Yahweh himself loves justice. Accordingly, by practicing justice, Israel is furthering his cause and can come to even “know” Yahweh, for Jeremiah 22:16 states: “He defended the cause of the poor and needy, and so all went well. Is that not what it means to know me?” But it is not only acts of justice that Yahweh loves but rather the presence of justice in society. He loves the members of society and wishes the best for them and that is why he loves justice because it allows for the flourishing of each and every one of God’s human creatures. This then provides further explanation for why Israel is expected to practice justice, to refrain from wronging God, and why special emphasis is placed on those that are downtrodden (Wolterstorff, 2008).

Up to this point it has been established that justice requires rendering one his rights, or what is due to him, and that this idea of natural rights is prevalent in the Old Testament and Hebrew Bible primarily through texts that discuss the quartet of the vulnerable. Hence, now it must be detailed what one, according to scripture, has a right to, and what exactly accounts for that right. Doing so will make the task of chapter four easier in examining whether Judeo-Christianity treats the just distribution of organs as a right of human beings. Paul Ramsay puts forth one view in his essay, *The Created*

Destination of Property Right:

If human rights are the rights of fellow humanity, “inalienably” connected with this human nature in us and with our life with fellow man and with our duties to other men, then rights must be whatever it is necessary for me to have in order to be with and for fellow man. If I have an inalienable natural right to life simply by my being a man, this is because life is the single most basic precondition to human existence in covenant.

Thus, Ramsay argues that what one has a right to is that which allows him to exist in covenant with fellow man because the nature of man is inherently social. What allows

this covenant to exist is the set of obligations that each individual is expected to honor towards his or her fellow man. Accordingly, Ramsay's position is that one has the right to enjoy a certain good if the utility presented by that certain good is necessary for him or her to fulfill his or her obligations to society. For instance, for one to fulfill his or her duties to society, he or she must have basic necessities such as food and water. Hence, it is a right to have food and water because it would allow one to fulfill his or her duties (Wolterstorff, 2008).

Yet there are many problems with this proposal. First is that this account of rights is far too narrow to account for all possibilities. Every individual has the right to privacy; however, if one invades our right to privacy but does not utilize the information garnered for ill-intentioned purposes, then no impact has been made to our ability to carry out our obligations. Nevertheless, this right still exists despite it not having an affect on my obligations (Wolterstorff, 2008).

The second reason why Ramsay's hypothesis is untenable is that being deprived of a right oftentimes also excuses one from his or her obligations, voiding the idea that one could fail to complete his obligation when, in actuality, it no longer exists. Suppose that I have a right to not be prevented from getting to work in order to fulfill my obligation to the company that employs me. However, if a hurricane or other natural disaster prevents my ability to get to work, then I no longer am under obligation to get to work that day in light of the new circumstances (Wolterstorff, 2008).

Lastly, it is difficult to reconcile this theory when accounting for God's rights as well as our own. Though God has a right to be worshipped, there is no obligation that He

would be unable to carry out from not being worshipped. Thus, Ramsay's proposal cannot adequately account for what one has a right.

A better proposal for how to classify rights is offered by W.H. Hohfeld in his essay *Fundamental Legal Conceptions as Applied in Judicial Reasoning*. Hohfeld states that for everything one has a right to, there exists a correlative duty. However, this matter must be clarified. When speaking of rights in this instance, the reference is primarily made towards claim-rights as opposed to permission-rights. Claim-rights are those that one can lay claim to and that have a correlative obligation attached to them, while permission-rights exist when no others have the right to you not claiming that right (Wolterstorff, 2008).

For instance, if person X has the right to drive either way on Main Street, that is his or her permission-right because there exists no law that explicitly forbids him or her from doing so or mandates driving in a particular direction. However, if an individual inhibits person X from practicing this permission-right, then the former driver would be in no way wronged. Another example that might help to clarify the role of permission-rights is as follows: if person A orders a salad at dinner and allows person B to eat that salad, then person B has the permission-right to eat the salad because no one holds the right to them not doing so. Yet, if person A changes his mind and does not let person B eat the salad, then B is not wronged because person A had no obligation to let him eat the salad (Wolterstorff, 2008).

Next, to return to the Main street example to clarify the meaning of claim-right: If the rule had been stated that person X has the right to being free to drive either way on Main Street then that would then represent a claim-right because in this instance, person

X can claim that right against another, who has the obligation to respect it. The additional phrase “being free” implies a freedom that person X holds that cannot be encroached. In this instance, the obligation would be a generalized obligation to all others not to interfere, rather than being aimed at any specific person or persons (Wolterstorff, 2008).

The second clarification that must be made is between a full-cognition obligation and a culpability obligation. Suppose a person has been in prison for ten years and when DNA testing is finally available, he is found to be innocent. This former prisoner had the right to not be imprisoned, as he was not guilty. However, the jailers did not have an obligation to not imprison him because the knowledge that they had at hand at the time all led to the prisoner being guilty. Hence, they would have been held culpable if they had not imprisoned him; in this instance, the jailers did not violate their culpability obligation. However, in order for Hohfeld’s thesis to be true, there must have been an obligation broken if a right was violated. And, in fact, this is the case: the jailers violated their full-cognition obligation. If they were fully cognizant of the situation, they would have been obliged to not jail the prisoner. Thus, it cannot be that all duties are the correlatives of rights as was previously stated. Rather, it is only those that one has full understanding of and ability to perform, full-culpability duties, that are the correlative to claim-rights (Wolterstorff, 2008).

The next step in the argument is finding what accounts for these rights. It cannot be that duties themselves account for the existence of rights, as that would be in alignment with right-order theorists, an idea whose implausibility has already been discussed. Instead, what grounds rights, as argued by Wolterstorff, is a respect for the

worth of other human beings. He utilizes an example of a piano competition to serve as elucidation (Wolterstorff, 2008).

A man named Frank is the judge for this piano competition, which has been narrowed down to two contestants: an older man who is more accomplished in the musical field and a student who is a young protégé but suffers from confidence issues. Frank is to pick the winner of the competition solely off the performance that both contestants put forth in the final round. After they both perform, Frank considers the older man to have done a more consistent job overall, though the student showed glimpses of sheer virtuosity, outshining anything either contestant had performed otherwise that night. When considering everything in question, Frank decides that though the older man had the better performance, choosing the student as the winner will encourage the young artist, while helping him build self-confidence. Thus, Frank picks the student as the winner of the competition, effectively wronging the older man.

Wolterstorff argues that the older man, along with the rest of the audience, was wronged because Frank had betrayed the trust that both of these parties had placed in him. He had thought that when considering the life-goods and evils before him that would result from picking the student as the winner, that they were of greater importance than those of picking the accomplished musician. Yet, what he had done wrong was to consider these life-goods and evils as superior to the right of the older man to be fairly declared the winner, an aspect that must always play the role of trump.

To summarize, the older man had a socially conferred moral right endowed upon him by some law of the organization or social practice, in this case that being the rule that the winner shall solely be chosen from whom had the superior overall performance in the

final round. This right that has been socially conferred then, must have trumping import over all other life-goods and evils because someone can lay claim to such a right and, thus, to deprive them of said right is to wrong him or her. This act of wronging another arises because of two reasons. First, to wrong another is to betray his or her trust, which Wolterstorff takes as a prima facie violation that acts as the basis of what it is to wrong another. The second reason is that in wronging someone, one essentially treats him with less worth than he deserves. Jean Hampton states in *Forgiveness, Resentment, and Hatred* that “A person wrongs another if and only if (while acting as a responsible agent) she treats him in a way that is objectively...demeaning, that is disrespectful of [that person’s] worth” (Wolterstorff, 2008).

To render individuals their rights then is to give them what they are due, which is grounded in their worth. This worth must be their actual worth opposed to their believed worth. For instance, in *Servility and Self-Respect*, Thomas E. Hill Jr. gives an example of the latter through an image of a servile black man:

He always steps aside for white men; he does not complain when less-qualified whites take over his job...He displays the symbols of deference to whites, and of contempt toward blacks...He accepts without question the idea that, as a black, he is owed less than whites...that blacks are mentally inferior and of less social utility...that what he values, aspires for, and can demand is of less importance than what whites value, aspire for, and can demand.

Thus, there exists a discrepancy between what the man depicted in the passage believes of his worth and what his actual worth is. Nevertheless, to treat the man according to what he believes his worth to be would be to still wrong him and, thus, his actual worth according to his status, in this case as a human being, must be taken into account (Wolterstorff, 2008).

The next step in grounding these rights, particularly human rights, is to explain what exactly makes a human being exalted and have a special type of worth opposed to that of other creatures. Immanuel Kant argues that this characteristic is a human being's capacity for rational agency; however, this definition is lacking as it fails to account for those human beings that may have lost the ability to have rational thought as a consequence of disease. Because these humans must still have worth, this worth must be primarily grounded in some other unique aspect instead (Wolterstorff, 2008).

One suggestion for what human worth may be grounded in is the idea of human beings being created in the image of God or possessing the *imago dei*, with there existing two different interpretations for the *imago dei*. The first interpretation follows a capacity-based approach to deriving worth. The book of Genesis states: "Let us make humankind in our image, according to our likeness; and let them have dominion." The parallel structure between making humankind in God's image and giving them dominion suggests that humankind is made in God's image because of the fact that they are given the power of dominion over the Earth and the rest of God's creatures. This suggestion of a capacity-based approach to worth falls short in situations in which human beings that are incapacitated, such as with Alzheimer's, do not have the capacity to practice dominion through their own agency.

If instead, a nature-based approach is taken in which humans are created in God's image and as a result have a unique nature that accounts for human rights, this tactic still has its shortcomings. An example of this is that if one has two identical cars, one functioning properly while the other being out of service, the latter will undoubtedly be deemed as having less worth than the former, regardless of it having the same nature as

the former or even being created in the image of God. Accordingly, though two human beings may still have inherent equal worth due to *imago dei*, the disabled individual would not be *perceived* by others to hold that equal worth. Wolterstorff argues that this is because Israelite writers, when describing human beings being created in the image of God, were giving a general explanation that was not intended to apply to “improperly functioning” human beings. Thus, possessing the *imago dei*, by itself, is not sufficient to ground human worth according to Wolterstorff because it cannot account for all of humanity. Instead, an explanation of worth is needed that does not rely on any aspect of the human being himself (Wolterstorff, 2008).

What Wolterstorff instead suggests that is sufficient to ground human worth is God’s love for human beings. This particular love being love as attachment, which he explains with an example:

The queen...befriends someone in her realm, becomes attached to her. This quite clearly bestows a certain worth on the one befriended. She is now honored and envied in ways that she was not before. The source or envy may be the tangible favors that the queen bestows on her friend. But the queen may not bestow any such favors. Nonetheless, others will be envious; they regard the mere status of being a friend of the queen as enviable (Wolterstorff, 2008).

If the queen had loved her friend through her benevolence, then that too would have increased her worth. But such benevolence, as the passage states through discussion of favors, does not necessarily occur in every instance, and the worth of another can increase regardless of whether if it is given through a benevolent act or not. Rather, what is of greater value in this situation is the queen’s love through attachment, which bestows a greater worth on her friend, one that is unexplainable, yet immutable.

Similarly, if God loves a human being through the love of attachment, then that love bestows great worth upon the human being, which consequently grounds the idea of

the existence of a unique set of human rights. However, it must be noted that this does not discredit the concept of *imago dei*. Rather, Wolterstorff only argues that God's love of attachment must serve as the *primary* source of grounding human worth because it succeeds in rationalizing the exalted nature of each human being, regardless of his or her physical capabilities.

The final consideration that must be taken into account before concluding this overview of social justice in the Judeo-Christian faith is to examine whether these ideas of justice are consistent with New Testament agape love. Phillip Nygren argues that agape love indeed supplants justice as it instead displays gratuitous impartial benevolence. Jesus "enters into fellowship with those who are not worthy of it" by dining with tax collectors and sinners and effectively violating the orders of justice as were known at that time. Essentially, "where spontaneous love and generosity are found, the order of justice is obsolete and invalidated" (Wolterstorff, 2008).

Yet, crucial to the idea of agape love is the recognition of the importance of forgiveness. To forgive another, there must have been a wrong committed against him or her. That wrong entails not rendering one what he or she was due and, thus, committing an injustice. Hence, the idea of agape love does not supplant justice as Nygren suggests. Rather the two concepts are intricately connected because God's love of human beings accounts for human rights and justice (Wolterstorff, 2008).

Another possible explanation for the lack of the term "justice" in the New Testament may be attributed to translational difficulties. Traditionally, in Greek, "justice" is translated as *dikaionē* and the adjective "just" as *dikaios*. When examining Classical Greek works such as Plato's Republic, the words correlate to English as such. However,

in the English Translations of the Old Testament, these same *dik*-stem words are translated to righteousness instead. The origins of this discrepancy may be attributed to the fact that between the times of Plato and Jesus, the word had changed in meaning and what may account for this possibility is the Septuagint translation of the Hebrew Bible (Wolterstorff, 2008).

Prior to the Greek New Testament, this OT translation arose as a result of a Hellenistic influence during the Ptolemaic empire in the city of Alexandria. One of the challenges that the seventy translators of the Septuagint faced is how to translate the Hebrew words of *mishpat* and *tsedeqa*, which meant justice and righteousness, respectively. At times, *mishpat* was translated to *dik*-stem words as in I Kings, Proverbs, and Isaiah. Most other times though, *tsedeqa* was translated this way. The reason for such ambiguity in translation among the Septuagint translators that led to current discrepancies with English New Testament translations is due to fact that the word itself and its most common meaning may have evolved over time from first referring to a inter-social act, as justice would suggest, to later suggesting an intrapersonal quality as in the case of righteousness. Thus, the conclusion that may be drawn is that this confusion drawn from the Greek translation of the Hebrew Bible made it appear in the circles of New Testament writers that *dikaionē* did not definitively refer to the social condition of justice over the trait of righteousness, leading to their apparent ambiguity between the two terms.

Another observation that is made by Wolterstorff regarding specific idiosyncrasies related to translation is that many of the occurrences of *dik*-stem words in the Greek Translations of the New Testament only are translated as “justice” in most

English translations when there is a context of legal judgment present in the passage.

Though no explanation is offered of this phenomenon, this provides some context into why many assume that justice is absent in the New Testament.

When looking at whether there are specific instances in the New Testament that can be interpreted as referring to justice, one can examine the assertion of Richard Hays in his book *The Moral Vision of the New Testament*:

The Gospel of Luke and the Acts of the Apostles are two parts of a single grand literary work in which Luke tells the story of salvation history in a stately and gracious manner. God's mighty act of deliverance through Jesus Christ is narrated as an epic, in such a way that the church might discover its location in human history, particularly within the history of God's dealings with his people Israel (Wolterstorff, 2008).

Through this, Hays implies that the New Testament, primarily the Gospel of Luke, is merely a continuation of the Old Testament and, thus, the coming of Jesus represents the expectation that he would bring about justice. He goes on to cite a passage from Luke in which Jesus attends a synagogue in Nazareth and is invited to read from Scripture and comment on what he reads. Luke describes Jesus as saying:

The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor (Luke 4:18, NKJV).

This announcement on the part of Jesus is reminiscent of Isaiah 61, from which the majority of the above passage is derived, and Isaiah 58, from which Luke borrows a single line. In the former, Isaiah promised the deliverance and restoration of God's people by the anointed one that is yet to arrive. And the latter excerpt focuses primarily on God's demand to "loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke..." (Isaiah 58, NKJV). Thus, by

referencing these passages, Jesus is undoubtedly identifying himself as the Messiah, God's anointed one, whose vocation it is to restore an Israel in which justice will prevail with the coming of "the year of the Lord's favor" (Isaiah 61, NKJV).

Another description of Jesus that Hays presents using the Gospel of Luke is that of Jesus as an innocent martyr. When questioning Jesus, Pilate declares that he has found him innocent: "I find no basis for accusation against this man," "I have not found this man guilty of any of your charges against him," and "I have found in him no ground for the sentence of death." Further, at the moment of Jesus' death, the centurion says "Certainly this man innocent," confirming the theory (Luke 23:14, NKJV). Proceeding to Acts, Philip, an apostle of Jesus, recalls back to whom the prophet Isaiah was speaking of when he said that "Like a sheep he was led to the slaughter" and "In his humiliation justice was denied him" (Isaiah 53, NKJV). The cumulative effect of these passages shows that Jesus died as an innocent martyr, in accordance to the Scriptures. Consequently, in order to understand Luke's identification of Jesus as innocent, one must also acknowledge that justice is present. The rationale is that for the term innocent to be used, an injustice must have occurred against him, with that injustice consisting of an action committed of which he did not deserve to be subjected.

The third identification of Jesus in Luke's Gospel is as a king proclaiming the arrival of "the kingdom of God." For instance, in his first meeting with Jesus, Nathaniel declares, "You are the Son of God! You are the King of Israel" (John 1:49). Further, in Matthew 2:2, the wise men question shortly after the birth of Jesus, "Where is the child who has been born king of the Jews?" During Jesus' trial with Pilate, the Roman governor, this theme once again surfaces as Pilate questions if Jesus is "King of the

Jews,” upon which he replies, “You said it. For this I was born, and for this I came into the world, to testify to the truth” (NKJV). However, what is peculiar about this identification is that Jesus rarely refers to himself as the king, but rather is called so by others. Thus, if people believed that Jesus was a king that signaled the imminent kingdom of God, then they must have also assumed that this king would threaten the reign of other sovereigns and usher in an era of justice and righteousness. This vision of a king is shown by the description of the good king in Psalm 72: “Give the king your justice, O God...May he judge your people with righteousness, and your poor with justice...” Hence, this vision of Jesus as a king supports the presence of justice in the New Testament (Wolterstorff, 2008).

Furthermore, there exist specific textual references in the New Testament that support the idea of natural human rights. In Luke, Jesus is said to have said: “Consider the ravens, they neither sow nor reap, they have neither store-house nor barn, and yet God feeds them. Of how much more value are you than the birds?” (Luke 12:24, NKJV). Jesus here suggests that human beings have a special worth, though he does not quantify that worth. Rather, he merely implies that if God treats “the ravens” kindly because they have worth, then human beings must too be treated likewise as their worth far supersedes the worth of animals because of God’s love for human beings. In summary, the New Testament idea of agape love still supports the proposal of justice given in this chapter, and further verifies the Bible’s emphasis on the importance of naturally endowed, human rights.

Hence, this chapter has discussed the importance of rendering one his or her rights in order to properly practice social justice. The Old and New Testament verify the

existence of these innate rights and, furthermore, it is seen that the rights that each person is entitled to are claim-rights, grounded by a respect for human worth. These claim-rights must be valued in every instance over the relevant life-goods and evils that may be present.

In terms of the Egyptian organ transplantation system, this provides some immediately tangible responses. For instance, it can be said that the Egyptian poor hold a claim-right to be treated equitably in terms of their healthcare and to not be coerced into unfairly donating their organs in order to benefit those with better financial means. Arguments regarding life-goods and evils suggest that wealthier patients have the means to ensure a better standard of wellbeing after transplantation, optimizing the longevity of the donor organ graft. As a consequence, they might be considered superior candidates for the procedure. However, according to Wolterstorff's proposal of social justice in the Judeo-Christian faith, one would argue that to follow these life goods and evils would be to disrespect the worth of a human being. Thus, though this ideal of social justice may be difficult to achieve, it must always be one to strive towards. Moving forward, the next chapter will examine social justice in the Islamic faith, preparing way to establish a comparison of the two faith traditions in the final chapter of this thesis.

CHAPTER THREE

The Islamic Perspective of Social Justice

The Islamic perspective of justice that will be used in this thesis, particularly social justice, will be derived from the text, *The Sacred Foundations of Justice in Islam* (Lakhani, Shah-Kezemi, & Lewisohn, 2006). This reference work contains essays that elucidate the teachings of ‘Ali Ibn Abi Talib, the son-in-law of Prophet Muhammad, who is considered the last prophet and messenger of Allah in the Islamic faith. Thus, it must first be explained why his particular teachings are used in place of that of any other Islamic religious leader or even the Qur’an. After establishing the authority of Imam ‘Ali, this chapter will delve into the intricacies of his perspective of social justice in order to later outline how the current Egyptian organ transplantation system aligns with such ideals.

The exact nature of Ali’s leadership is disputed amongst the Shia and Sunni denominations of Islam. Shia’s hold that Prophet Muhammad issued an important *hadith* at Ghadir Khumm concerning the topic of succession after sensing that he was approaching the end of his life. To clarify, a *hadith* is a record of Muhammad’s traditions or sayings that are received as a major source of religious law and moral guidance, second only in authority to the Holy Qur’an. In this *hadith*, Shia’s believe that Muhammad declared ‘Ali Ibn Abi Talib the first Imam, or the rightful successor to Prophet Muhammad. On the other hand, Sunni Muslims interpret Muhammad’s *hadith* differently; they instead see it as an ordinance to merely show due respect to his son-in-

law and, thus, do not consider Ali as the first Imam. Nevertheless, Sunni's still hold him in high regard as one of the *Ahl al-Bayt*, a foremost authority on the Qur'an and Islamic Law, and the fourth and final *Rashidun*, or "Rightly Guided" Caliph, after the death of Prophet Muhammad. Thus, though the extent of Ali's leadership is contested, he was still seen as an importance source of guidance in early Islam and a crucial contributor to Islamic ideals of justice (Lakhani et al., 2006).

The Qur'an itself is replete with references to justice with terms including *al-'adl* (Justice), *al-qist* (Just Portion), and *al-mizan* (Balance or Scale), all of which imply the importance of achieving balance in one's life or putting things in their rightful place. However, the difficulty in deriving meaning directly from Islamic scripture lies in the notion that the Qur'an is meant to be an aural work. Muslims believe that the direct words of Allah lie within the Qur'an and that these teachings were communicated to the world through Prophet Muhammad. Thus, there is a certain spiritual power gained from oral recitation of the Qur'an in its original Arabic text. Yet, the vast majority of Muslims today do not speak or understand Arabic, resulting in the reliance upon religious leaders such as Imams, Caliphs, and Mufti's to interpret how Muslims can best live in accordance with Qur'anic principles (Lakhani et al., 2006). Accordingly, this explains why it is most pertinent to examine the teachings of an important Islamic leader such as 'Ali Ibn Abi Talib (herein referred to as "Imam 'Ali" or "the Imam") as this is how most Muslims receive their spiritual guidance and the grounds for Qur'anic interpretation. It must be noted however, that this explanation of justice will inherently be more applicable to the Shi'ite tradition, as it holds the words and guidance of the Imam to be of much greater worth and importance than do most Sunni Muslims (Lakhani et al., 2006).

Continuing with the pursuit to describe the Islamic perspective of justice, this chapter will first aim to delve into the metaphysics of the said faith tradition. As any other religion that claims to provide a comprehensive set of answers and guidelines to virtuous life, Islam primarily focuses on two questions: the discernment of reality and one's relationship to this discerned reality. The first question prompts inquiries such as "What is the nature of reality," "What is the world," and "Who am I?" The second focuses on "What is the purpose of life," "How should we relate to others," and "How should we govern ourselves?" (Lakhani et al., 2006).

These two questions are inexorably linked to one another as the Qur'an claims to be both a "clear proof" of reality and a "manifest light" that guides all true believers upon the Straight Path. In the discernment of reality, Muslims are taught that "reality is essentially integrated and, accordingly, that we must refine our perceptions to discern reality as One." Hence, in order to conform to perceived reality, one must lead an integrated life that strives towards the oneness of Allah (Lakhani et al., 2006).

Imam 'Ali contributes to this goal of discernment and integration through his twin mission of "truth and justice." With these attributes, 'Ali addresses both of the aforementioned themes required by a comprehensive metaphysical or religious tradition: truth pertains to the discernment of reality while justice relates to the conforming of humanity and creation to that order of reality. Hence, these two themes shall be examined separately before returning to their crucial linkage later on in this chapter (Lakhani et al., 2006).

In the quest to discern reality or obtain truth, the first epistemological question that presents is "How can reality be known?" Common experience teaches one about the

unreliability of the five senses and discursive reason shows that these senses can in no way achieve true comprehension of the ultimate nature of reality, which is inherently transcendent. As a plausible explanation, Islam states that truth, and one's ability to understand it, is inscribed within him or herself through the transcendent faculty of the supra-rational Intellect, which is often labeled as the "Heart." Knowledge of reality is therefore equated with self-knowledge, which resides in the "Heart" or spiritual core of one's being. This idea is derived from the Qur'anic teaching "that the divine breath is the very spirit that is infused into our Adamic clay: Then He fashioned him in due proportion and breathed into him of His Spirit." Thus, by embracing their primordial and innate spiritual nature (the *fitra*), human beings can understand their fiduciary obligations (the *Amanah*) that have been entrusted unto them as a result of their anointed position among creation (Lakhani et al., 2006).

Furthermore Prophet Muhammad states: "Every child is born according to *fitra*. Then its parents make it into a Christian, a Jew, or a Magian." In other words, the self is endowed with knowledge of its Maker even before entry into this world and the Intellect, which lies at the "Heart" of one's consciousness, is the key to understanding this nature of reality. The famous *hadith qudsi* states: "My earth and My heaven contain me not, but the Heart of My faithful servant containeth Me," implying that to first have the ability to discern truth, one must "awaken" his or her Heart in order to achieve an awareness of Allah's Presence. Subsequently, such awareness allows one to understand that Truth is discerned as a theophany and "Nothing is real if it is not discerned as a manifestation of Absolute integrated reality." In summary, by using one's supra-rational Intellect, he or

she can understand that ultimate truth is understood only by acknowledging the omnipotence and omnipresence of Allah (Lakhani et al., 2006).

The next concern, having now dealt with the epistemological question of the basis of knowledge, is to explain Islam's understanding of the nature of reality itself, which is later corroborated by Imam 'Ali's teachings. Reality is understood to be essentially One, while "at the same time a hierarchical descent or objectivization from the subtle and transcendent Essence to gross and immanent Form – an unfolding concretization of the Absolute to the Infinite, from the Center to the periphery." Supreme Reality is beyond human comprehension, being transcendent and incorporeal. However, because this Supreme Reality is Absolute, this also implies that it is infinite and, thus, must contain all configurations of Relative Reality. These various forms and possibilities of being are a mere projection of Supreme Reality and creatures are bound within its ultimate existence. Hence, "creaturely or contingent existence is a theophany, a radiation of transcendence through which all creation sacrally partakes of and reflects the metaphysical transparency of the Divine" (Lakhani et al., 2006).

The Qur'an affirms this view of reality by differentiating between *tanzih*, transcendent reality, and *tasbih*, immanent reality. Humans are members in immanent reality and privileged amongst creation to have the intellect to "know" God to the extent that it is humanly possible to actually "know" the Divine. A useful analogy for this is that one's "gnosis is the drop's knowledge of the Ocean that it contains within itself." As such, man cannot fully understand the Divine Essence but is privileged to have a limited understanding through knowledge of him or herself (Lakhani et al., 2006).

Imam ‘Ali verifies this understanding through his teachings. His assertion that “Whosoever knows himself well knows his Maker” aligns with the thought that knowledge of Allah is imbued in the Heart of every human being. Further, a sermon issued by Ali builds upon this understanding by describing the duality of human thought regarding the nature of the divine:

Praised be God who knows the secrets of things and the proofs of whose existence shine in various phases of nature. No physical eye has or will ever see Him. But those who have not seen Him physically cannot deny His existence, yet the minds of those who have accepted His existence cannot grasp the real essence of Divine Nature. His place is so high that nothing can be imagined higher. He is so near to us that nothing can be imagined nearer. The Eminence of His position has not placed him further away from His creatures, and His Nearness has not brought them up to His Level. He has not permitted the human mind to grasp the Essence of His Being, yet He has not prevented them from realizing His Presence. (Lakhani et al., 2006).

In this eloquent passage, Imam ‘Ali describes Allah as being both transcendent and immanent. His Essence is beyond our mere human faculties, yet His Presence is intimately among us. Further, it can be gleaned that ‘Ali’s metaphysical view is hierarchical in which the highest position is “His [Allah’s] Level.” Despite this, the divine entity in no way experiences privation, and all of creation still partakes in the ultimate Oneness of Allah and radiates His Presence for “He is Absolute and Infinite, a Being without limitations, attributes, or qualities of His creatures” (Lakhani et al., 2006).

Humanity, through understanding of its inner supra-rational intellect can come to know its own nature and, by knowing itself, can know its Maker. As a consequence, in the face of such sacred presence, man is reduced to insignificance and must appropriate an attitude of humility and wondrous gratitude. Further, this necessitates that humans have compassion towards all of creation and, from this understanding of one’s relation within Divine reality, Imam ‘Ali’s view of Justice is derived (Lakhani et al., 2006).

Having explained the general nature of Truth in Islam, the next step is to establish the linkage between Truth and Justice. This intricate connection is based upon the universal doctrine that “man is made in the image of God” and *thereby* is “God’s representative on Earth.” The word “thereby” is where the link between one’s nature and one’s responsibility is found. To restate, *Iman*, or one’s faith and spiritual vision, is the foundation of *Amanah*, the commitment to conform to one’s true nature. This connection is ontological and, thus, exists at the level of being: to understand reality as a theophany and an integrated whole is the same knowledge that constitutes humankind’s creaturely privileges and viceregal responsibilities of stewardship in relation to the divine order. One must reorder himself or herself so that the outer nature conforms to the inner presence of the Divine because man is only but a reflection of the Divine Principle and, as a consequence, holds the responsibility to cast this light upon all of Earth and creation. Hence, the link between Truth and Justice can be understood in that by accepting his position in reality, man must then act as the vehicle of Justice and establish proper order in the world (Lakhani et al., 2006).

Having elucidated the Islamic view of reality and the inexorable connection between reality and justice, the final portion of this chapter shall focus on how Islam, as depicted by the teachings of Imam ‘Ali, perceives the very quality of justice. In order to do so, the following line of argument will rely primarily upon Imam ‘Ali’s letter to Malik Al-Ashtar, in which he provides guidance to this newly appointed governor of Egypt on how to rule with the ideal of justice in mind (Lakhani et al., 2006).

The most general definition of justice that the Imam provides in his letter is that “justice puts everything in its right place,” reminiscent of the ideals put forth in Plato’s

Republic and by Right-Order Theorists, as discussed in the previous chapter. In the effort to “put everything in its right place,” the very first thing that one must consider is his or her relationship with God, with everything else being derived from this spiritual imperative. This assertion is corroborated in various locations in Imam ‘Ali’s letter: he tells Malik Al-Ashtar to “Be just with God and be just with people [giving them what is their due] from yourself.” Further, ‘Ali establishes the principle that “Whoso established well-being between himself and God, God establishes well-being between him and mankind.” As a consequence, by striving to achieve Oneness with God and conforming to one’s inner nature and, likewise, His divine nature, is “not only the source of justice but *is* justice” (Lakhani et al., 2006).

However, clarification is still needed: though with God, justice means that everything is in its right place, for man, justice entails the *effort* to put everything in its right place. This implies that achieving true justice requires the assistance of God and, hence, piety is a pre-requisite for rulers and the like if they hope to strive towards this divine quality. Imam ‘Ali elaborates: “The most momentous of the reciprocal rights that God has made obligatory is the right of the ruler over the subjects, and the right of the subjects over the ruler – a reciprocal obligation that God has ordained, each upon the other.” Hence, the relationship between mankind must be considered in the context of being ordained by God (Lakhani et al., 2006).

In fact, obedience to the divine command is not only seen as binding but also spiritually liberating as this obedience frees one from the tyranny of the “soul which incites to evil.” ‘Ali states: “Without grace, the soul tends towards evil; but with the assistance of God, the soul is liberated from its own base inclinations and is guided back

to its true, primordial nature, its *fitra*...” In other words, the two poles of attraction for the ordinary soul are towards this evil and fleeting world of appearances or towards the higher orientation that lies towards the grace of God (Lakhani et al., 2006).

The next concern in the pursuit for justice and the alignment of all things is how one can obtain the grace of God. In response, the Imam tells Muslims through his writings that God sent to mankind:

His messengers, dispatching prophets in succession in order to claim from them [His creatures] the fulfillment of the covenant of His creation; to remind them of His forgotten graces; to remonstrate with them through communication [of His Revelation]; to unearth for them the buried treasures of the intellects.

The “buried treasures” can be understood as the pleasure in conforming to the Divine nature through virtuous acts and identifying with the original God-given knowledge proper to *fitra*. Thus, to “put things in their right place,” man must rely on God and His messengers on account of the soul’s “absolute and unconditional need of God in all circumstances.” Nevertheless, this in no way absolves man from practicing self-restraint. In fact, the human effort to avoid sin does not contradict the necessity of Divine grace, but rather expresses the power already endowed upon man by God through his inner Heart and supra-rational Intellect (Lakhani et al., 2006).

In addition, despite the previous assertion of the necessity of piety, Imam ‘Ali’s principles of justice are widely applicable to all institutions of government. He states: “whether the rule be autocratic or democratic, whether political institutions be strong or weak...they [all] address the universal themes of moral responsibility.” Hence, while the practice of justice requires personal piety on the part of the individual, the action of applying justice to society is possible under any type of governance and, ultimately, is beyond any narrow, pre-conceived notion of politics.

As in many faith traditions, however, disagreement exists regarding this point. In the article *Social Justice in Islam*, Ahman Zaki Yamani (2002) bemoans the injustices that are practiced in both supposedly Islamic and Western societies today and argues that the social injustice can “be uprooted only by the teachings of Islam.” He goes on to assert that a return to Islam would provide “nourishment for our souls” and “establish justice in its best form as well as to establish an egalitarian system under which no superiority is accorded to anyone...” Yamani’s rationale is that when a society is rooted in Islamic principles and each individual is acquainted with the basic concepts of Islam, this Muslim brotherhood begets a kind of equality under the banner of subjugation to and absolute faith in God. Thus, Islamic Law is crucial in producing a society as that described of Prophet Muhammad in the Qur’an: the “best community that has ever been brought forth for [the good of] mankind” (Yamani, 2002).

Up to this point, we have primarily used Lakhani’s (2006) work to establish that in practicing justice, one must first assure that his or her relationship with God is in its “right place.” One such way to ensure this proper alignment is through the practice of humility. The Imam repeatedly warns against the cardinal vice of pride or any other attribute that can be conceived as “fighting against God” for it represents an arrogation to oneself of a greatness that should belong exclusively to the Divine. However, this also applies to all relationships that mankind holds, including with one another. Thus, by assuming an attitude of superiority towards those who are ‘below,’ one in fact rebels towards that which is ‘above.’ This can be rephrased with the following analogy: a horizontal vice – one that is between people and relating to this world – can transform into a vertical vice that impairs one’s relationship with God.

The Qur'an describes Satan as the first of those who commits this vice by competing with God and, thus, serving as an embodiment of the sin of pride and arrogance. When ordered to prostrate himself before Adam, Satan refused because "a 'vehement passion' overcame him and he deemed himself superior because he was made of fire, whereas Adam was made of clay." The Imam warns of this occurrence in his letter to Malik: "Be resolute in placing self-abasement over your head, casting self-glorification beneath your feet, and removing pride from your neck. And take up humility as the fortified watchtower between you and your enemy." Hence, to embrace the sin of pride is to align oneself with Satan and opposed to God (Lakhani et al., 2006).

Building upon this line of thought, sin is seen by Imam 'Ali as a symptom of an inner spiritual malaise that denies the absoluteness of the original and ultimate source of power and authority in God. The part of the intellect that 'strays' when vanity and arrogance enter is precisely the part that is conscious of the absolute reality of God and the illusory nature of everything else. Hence, when power goes to the head, faith departs from the heart, and conversely, for faith to be manifested in the world, it must come from a heart that is suffused with humility (Lakhani et al., 2006).

In advice to Malik Al-Ashtar and other rulers in his letter, the Imam encourages them, "If the authority of your position engenders vanity and arrogance, then look at the grandeur of God's dominion above you...this will calm your ambition, restrain you from your own vehemence, and restore to you what had strayed from your intellect." Furthermore, he advises: "And let the most beloved of affairs to you be those most centered upon Right, the most comprehensive in justice, the most inclusive of popular approval, for the disapproval of the common folk undermines the approval of the elite..."

Thus, he stresses the importance of treating common people with respect because, by doing so, the ruler acknowledges the actual lowliness of man in relation to God. The Imam himself embraced a lifestyle of poverty and rigorous austerity because he believed that true leaders should “proportion themselves to the weakest among people.” However, it must be noted that he did not imply that all classes should be leveled and equal; rather, he only encouraged rulers, rather than all of society, to live like the poor in order to ensure general good will and prosperity (Lakhani et al., 2006).

To expand upon the idea of equality in Islam, justice in this faith tradition consists of providing equal opportunities rather than equal incomes so that people may realize their maximum potential and not be stifled in their creativity or resourcefulness. Thus, there exists a due importance placed upon property and its rightful use. Such a maxim is qualified to the extent that property should “neither be allowed to create undesirable inequalities nor undermine the freedom and dignity of man” (Yamani, 2002). Furthermore, the ownership of property is described by Yamani to be a “trustee” relationship, in that all property ultimately belongs to God alone. If a Muslim accepts that his or her role is one of a mere intermediary, then he or she can embrace a position of humility and refrain from becoming profligate in his or her actions.

In summary, Islam protects both the rights of the individual as well as the interest of the society for the purpose of achieving a just state of affairs. Individual rights are then only to be exercised in keeping with the purpose for which they were conferred. Any abuse in the exercise of a right is strictly forbidden when harm to others or to the general community is caused. By returning to such a standard, Yamani (2002) believes that the wrongs and injustices inflicted in modern day societies can be easily remedied.

Returning to Imam ‘Ali’s letter to Malik, another attribute in relation to justice that is emphasized is that of compassion (Lakhani et al., 2006). He believes that the practice of compassion does not abrogate the boundaries of justice but instead is the highest form of justice in itself. This is because the quality of justice is intended to conform to the true nature of things and the most prominent nature of the divine is compassion. In fact, in the Holy Qur’an, the name of Allah is always followed by a description: the infinitely compassionate, the ever merciful. Thus, the very nature of justice is to tend towards compassion whenever possible. Furthermore, this quality is applicable in a universal context in remedying prejudice or compassion that is misguided and directed only towards members of one’s own group. Imam ‘Ali states:

Infuse your hearts with mercy for the subjects, love for them, and kindness toward them. Be not like a ravenous beast of prey above them seeking to devour them. For they are of two types: either your brothers in religion or your like in creature...So bestow upon them your forgiveness and your pardon, just as you would have God bestow upon you His forgiveness and pardon...and through them He tests you” (Lakhani et al., 2006).

Thus, Imam ‘Ali advocated for a strict policy of non-discrimination between Muslim’s and others. This stance is supported by texts that describe the actions of Prophet Muhammad as well. It is said that a Jewish man once came to the Prophet to insist the repayment of money that was borrowed prior to the scheduled time of repayment and proceeded to taunt the prophet and his family for their inability to repay their debts. In response, the Prophet discouraged his companions from retaliating against such insulting remarks, and stated, “Whoever has a due claim has the right to speak [harshly].” Hence, both Prophet Muhammad and Imam ‘Ali fiercely advocated for equality in the treatment of others in order to align themselves with the infinite compassion of God (Lakhani et al., 2006).

A product of religious equality and compassion in Islamic society is the implementation of programs such as *bayt al-mal* and *zakah*, institutions that are intended to provide social welfare through the principles of redistributive justice. While property ownership is encouraged as a byproduct of the grace of God, Islam disapproves of gross disparities in the standards of living within the same community and excessive ease and luxury, which sap the moral qualities of the people and “destroy their readiness to live a coarse, simple life within the parameters of the law and morality.” The Islamic concern for the welfare of the community is thus an objective of fiscal policy as the Qur’an explicitly states that the purpose of wealth is not to be “[a benefit] going round and round among such of you as may [already] be rich” (Lakhani et al., 2006).

As a consequence, all Muslims are expected to abide by their religious obligation to give *zakah*, a portion of their income, for the sake of God and in an effort to help their brothers who are in need. By doing so, they free the poor from the unnecessary bondage of debt that distracts them from achieving oneness with God. In addition to *zakah*, many Muslims give voluntary donations to finance the Islamic system of social security. Such practices are understood to only be possible in a society with a strong religious conviction, as this characteristic imbues its citizens with moral obligations and engenders sentiments of generosity towards their peers in faith and creation (Lakhani et al., 2006).

Another result of compassion that derives from the ideals of justice is a concern for the poor and downtrodden. Imam ‘Ali instructs that “the destitute, the crippled, the orphans, the elderly – those who are most in need of justice from you should be treated in a manner such that God may excuse you on the day you meet Him.” Such an attitude of compassion is only embraced when one is able to understand the spiritual nature of

helping the poor by looking beyond this world and to the rewards garnered in the next one from these noble actions (Lakhani et al., 2006).

If one is unable to look beyond as stated, then all he or she will consider are the immense costs associated with pursuing a policy of charity and the supposed infeasibility of this plan. Yet, by acknowledging the Qur'anic principle that the "Hereafter is better and more lasting," then man can look beyond the burden of helping the deprived and witness it rather as an inescapable duty, concomitant upon one's spiritual conviction (Lakhani et al., 2006).

Additionally, the Imam hopes that man can ultimately reach a point where compassion for the poor is itself seen as an end, rather than merely a means to an end. He advises that morally good actions should be seen as "vivid preconfigurations of heavenly realities, and not just ethical prerequisites for salvation." Further, he describes himself as belonging to a group in which "their hearts are in the Gardens [of Paradise] while their bodies are at work." In other words, goodness does not just lead to a heavenly reward but already *is* a reward that all men should strive towards in their ultimate pursuit to achieve justice (Lakhani et al., 2006).

Yamani (2002) expands on this focus on the poor and downtrodden by relating the practices of Prophet Muhammad. In a society that had immense gender inequalities and featured the practice of slavery, the Prophet encouraged a "revolution that would undermine the foundations of the society that was based on discrimination." This statement is strongly supported by the Prophet's own actions. During a time in Arab society when marriage was considered the greatest criterion of equality, the Prophet allowed his own cousin to marry a former slave, a momentous act. Furthermore, Islam

during Muhammad's time gave women and slaves an honorable position on the grounds of principle and granted them equality under the eyes of God. Though Islam did not immediately abolish the Arabic practice of slavery, it made provisions for its eventual eradication. For example, slaves were allowed to use their savings to purchase their own freedom and one of the methods through which Muslims were able to atone for their sins was by paying for the emancipation of current slaves (Yamani 2002). Thus, Yamani argues that any current tendency in Muslim society to keep individuals suppressed is a result of the peculiar teachings of socio-cultural traditions rather than the teachings of Islam.

Additionally, the Islamic tendency to promote the wellbeing of each member of the community puts a tremendous responsibility on every individual to ensure such an environment. The Prophet states: "When a person spends his night in hunger in the midst of the people of a locality, God disclaims all responsibility towards those people" (Lakhani et al., 2006). Thus, there is an implied system of collective liability in the face of injustice. Similarly, Islam seeks to encourage each individual to seek the promotion of good and extirpation of evil in his or her community. The following parable is offered by Yamani (2002) regarding Prophet Muhammad's teachings:

[The prophet] likened the members of a community to the passengers of a ship, some of whom were allotted in the upper, and others the lower deck. Whenever those in the lower deck needed water, they could acquire it only if they took the trouble of going up. To avoid this annoyance they decided to make holes in the boat and get water from it instead, without taking the trouble to climb up the upper deck. Now, if those on the upper deck let these passengers continue to do so, all passengers would perish; if they restrain them, all would survive.

Hence, it is the responsibility of each Muslim to seek out injustice in society and be vocal in his or her opposition to it. In doing so, the individual is fulfilling his or her obligation to the community and ensuring that his or her relationship with God is in proper accord.

A few immediate conclusions can be drawn from Imam ‘Ali’s perspective of social justice that has been described in this chapter. Islam, similar to Judeo-Christianity, places a strong emphasis on providing justice to the poor and downtrodden and does so through its twin mission of truth and justice: when one truly understands the nature of reality and the Creator, this naturally inclines him or her to practice justice out of his or her own volition, rather than any hopes for garnering rewards in the afterlife.

Furthermore, it seems that Islam may disapprove of the current situation in Egypt regarding organ transplantation and view it as a byproduct of arrogating oneself in the presence of Allah. In response, Imam ‘Ali would recommend adopting an attitude of gracious humility towards all of Allah’s creatures and to treat others with compassion as is His nature. Moving forward into the final chapter, this thesis will continue to delve into such matters and will aim to compare the two perspectives of social justice discussed thus far in order to gain a better understanding of the problems that plague Egypt’s organ transplantation system.

CHAPTER FOUR

Can Religion Be Blamed

Up to this point in the essay, both the Judeo-Christian and Islamic view of social justice have been detailed, with each perspective admittedly only representing one of many that may exist in either faith tradition. The purpose of this endeavor has been to refute the assertion posed in chapter one, which stated that Islam has a unique stance on social justice compared to that of other religions and that this view has led to rampant socioeconomic inequalities within Egypt's practice of organ allocation. If this assertion is indeed unfounded as this paper asserts, then the findings of chapter two and three should highlight no significant difference in the ideal of social justice between the Judeo-Christian and Islamic faith. Thus, the aim of this final chapter is to reflect on this goal by, first, providing explanations of various socioeconomic factors that instead may be exacerbating Egypt's problem within organ transplantation and, second, to provide a comparison of the Judeo-Christian and Islamic perspectives of social justice.

The first step towards building the aforementioned argument will be to outline the difference in interpretative methods between the two faiths in question. Similar to the Bible, The Qur'an serves as much more than a book of scripture to many adherents of the faith; rather it is thought to be God's word transmitted to Prophet Muhammad through the Angel Gabriel. However, the two faith traditions depart in the fact that the Qur'an signifies a unique method of interpretation due to its position as an aural text – one that is best understood when it is heard. It represents the actual sound of the divine and is a

“testimony to the miracle of human and divine interaction” (Bowen & Early, 2002). At the time of its revelation, the Qur’an created Muslim converts due to its divine and beautiful sound. People postulated that such a miraculous text could only be the product of divine intervention rather than the work of Prophet Muhammad, for he was only an illiterate merchant (Bowen & Early, 2002).

Accordingly, the very process of reading the Qur’an today must be accompanied by oral recitation in order to reap the full benefits of the experience. Any translation of the Qur’an from its original Arabic will not accurately reflect on the beautiful rhythm and rhymes that are inherent in its original verses and would transform an otherwise “beautiful and lilting passage” into what would “[read] as a prosaic and boringly repetitive passage on who can marry whom” (Bowen & Early, 2002).

Starting from a young age, children in predominately Islamic countries are taught to recite the Qur’an from memory even prior to learning the actual meaning of the words. The practice of reciting this holy book is ever-present in many Islamic nations, permeating outside of the expected religious sphere and becoming a characteristic and commonplace sound that is heard on the radio, in front of a street corner, or through other similar venues. Kristina Nelson explains in her article, *Sound of the Divine in Daily Life*, that the relationship between the recitation of the Qur’an and the lens from which it is interpreted lies in the fact that “the meaning of the Qur’an is not restricted to its words: the meaning transcends the words” (Bowen & Early, 2002).

The relevance of the Qur’an’s position as an aural text becomes clear to the purposes of this paper when the number of Arabic speakers as a proportion of the Muslim population is considered. According to the Pew Research Center, approximately only

twenty percent of the world's Muslims live in the Middle East-North Africa region, where Arabic is considered the predominate language (Lipka, 2016). Instead, the vast majority of Muslims reside in the Asia-Pacific region of Indonesia, Iran, Pakistan, Bangladesh, India, and Turkey (Lipka, 2016). As Arabic is not the spoken language in many of these latter regions, individuals may not be as well-versed in the language or possibly might not even learn to speak it. However, due to the fact that the Qur'an must be recited in Arabic to retain its original aural intent, these individual's understanding of the Qur'an may be limited and, as a consequence, this may serve as one of the reasons many Muslims seek outside guidance on how to properly interpret the Qur'an through the expertise of local religious leaders or other religious officials.

This reliance is clear when examining a case study performed in Turkey that sought to understand the influence of the advice of religious leaders, or Imams, on decisions regarding transplantation. Uskun and Ozturk (2013), the authors of this study, found that ninety-two percent of individuals surveyed stated that their respective Islamic leaders played an important role in decision-making. Furthermore, over half of the religious officials in the study recalled that they had indeed served as counsel regarding decisions about organ donation and transplantation. However, the problem that this study identified was a variation between the Imams' view on the benefits of organ transplantation, which were overwhelmingly positive, and their own willingness to undergo the procedure or recommend it to a family member, which were often contrary to donation.

Acknowledging this problem, the first point of criticism that some may find pertinent is that a Muslim's reliance on his or her Imam and other religious leaders for

interpretation may leave the religion more susceptible to ambiguity and that the existence of so many interpretative authorities may create difficulty in achieving uniformity of teachings. Further, this could engender widespread confusion, leading to unjust conditions such as that discussed within the organ transplantation system of Egypt. However, the weakness of this argument lies in its misunderstanding of the interpretative tradition of Islam.

First, it must be acknowledged that the religion of Islam embraces diversity of interpretation and this diversity in no way weakens the strength of its stance as a holistic religious tradition. This aspect of the faith is best exemplified by the meeting of over two hundred Muslim scholars that took place in 2005, leading to the issuance of the Amman Message, a statement of tolerance and unity that has been embraced by scholars and leaders from over fifty countries throughout the Islamic world at large. This body was brought together to acknowledge various branches of Islam to have “more in common...than [any] difference between them” (Al Shalabi & Alrajehi, 2011). Further, the scholars in attendance took a tremendous step towards tolerance by prohibiting *takfir*, the practice of excommunicating another Muslim as a false believer due to his or her different beliefs. Thus, the Amman Message and its adherents believed that plurality helped to strengthen Islam against outside threats, opposed to serving as a weakness inherent to the faith.

This recognition of plurality becomes key to understanding the conflict regarding the Egyptian organ transplantation system that encompasses this essay, making it now pertinent to discuss the difference between a *madhhab*, a particular viewpoint, and a *fatwa*, a legal opinion or answer to a certain issue (Brockopp & Eich, 2008). Both Sheik

Tantawi and Al-Sha'rawi, the individuals around which the Egyptian organ transplant debate centers, present their own interpretation of the Qur'an in arguing either for or against organ transplantation. Sheik Tantawi, as the Grand Mufti of Egypt, holds the religious authority to issue a fatwa over the problem and his well-reasoned stance is considered to be the official view of the Egyptian government and its predominantly Muslim population. On the other hand, while Al-Sha'rawi has the authority as a popular media personality to express his view on the religious issue of whether Muslims should donate organs, his stance should be seen in a separate sphere from that of Tantawi and understood as only a *madhhab*, a particular viewpoint or opinion. Accordingly, by acknowledging this difference, we are able to underscore the rich history of investigation and religious discourse in Islam that allows for such plurality of thought, while still reserving overall clarity in religious teachings.

Yet, it must be acknowledged that despite this clarity in teachings, many Muslims still follow Al-Sha'rawi opposed to Grand Mufti Tantawi and his fatwas. Furthermore, as evidenced by the previously mentioned case study in Turkey, many local imams and religious leaders displayed a hesitance to recommend organ transplantation to their congregants despite the approval by Turkey's religious leaders. If *fatwas* are in fact the definitive guidance to all religious concerns, then there should exist uniform execution of these mandates by all religious leaders, and the lack thereof in Egypt may then be accosted as a possible weakness of the Islamic faith tradition.

However, this problem can too be explained by delineating the difference between the *Ilmi* and *Islahi* approaches to religious instruction, as explained by Shoaib Rasheed (2013) in his study, *The Interplay Between Religious Leaders and Organ Donation*

Among Muslims. The *Ilmi* approach to teaching is academically oriented and concerns the study of *fiqh*, or Islamic law, and is most often used in the issuance of fatwas. On the other hand, *Islahi* is a method that aims to spiritually reform and rectify the masses by relating to their unique condition and is often found to be used much more successfully than its counterpart, as evidenced by the work of media personalities like Al-Sha'rawi. Accordingly, Rasheed suggests that the failure of *fatwas* to reach out successfully to local religious leaders lies in this disparity and, that if *Islahi* methods were used instead, then greater uniformity in religious understanding can be achieved among Egyptian Muslims. Thus, the gap that exists between the Grand Mufti's *fatwa* and the local Imam's understanding of said *fatwa* is not a weakness inherent to the faith of Islam but rather a product of the persuasive method utilized.

The next argument that will be considered is that if Islam is to be criticized for its diversity of religious thought that supposedly hinders the success of modern practices such as organ transplantation, then any such diversity in another faith tradition should also cause a similar problem. However, this is clearly not perceived to be the case in Christianity, which experiences a similar plurality to that of Islam.

For instance, the idea of agape love in the Christian faith has various interpretations and is used to both rationalize and prohibit the practice of organ donation. In Western Christianity, agape love is often thought to refer to the practice of loving others unconditionally in an attempt to reflect God's loves for all people (LaFleur, 2002). Naturally, this leads to the rationale that organ donation is the highest form of agape love for it involves an incredibly personal and selfless sacrifice and, consequently, allows for transplantation. On the other hand, Christians in Japan have a very different

interpretation of the concept. They believe that the highest form of love should be directed towards one's family and that it is unethical to love strangers more than one's own loved ones (LaFleur, 2002). Thus, to donate organs to a stranger would be to prioritize him or her over family, a grave act of dishonor. Despite this disagreement that exists regarding agape love between the two locales, many Christians are able successfully partake in organ transplant and donation procedures. As a consequence, plurality in religious opinion cannot be considered to be the sole factor responsible for Egypt's organ allocation issues.

Similarly, Islam's reliance on local religious leaders for interpretation of scripture and Muslims' dependence on these individuals for healthcare advice is not unique to the faith and can also be seen within Christianity. In a study conducted by Hicks in 1977 regarding the effect of African American pastors upon their congregation, researchers found that out of a sample of 206 African American Christians in Houston, over half "agree that in a crisis situation, they might turn to the Black preacher for advice." Moreover, much of this advice was found to pertain to healthcare situations. Another study conducted by Levin in 1986 claimed that pastors "represent the most important source of non-kin support." These individuals guide their congregants during much of the medical decision-making process and at times even go against the advice of a physician if he or she felt that the situation called for it. Thus, just like Islam, Christianity experiences a reliance on local religious leaders for medical decision-making and can experience occurrences in which leaders advise against the recommendations of medical professionals. Yet, it is not accused of hindering medical practices as is Islam and, thus, reliance upon local religious leaders too cannot serve as the source of blame.

Various other socioeconomic factors that are commonplace in Egypt and Middle Eastern culture may also play a role in inhibiting the successful nation-wide practice of organ transplantation. For instance, the presence and influence of extended families in such countries creates a complex hierarchy of decision-making that can delay approval for organs donation or procurement (Shaheen, 2004). Each adult in such extended families situations has the ability to voice an opinion and may veto a healthcare decision despite the approval of the majority of relatives or even the next-of-kin. Accordingly, this may create a situation where lower socioeconomic families, those that are found more likely to reside in larger household situations due to financial circumstances, may not benefit from organ transplantation to the same extent as their wealthier counterparts (Shaheen, 2004).

Another contributory factor to the shortage in organ donations is the requirement for quick burials in traditional Muslim culture (Shaheen, 2004). This show of deference and respect towards deceased loved ones is considered to be commonplace and is possibly inhibited by the practice of organ procurement, which is thought by many Muslims to defile the body and postpone the burial procedure. Shaheen (2004) thus argues that in order to overcome this obstacle, Muslim burial practices must be respected and made to be of primary concern. This can be done by working with family members to help them understand what organ donation entails and to ensure the immediate release of the body for burial purposes immediately following the completion of organ procurement.

Ultimately, arguments that claim that Islam is unfit for or clashes with organ transplantation procedures are irresponsible and unfounded. Though the religion does

feature a variety of Qur'anic interpretations, this merely underscores the richness of the Islamic intellectual tradition. Further, there are established processes that help to differentiate between various faith perspectives, such as the difference between a *fatwa* and a *madhhab*, that help to clarify ambiguity that might otherwise seem to exist. In addition, this religious plurality cannot be accosted as the sole source of blame as it does not cause similar problems in other faith traditions such as Christianity. Thus, while complex religious issues cannot be simplified to only socioeconomic or political factors, religion is not practiced in a vacuum and, as a consequence, must be studied in light of these factors in order to achieve a sound understanding of the issues at hand.

Now that the various confounding factors that could exacerbate Egypt's organ transplantation problem have been considered, the next step in the argument is to delve into the differences that can be found between the Judeo-Christian and Islamic perspectives of social justice. The first difference in question is the very basis of how the two faith traditions approach the concept at hand. While the Judeo-Christian perspective, which is supplied by Nicholas Wolterstorff, approaches the idea of justice from the view of innate rights, the Islamic perspective derived from Imam 'Ali's teachings seems to embrace a right-order approach.

Wolterstorff (2008) explains his perception that rights arise in Christianity due to the innate worth of human beings that is endowed within them through God's love of attachment. This love of attachment bestows an exalted status upon human beings that gives them a unique and inherent worth. As a consequence, this necessitates individuals to treat others justly in order to give to them what they are due or what may be their claim-right. The Islamic perspective discussed, on the other hand, approaches the idea of

justice through the lens of obligation (Lakhani et al., 2006). Imam ‘Ali states that there exists a dual pursuit of truth and justice for Muslims, where one must first understand that reality is but a theophany, or a manifestation of God that emanates from His very presence. This knowledge is obtained because of a supra-rational intellect that God has endowed in every one of His creatures and that Muslims often refer to as the Heart. When this truth of reality is acknowledged, one can better understand his or her role within creation, necessitating the pursuit of justice, for such justice fulfills God’s will for creation.

It is clear when examining these two approaches to social justice, that Wolterstorff’s Judeo-Christian perspective and Imam ‘Ali’s Islamic perspective may have variable points of departure but possibly arrive at the same conclusion. While Wolterstorff analyzes social justice in the Judeo-Christian faiths by first explicating the existence of natural rights, ‘Ali’s description of Islam utilizes obligations between man and God as a starting point, suggesting that justice is best achieved by abiding to one’s obligations to God and, subsequently, his or her fellow creatures. This focus on obligations and structure within Islam is reminiscent of that within Plato’s Republic, in which Plato theorized that the ideal, just society is one in which individuals utilize their perceived talents in order to fulfill their respective role as a producer, warrior, or guardian. This then begs the question of whether Islam’s view of justice, which resembles that of Plato, begets the presence of Islamically-ruled states in order to achieve the said ideal. Out of the seven theocratic governments in existence today, six of them are Islamic, with the only exception being the Vatican (“Theocracy”, 2008). And if the tenants of Islam lead to the necessity of a theocracy, then this perhaps could cause

religion to ultimately become corrupted by the will of a ruler, leading to conditions of social injustice. Thus, in order to examine the veracity of this statement, the characteristics and reasons behind the rise of Islamic theocratic governments must be examined.

One of the longest-lasting examples of an Islamic state can be seen through the Ottoman Empire, which ruled part of the European continent for almost six hundred years and, at its greatest extent, stretched from North Africa to Central Europe and Western Asia (Boztemur, 2011). This nation-state largely depended on Islamic ideals for governance and looked to the Qur'an and the *Hadith*, the Prophet Muhammad's teachings and sayings during his lifetime, for guidance. Yet, it also employed the principle of the circle of justice in order to reign in the authority of the sultanate and to ensure that justice was provided for all individuals throughout the empire. The circle of justice stated: "if the sultan is just, then the subjects are provided with order, which prepares the ground for the subjects to produce more, and as such, the subjects attain well-being; those better-off subjects pay more taxes, taxes increase the power of the treasury, and the sultan can have a bigger army and more power" (Boztemur, 2011). Hence, this system of ensuring justice required both rulers and subjects to provide for the betterment of the other. Furthermore, though the Ottoman Empire constituted of individuals of various different religions and backgrounds, it sought to treat all the *millet*, adherents of monotheistic religions, with respect and issued them protection under the social structure of the Ottoman Empire (Boztemur, 2011). Thus, despite the empire's position as a theocratic government, social justice was still of primary importance and was actively practiced in accordance with Islamic beliefs.

When examining current Islamic states, one can see that they oftentimes ascribe to Islamist ideologies, which aim to expand the reaches of the religion by committing a version of *jihad* that punishes non-believers in a manner similar to Prophet Muhammad when he waged war against the pagans of Medina (Arjomand, 2011). As a consequence, this could easily be seen as an example of a nation-state engendering unjust practices. However, the argument placed forth previously in this paper asserted that Islam's *view of justice* from a right-order perspective might engender nation-states that ultimately foster unjust situations. Accordingly, the key phrase within this statement is "Islam's view of justice," which this thesis argues is not the primary cause for the rise of current Islamist states. These nations did not form with the intention of implementing a circle of justice as in the Ottoman Empire. Rather, many scholars argue that the primary reason for their rise is more so attributed to a political backlash against the growing influence of secularist philosophies that have been perceived to be a threat to the legitimacy of Islam. This backlash resulted in the growth of Islamically-ruled states that lacked the political conservatism of Medieval Muslim thought and espoused a new type of revolutionary violence aimed against the "pagan society of ignorance" (Arjomand, 2011).

Furthermore, Islamic militants who have sometimes been at the head of such movements have also formed *Takfir* organizations that aim to "excommunicate [from] the society of ignorance with an agenda that replicated the prophetic sequence of call, emigration, and jihad" (Arjomand, 2011). Islamic leaders, as was stated earlier in the paper, have denounced the very practice of *Takfir*, across the globe in order to respect the plurality of Islam. Accordingly, the Islamist movements' practice of *Takfir* highlights the fact that their efforts, along with the related rise of certain unjust and tyrannical Islamic

states, are not reflective of the beliefs of a vast majority of Muslim scholars and adherents. Thus, now it has been established that though Islam's perspective of justice may lead to a propensity to form theocratic nation-states, these nation-states are either still capable of practicing social justice, as evidenced by the Ottoman Empire, or are not reflective of the majority view of Islamic justice at all, as in the case of current Islamist movements. Instead, any injustice that may arise from these states can more easily be attributed to a perversion of the obligation-based system of social justice that Imam 'Ali speaks of that should ideally eliminate inequalities and encourage individuals to be just in their actions towards others.

The next point of interest that could be seen as a potential point of departure between Western Christianity and Islam's view of social justice is that of the rhetoric surrounding the idea of "The Heart" in Islam and its importance in terms of one's supra-rational intellect. In the perspective of social justice that was previously discussed, the Heart was seen to be the avenue through which Muslims are able to come to know their place in theophanic reality and, subsequently, how they accept their roles as arbiters of justice to the remainder of God's creation. However, if this entity holds such an importance in Islam, then this may naturally lead to a reluctance in accepting Cartesian mind-body dualism, which today permeates much of the western world. The reason for this is that dualism purports a philosophy that states that one's heart is only part of their material body. Instead, the brain is the organ that holds special significance and is aligned with one's soul: when the mind no longer functions, then the soul has departed (Ecks, 2009). This is of crucial importance to the idea of organ transplantation due to the procedure's reliance on organ donation from individuals that have been deemed brain

dead, a concept that would not exist without Cartesian duality. Stefan Ecks (2009) explains: “The current definition of brain death is Cartesian through and through: if nothing happens in the mind, then personhood ends, and the corpse is ready to be surgically disassembled.”

This concept of duality, however, has not been uniformly accepted outside of the Western world and, hence, in many traditionally Islamic countries. When speaking of the organ supply shortage, Omar Haque (2008) reports that a Saudi Arabian study found that societal factors and denial of mind-body dualism accounted for nearly fifty percent of organ donation refusals. This has led to rampant problems in states such as Egypt where “more than 30% of the state budget for secondary health” is directed towards treatments for dialysis, a procedure that is only palliative and can provide no long-term solution for organ failure (Haque, 2008).

However, it is interesting to point out that early ideas of mind-body dualism did in fact arise from Islamic philosopher Ibn Sina around the year 980 AD (Rizvi, 2016). In his work *al-Shifa'*, Ibn Sina described the soul as an immaterial and immortal entity, which was linked to one's intellect (Rizvi, 2016). The soul had to be separate from the human body because intellect had to arise from a singular, indivisible coherent base. Because the human body and other material substances are naturally divisible, they cannot possibly house the soul, rationalizing the theory of the distinct, immaterial, and immortal soul.

Ibn Sina's legacy was remarkably influential to both Islamic and Western thought. However, over the years, he faced rebuttals from contemporary Islamic philosophers and, in the 20th and 21st centuries, a new movement of rationalism within Arab culture

championed the later Islamic philosopher Ibn Rushd over his predecessor (Rizvi, 2016). Ibn Rushd partly departed from Ibn Sina, advocating against the idea of an immortal soul and, rather, thought of the soul as a singular, universal entity that all humans accessed when utilizing their intellect (Rizvi, 2016)

Thus, while mind-body dualism has not been as readily assimilated into Islamic thought today, it does in fact have roots in the Islamic intellectual tradition. Nevertheless, this is a point of departure between Western Christianity and the Islamic faith, serving as a partial explanation for Egypt's difficulty in developing a national transplant program. Despite this, the primary assertion of this paper still remains strong. Though the adoption of mind-body dualism influences arguments regarding the ethics of organ transplantation, it should make no difference in the question of social justice. Organ donation itself may experience greater difficulties in the Muslim world but both religions have similar philosophies regarding social justice and approach the allocation of scarce healthcare resources and the exploitation of the poor as matters of utmost concern.

The final two issues to be addressed are, first, who has an obligation to practice justice and, second, how both faiths treat the poor and downtrodden of society. In Wolterstorff's (2008) Christian perspective, it was found that each individual is responsible for acting justly to his or her fellow creation because such an action serves as remembrance of when the Israelites were slaves themselves. Furthermore, the practice of justice is said to make God happy for it entails the flourishing of His creatures. Similarly, Islam also places an obligation on all individuals, beyond only Muslims, to act justly. This is due to their belief of collective liability: when one individual errs in society, each of his or her peers is responsible for amending any wrong that has occurred. This system

of collective liability is clear in the practice of *Zakah*, which as previously explained is one of the five Islamic pillars that obligates all Muslims to donate part of their income to serve the well-being of the poor (Lakhani et al., 2006).

The second item of concern is both faiths' approach towards the downtrodden. Judeo-Christianity asserts that there exists an obligation to serve the "quartet of the vulnerable," which includes the widow, the orphan, the resident alien, and the poor. The reason behind this obligation is that each of these individuals has worth in relation to God and, as a consequence, to deprive them of the life-goods that they are entitled to is to demean this inherent worth. Furthermore, the Bible serves as a practical document that addresses the wrongs in society at the time, focusing on the aforementioned quartet of the vulnerable when it was written. Accordingly, contemporary Christianity must too focus on the downtrodden in society, which may include exploited individuals such as those described in Egypt.

Islamic belief, according to Imam 'Ali, also has firm obligations for adherents to reach out to the downtrodden in society. The rationale is that such an action is the highest form of justice and mimics the compassion of God, with whom one must always strive to become one. Second, through systems such as *Zakah*, Islam puts an emphasis on helping the poor. This good serves as a reward in itself because it allows one to practice justice and fulfill God's will for humanity. Thus, both faith traditions put primary emphasis on reaching out to and assisting the downtrodden, an action that enriches both the lives of the recipient as well as the giver.

Throughout the extent of this paper, the primary question has been whether Islam has a unique view of social justice compared to that of Judeo-Christianity and if that

causes it to engrain unjust ideologies within its adherents, leading to the exploitation of the poor in the organ transplantation system of Egypt. It has been shown up to this point that this predominately is not the case. By comparing Islam to another faith tradition such as Judeo-Christianity, one can see that both religions hold a similar importance for social justice and advocate for the wellbeing of the downtrodden of society.

Admittedly, discrepancies between the two faith traditions may exist due to the rise of the Islamic state and the differential adoption of mind-body dualism.

Nevertheless, this does not necessarily imply that Islam is monolithically unjust and that it can so easily be blamed for problems that are, instead, complex and multi-faceted. This thesis asserts that such accusations are unfounded. Yet, it must be noted that it is difficult to separate the actions of individuals who adhere to Islam from the religion of Islam itself. As a consequence, though Islam cannot be accosted as the sole source of blame, there must occur reflection among Muslims in Egypt and elsewhere regarding their actions and whether such actions are reflective of the ideals towards which they hope to strive. In doing so and by encountering such trials and tribulations, one's faith can only be strengthened.

Regardless of the conclusions reached, the reality of the situation in Egypt still exists: the poor are unfairly coerced into donating their organs and rarely benefit from such life-saving procedures themselves. The process of developing a solution for such issues undoubtedly requires patience and cultural awareness. Any efforts at reform must be sure to respect the beliefs of Muslims and to listen to their own stories and problems, rather than immediately proposing generic and presumptuous solutions. By working with Egyptian Muslims through the lens of their own cultural system, problems of scarcity in

organ transplantation can begin to be addressed in a manner that shows respect and deference, while providing needed care to those who may desperately require it.

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