

# Injustice anywhere

[Law](#), [Crime](#)



Injustice Anywhere is a Threat to Justice Everywhere Sabeen Ijaz Ahmed B. B. I. T. (Hons) 4th Year, GIFT University This article won the first prize (Rs. 25,000 cash) in the 2nd Annual All Pakistan Essay Writing Competition held by Quaid-e-Azam Law College. " Injustice anywhere is a threat to justice everywhere. " These powerful words were penned in a letter from a prison cell of Birmingham Jail in 1963, by one of America's best known advocate of equal rights - Dr. Martin Luther King, Jr. According to him, all humans are caught in an inescapable network of mutuality, tied in single garment of destiny.

Whatever affects one directly, affects all indirectly. Hence injustice with one individual of a society can affect the life of other individuals of the society. Before we make society understand the need of justice in this essay lets first talk about what justice really is. Justice is the ideal, morally correct state of things and persons. Justice is action in accordance with the requirements of some law. Whether these rules are grounded in human consensus or societal norms, they are supposed to ensure that all members of society receive fair treatment.

Justice is distinguished from other ethical standards as required and as, overwhelmingly important: justice can be thought of as distinct from, and more important than, benevolence, charity, mercy, generosity or compassion. All of these things may be valuable, but they are supererogatory rather than required. We need to know more than this: we need to know what justice is, not merely what it is not, and several answers to that problem have been proposed.. Justice is linked, both etymologically

and conceptually, to the idea of justification: having and giving decisive reasons for one's beliefs and actions.

So, attempts to understand justice are typically attempts to discover the justification - the source or basis - of justice, and therefore to account for (or disprove) its overwhelming importance. Justice becomes more essential for Islamic country like our due to the emphasis of Islamic teachings on justice. As it is said in Quran: " God enjoins justice and kindness, and giving to kinsfolk, and forbids indecency and abomination and wickedness. " [Surah Nahl; 16: 90] Justice is perhaps the most important of the supreme values of Islam.

In fact, it can be said that the main purpose of revelation and the tasks of Prophets (alayhum salam) has been to establish Justice. Thus, one of the early scholars of Islam has said that: " Where the signs of Justice appear and its face is shown in any way that is where the Law of God and His religion are found. " Justice is the first principle of social life. It can be shown to govern all relations in life: between ruler and ruled, rich and poor, husband and wife, parents and children.

In all our dealings, we are required to stand firmly for justice even if it is against our own self and our kith and kin, for love too can lead to injustice. " O you who believe! Be firm in justice as witnesses for God, even in cases against yourselves, your parents or your kin" [Surah Nisa; 4: 135] " And if you give your word, you must be just, even though it be against your kin, and fulfill the covenant of God. For that is what He has commanded you that you may remember. " [Surah An'am; 6: 152] The fear of committing injustice may even prevent the doing of an act that is otherwise permissible.

In fact one of the derived principles of the Shar'iah is that all permissible things are permissible provided that no damage or harm results to others from their practice and that in the event that such damage or harm is - suspected or confirmed, the permissible shall be prohibited to avert such damage or harm. Issues of justice arise in several different spheres and play a significant role in causing, perpetuating, and addressing conflict. Just institutions tend to instill a sense of stability, well-being, and satisfaction among society members, while perceived injustices can lead to dissatisfaction, rebellion, or revolution.

Each of the different spheres expresses the principles of justice and fairness in its own way, resulting in different types and concepts of justice; distributive, procedural, retributive, and restorative. These types of justice have important implications for socio-economic, political, civil, and criminal justice at both the national and international level. Distributive justice, or economic justice, is concerned with giving all members of society a " fair share" of the benefits and resources available.

Fair allocation of resources, or distributive justice, is crucial to the stability of a society and the well-being of its members. When issues of distributive justice are inadequately addressed and the item to be distributed is highly valued, intractable conflicts frequently result. Procedural justice is concerned with making and implementing decisions according to fair processes that ensure " fair treatment. " Rules must be impartially followed and consistently applied in order to generate an unbiased decision. If people believe procedures to be fair, they will be more likely to accept outcomes, even ones that they do not like.

Implementing fair procedures is central to many dispute resolution procedures, including negotiation, mediation, arbitration, and adjudication. Retributive justice appeals to the notion of "just dessert" - the idea that people deserve to be treated in the same way they treat others. It is a retroactive approach that justifies punishment as a response to past injustice or wrongdoing. The central idea is that the offender has gained unfair advantages through his or her behavior, and that punishment will set this imbalance straight.

While it is difficult to give a complete and adequate definition of justice, most observers can recognize clear examples of serious injustice when they arise. Such injustice comes in various forms, wherever the norms of distributive justice, procedural justice, or human rights are violated. Political injustice involves the violation of individual liberties, including the denial of voting rights or due process, infringements on rights to freedom of speech or religion, and inadequate protection from cruel and unusual punishment.

Such injustice often stems from unfair procedures, and involves political systems in which some but not others are allowed to have voice and representation in the processes and decisions that affect them. This sort of procedural injustice can contribute to serious social problems as well as political ones. If voting or litigation procedures, for example, are perceived to be unjust, any outcome they produce is liable to be unstable and produce conflict. In addition, any procedures that are carried out in a biased manner are likely to contribute to problems of religious, ethnic, gender, or racial discrimination.

When the procedure in question has to do with employment or wages, such issues can lead to serious economic and social problems. The highly-publicized rape case of Mukhtaran Mai, also referred to as Mukhtar Mai or Mukhtaran Bibi, highlights the Pakistani government's shortcomings in dealing with violence against women and its persecution of rape victims. In 2002, Mukhtaran was sentenced to be gang raped by a tribal council in the province of Punjab as punishment for her younger brother's alleged affair with a woman from a powerful clan.

After the initial trial, six men were sentenced to death for the gang rape, while eight others were acquitted. However, last June, the Punjab High Court overturned five of the convictions and reduced the sixth to a life sentence. Mukhtaran Mai received donations adding up to \$160, 000 from New York Times columnist Nicholas Kristoff's coverage of the case. Mukhtaran has used the money to open two schools in her village, a shelter for abused women and provide her village with an ambulance. When Mukhtaran was invited to the United States to talk about her case, the Pakistani government - fearing that she would malign the country's image abroad - denied her travel visa to the United States, and placed her under house arrest. Only following great international attention and pressure was the travel ban lifted. While Pakistan's High Court suspended the acquittals of Mukhtaran's rapists and will be re-examining the case, the government's lassitude in amending the Hudood Ordinances - which place insurmountable obstacles for women to safely and successfully obtain justice in their rape cases - fomented an environment in which violence is perpetrated against women with virtual impunity.

If women are unable to prove rape under the Hudood law, which requires four adult Muslim males to have witnessed the crime or the confession of the rapist himself, then the victims themselves may be tried for adultery or fornication. Mukhtaran is not the only victim of our political injustice. According to press reports cited by the Pakistan Human Rights Commission, a non-governmental organization, more than 10, 000 women are raped every year in Pakistan, although the real figure is thought to be much higher.

As in all countries, women are often reluctant to report rape, for social reasons as well as distrust of the judicial process. In Pakistan, there are additional legal barriers to pursuing a rape conviction. The rape law itself, one of the offenses of zina under the Hudood Ordinances, requires either the confession of the perpetrator or the eye-witness testimony of at least four Muslim adult male witnesses to the rape. If she is unable to prove rape, a woman who reports rape to the police is vulnerable to prosecution herself under the Hudood Ordinances for fornication if she is unmarried or adultery if she is married.

In addition to these formidable legal barriers to the prosecution of rape, there have been several reports of police involvement in rapes and gang-rapes and of police protection of those accused of rape, particularly when they are from influential families. Women who have been raped are also at risk of " honor" killings, whereby a male relative kills them because they are thought to have dishonored the family's name in the community by transgressing social norms, which is seen to include having been raped. It has been estimated that on average one thousand " honor" killings take place each year in Pakistan.

Even the Pakistan Government's National Commission on the Status of Women has recommended repeal of the Hudood Ordinances on the grounds that they are discriminatory towards women and not in accordance with Islamic injunctions. They are also contrary to the Convention on the Elimination of ; All Forms of Discrimination Against Women (CEDAW) , to which Pakistan is a party, and to the Constitution of Pakistan, which states at Article 25 that "(1) All citizens are equal before law and are entitled for equal protection of law. (2) There shall be no discrimination on the basis of sex alone. Crimes of honor are a pre-Islamic practice deeply rooted in the tribal societies of the North West Frontier Province (NWFP) where Upper Dir is located, Balochistan province, as well as those of Sindh and Punjab where they are called " karo kari". In these rigidly patriarchal communities, wives, daughters, sisters and mothers are killed for the least sexual indiscretion and upon the slightest suspicion of adultery. Murders in the name of honor fall under the purview of the customary 'qisas and diyat' law. Riddled with flaws, it makes prosecution extremely difficult.

Activists have been urging the government to reform the law but a bill seeking to bolster secular law against honor killings, presented in parliament last year, was defeated as un-Islamic. " Drastic changes are needed," Rakshanda Naz, resident director of Aurat Foundation told IPS. " The social mind-set, specially the attitude of the courts, needs to change. Often the courts adopt a lenient view towards an accused on the grounds of " grave and sudden provocation" which is nowhere in the law," she added. Sections of the qisas and diyat law work to the advantage of the accused in the trial and appellate stages.



Under section 309 of the law, an adult heir (legal heir) of a deceased could use his right of qisas (to forgive the accused). Similarly, under section 310, the offence of murder is made a compoundable offence and any heir of a deceased could forgive an accused by compounding his right of qisas after receiving compensation.. Since in most honor-related murders, either a husband or parents are the heirs of the slain woman and as the murder takes place in connivance with almost all the family members, they prefer to waive their right of qisas and pardon the accused.

Each time, the judicial response has appeared to violate the basic principles of justice, activists observed. Uzma Mehboob, a women's rights activist, said no FIR was registered in a recent case in a remote hamlet in NWFP's Mardan district where a powerful landowner sprayed his daughter and driver, who had eloped together, with bullets. Economic injustice involves the state's failure to provide individuals with basic necessities of life, such as access to adequate food and housing, and its maintenance of huge discrepancies in wealth.

In the most extreme cases of misdistribution, some individuals suffer from poverty while the elite of that society live in relative luxury. Such injustice can stem from unfair hiring procedures, lack of available jobs and education, and insufficient healthcare. All of these conditions may lead individuals to believe that they have not received a "fair share" of the benefits and resources available in that society. Many scholars and activists note that in order to truly address injustice internationally, we must strive to understand its underlying causes.

These causes have to do with underdevelopment, economic pressures, various social problems, and international conditions. Indeed, the roots of repression, discrimination, and other injustice stem from deeper and more complex political, social, and economic problems. It is only by understanding and ameliorating these root causes and strengthening civil society that we can truly protect human rights. Addressing political injustice is often a matter of developing institutions of fair governance, such as a responsible police force and judiciary. Legislative action and executive decision-making should likewise be held accountable.

Such measures are sometimes a matter of reforming state > institutions or revising state constitution. In cases where some groups are excluded from political participation, the state can remedy violations of political rights by promoting political inclusion and empowering subordinate groups. Public decision-making should respond to the will of the citizens, and members of the society should have the opportunity to participate in the formulation, execution, and monitoring of state policies. In other words, a culture of political involvement and public participation should be fostered.

In addition, there are various social structural changes that might give groups more social, economic, and/or political power. This is often accomplished through the strengthening of the economy and civil society in conjunction with democratization efforts. In some cases countries require outside assistance for election monitoring, nation-building programs and the development of governmental infrastructure to make their political system more stable. Addressing systemic economic injustice is often a matter of

economic reforms that give groups better access to jobs, health care, and education.

In many cases, lack of access to basic services stems from enormous inequalities in resource distribution. Redistribution of benefits and resources can thus be an important component of social structural changes to remedy injustice. There are various institutional and economic development reforms that might be put in place to raise living standards and boost economic growth. In addition, by creating social and economic safety nets, states can eliminate tension and instability caused by unfair resource allocation. A central goal of responding to injustice is paving the way for future peace.

Once conflict has ended and policies of oppression have been repealed, society members face the task of rebuilding their society. Many believe that measures aimed at restorative justice are well-suited for this task. Restorative Justice is concerned with healing wounds of victims and repairing harm done to interpersonal relationships and the community. It can play a crucial role in responding to severe human rights violations or cases of genocide. Huge advances are made when governments tell the truth about past atrocities carried out by the state. It is thought that true healing requires remembering the atrocities committed, repenting, and forgiving. War crimes inquiries and truth commissions can aid in the process of memory and truth telling and help to make public the extent to which victims have suffered. One of the tragic examples of restorative injustice in Pakistan is of the incident of taking away Masih's children away from him. According to the law, all parents in Pakistan - including Christian parents such as the Masih - have

the right to raise their children in their own faith. But the law isn't always followed in the Islamic Republic of Pakistan.

Particularly when it comes to Christians. The girls were taken Jan. 25 by the family's landlady and her husband with police escorts. The couple contended that the children had converted to Islam and should no longer remain in a Christian home. The Masihis maintain that their daughters are still Christians, no matter what anyone says, and that even if they did convert to Islam, they should stay with their parents. But 14-year-old Nadia, 11-year-old Nyla and 9-year-old Nabila are gone, and it's unclear whether they'll ever be allowed to return home.

The city magistrate overseeing the case admits he decided against the Christians not on the basis of law but on public sentiment and a concern that he could have a religious riot on his hands. " Legally speaking, they should have been given to their parents," says Kamran? Abdullah Siddiqi, leaning back in a cushioned chair in his office, where two armed policeman sit against a wall. But Siddiqi says if he did that, " Some crazy person would come and say these are the children of Islam. They'd say we're going to chop you. We're going to shoot you.

We're going to - what did the KKK used to say in America? - lynch you. " Article 36 of Pakistan's Constitution promises to safeguard the rights and interests of religious minorities. But human rights organizations say that's not happening. The U. S. State Department agrees, citing a government-fostered " atmosphere of religious intolerance" that has led to violence against religious minorities. In Pakistan, 97 percent of the population is

Muslim; the rest is made up mostly of Christians but also of Hindus, Buddhists and other groups.

Partly at the prodding of concerned American Christian groups, the U. S. Congress earlier this month passed legislation requiring the president to take action against nations that engage in a pattern of religious persecution. In the 1980s, the United States gave Pakistan billions of dollars for economic development. But in recent years, concern that Pakistan was developing a nuclear bomb has prompted sanctions, slashing aid to the millions of dollars, most of it for humanitarian, food and counter narcotics efforts.

Pakistan's decision to test nuclear weapons in - May - further cooled US - Pakistan relations. Pakistan's pattern of religious persecution, documented for years in State Department reports, could lead to further sanctions. This is not the only case, there are still many stories but the need here is not just to highlight the stories but also to make sure these stories end up with the mess they have already poured in our Islamic society. Restoration often becomes a matter of restitution or war reparations.

In cases where clear acts of injustice have taken place, some type of compensation package can help to meet the material and emotional needs of victims and remedy the injustice. Repentance can also help to re-establish relationships among the conflicting parties and help them to move toward reconciliation. In some cases, conflicts can end more peacefully when parties acknowledge their guilt and apologize than when formal war crimes adjudication or criminal proceedings are used. In cases of civil war, because the line between offenders and victims can become blurred, a central goal of peace building is to restore the community as a whole.

Restoration often becomes tied to the transformation of the relationship between the conflicting parties. However, such restoration cannot take place unless it is supported by wider social conditions and unless the larger community makes restorative processes available. Many note that an adequate response to injustice must involve social structural changes, reconstruction programs to help communities ravaged by conflict, democratization and the creation of institutions of civil society. Only then can the underlying causes of injustice be remedied.

Summing up my thesis I would only add that by setting examples of injustice we are actually creating fear in the society to fight for their basic rights. This fear is one of the major causes of our poor economy and this is the vital reason, why we are left behind from other countries.

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